

FRÉDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701

(512) 469-6000 • (512) 482-9346 (facsimile)
Info@LF-LawFirm.com

Of Counsel:
Richard Lowerre

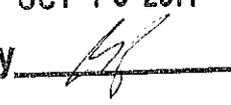
October 10, 2014

LWD
83333

Ms. Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
via e-file

REVIEWED

OCT 13 2014

By 

CHIEF CLERK'S OFFICE

2014 OCT 13 PM 2:38

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application of North Texas Municipal Water District for Permit No. WQ0004996000.

Ms. Bohac:

My office is in receipt of the Executive Director's Response to Comments in the above-referenced matter. On behalf of the Lone Star Chapter of the Sierra Club and Clean Water Action, I wanted to thank the ED for his time responding to my comments. These responses, however, do not resolve our concerns.

There remain numerous deficiencies in the proposed draft permit, deficiencies which prevent the proposed facility from being protective of the water quality and designated uses of receiving waters. No sufficient showing has been made that the impact of the authorized discharge would be *de minimis*. No showing has been made that pH and toxic metals would not harm adjacent waterways. And no sufficient showing has been made that the water quality standards of other States would actually be met.

Furthermore, the other commenters in this matter have raised valid concerns that the ED's Response does not resolve. For example, commenters noted that high concentrations of salts will make water less useful for irrigation purposes. TCEQ itself admits that the discharge will likely increase salinity levels, but excuses this increase with the claim that salinity levels will be "within the tolerance levels of most crops." Given TCEQ's duty to *maintain* water quality, the disregard of such an increase is inexcusable.



Thus, the Lone Star Chapter of the Sierra Club and Clean Water Action maintain and reiterate all comments previously submitted on their behalf.

If TCEQ staff have any questions or wish to discuss further, they are welcome to contact me at the phone number provided, above, or at eallmon@LF-lawfirm.com.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Eric Allmon". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Eric Allmon



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10/10/2014
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ZIP 78701
041L10232757

**FREDERICK, PERALES, ALLMON &
ROCKWELL, P.C.**

Attorneys at Law
707 Rio Grande, Suite 200
AUSTIN, TX 78701
(512) 469-6000 / 482-9346 (fax)

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 13 2014
FEDERAL MAIL CENTER
MM



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, July 21, 2014 1:07 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0004996000
Attachments: 07.17.14 Comments.pdf

From: sam@lf-lawfirm.com [<mailto:sam@lf-lawfirm.com>]
Sent: Thursday, July 17, 2014 2:11 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0004996000

LWD
003333

REGULATED ENTY NAME NORTH TEXAS MWD LEONARD WTF

RN NUMBER: RN106437320

PERMIT NUMBER: WQ0004996000

DOCKET NUMBER:

COUNTY: FANNIN

PRINCIPAL NAME: NORTH TEXAS MWD

CN NUMBER: CN601365448

FROM

NAME: Eric Allmon

E-MAIL: sam@lf-lawfirm.com

COMPANY:

ADDRESS: 707 RIO GRANDE ST Ste. 200
AUSTIN TX 78701-2719

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see attached comments submitted on behalf of Clean Water Action and Lone Star Chapter of the Sierra Club.

MW

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Info@LF-LawFirm.com

Of Counsel:
Richard Lowerre

July 17, 2014

Ms. Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Re: Application of North Texas Municipal Water District for Permit No.
WQ0004996000.

Ms. Bohac:

On behalf of the Lone Star Chapter of the Sierra Club and Clean Water Action (collectively, Commenters), I am filing these comments with regard to the above-referenced permit application. These persons may be contacted *via* fax, telephone or e-mail through my office as indicated above.

The proposed permit will discharge contaminants including dissolved solids, suspended solids, chloride, sulfate, and toxic metals. No showing has been made that the impact of these authorized discharges upon the receiving and downstream waters will be *de minimis*, nor has a showing been made that the proposed discharge is necessary for important economic or social development. Likewise, no such showing has been made with regard to the pH impacts of the discharge. Thus, considering that the receiving waters are fishable/swimmable, no showing has been made that the issuance of the permit would comply with the requirements of TCEQ's Tier 2 review as set forth at 30 TAC § 307.5(b)(2).

The segment receiving the effluent shortly downstream of the discharge (Red River Below Lake Texoma) has designated uses including primary contact recreation, high aquatic life, and public water supply. NTMWD has not made an adequate showing that these uses will be protected, nor has NTMWD made a showing that the general criteria of 30 TAC § 307.4 have been met.

The nature of this discharge into the Red River adjacent to Oklahoma, and which flows downstream into Arkansas and Louisiana, raises concerns as to whether the proposed discharge will comply not only with Texas water quality standards, but also would be protective of the water quality standards and requirements of these other states. No adequate showing has been made that the proposed discharge will be protective of the water quality standards of these impacted states. Commenters incorporate by reference all comments submitted to

TCEQ by the Oklahoma Department of Environmental Quality with regard to NTMWD's application for the above-referenced permit, including ODEQ's concerns regarding the discharge of toxic metals. Commenters further incorporate by reference all comments submitted with regard to the application by the United States Environmental Protection Agency.

Furthermore, a sufficient showing has not been made that all appropriate and adequate technology-based effluent limitations have been included in the permit. NTMWD has not shown that the permit adequately addresses potential impacts of toxic metals. Finally, Commenters are concerned that monitoring requirements in the permit are not adequate to ensure compliance with applicable technology-based requirements and water quality-based requirements, nor does the permit include adequate biomonitoring requirements.

Conclusion

At this time, Commenters respectfully oppose issuance of the above-referenced permit, and ask that the permit be revised to address the issues raised in these comments.

Sincerely,



Eric Allmon
SBT No. 24031819

**FREDERICK, PERALES,
ALLMON & ROCKWELL,
P.C.**

707 Rio Grande, Suite 200
Austin, TX 78701
Tel. (512) 469-6000
Fax. (512) 482-9346

Counsel for Clean Water Action
and the Lone Star Chapter of the
Sierra Club

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, March 11, 2014 8:14 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0004996000

From: griffinfarms2006@sbcglobal.net [<mailto:griffinfarms2006@sbcglobal.net>]
Sent: Monday, March 10, 2014 4:25 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0004996000

1W1D
833333

REGULATED ENTITY NAME NORTH TEXAS MWD LEONARD WTF

RN NUMBER: RN106437320

PERMIT NUMBER: WQ0004996000

DOCKET NUMBER:

COUNTY: FANNIN

PRINCIPAL NAME: NORTH TEXAS MWD

CN NUMBER: CN601365448

FROM

NAME: James Kenneth Griffin

E-MAIL: griffinfarms2006@sbcglobal.net

COMPANY: Griffin Farms % J. Kenneth Griffin

ADDRESS: 323 VINEYARD RD
GUNTER TX 75058-3269

PHONE: 2149575172

FAX: 9032072342

COMMENTS: I J. Kenneth Griffin would like to contest the above pending application permit number WQ0004996000. I have under contract for purchase over an 8000 acre farm in the vicinity of State Road 78 and the Red river bridge. This farm purchase is an extremely large investment for which I am going to incur an extremely large debt that will require service for many years to come. I am buying this farm largely because of the fact that it is an irrigated farm. 90 percent of the irrigation water comes from the waters of the Red River. At

MW

this time there are tremendous concerns about the level of Lake Texoma which are creating many problems with how much water may be released from the dam at the lake to produce hydroelectricity. The ongoing drought we are experiencing does not appear to be anywhere close to breaking or showing any signs of relief. As the water demands from all the growing cities in the North Texas area grow larger this situation will likely become worse. The salt in the water both in the river and nearby wells has already increased since the drought, making the water less ideal for most crops. This farm grows soybeans, corn, and hay which all have their limits of salinity tolerance before impeding growth or causing death. This farm also has an approximately 245 acre pecan orchard that has underground piping throughout the entire orchard for irrigation. The pecan orchard requires a huge investment on our part within the land purchase, making up a very large percentage of the purchase price for the entire farm even though these acres are only a little over three percent(3%) of the entire farm. These pecan trees are super sensitive to salt and already have to be watered mostly from wells on the place. According to Dr. Charles Rohla, Pecan specialist at the Noble foundation who is experienced with several orchards up and down the Red River, said that not only the red river water salinity has risen, but also nearly all wells anywhere close to the river have seen salinity levels rise at an alarming rate as well in just the past few years since the area has experienced drought. As you can see, more salt concentrated in the river would be a terrible thing for us. It could be potentially devastating. The last thought I have, is that during the summer when the dam is discharging a minimal amount of water the salt will be too concentrated and sadly that is exactly the time we need the water the most. Please consider another possibility such as construction of another lake closer to the Dallas area. I look forward to hearing from you folks. Thank you. Sincerely, J. Kenneth Griffin

TCEQ Public Meeting Form
July 16, 2014

1

North Texas Municipal Water District
Water Quality TPDES
Permit No. WQ0004996000

PLEASE PRINT

Name: David Hargrove

Mailing Address: P.O. Box 9, Telephone, Tx 75488

Physical Address (if different): _____

City/State: ~~Telepho~~ Telephone Zip: 75488

This information is subject to public disclosure under the Texas Public Information Act

Email: david.hargrove@spcglobal.net ✓

Phone Number: cell 214.823.3885

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? Hope Plantation Turf

Please add me to the mailing list. ✓

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

DID NOT SPEAK give written
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.

MW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, March 11, 2014 8:13 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0004996000

From: harringtonfarms@gmail.com [mailto:harringtonfarms@gmail.com]
Sent: Monday, March 10, 2014 10:27 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0004996000

MWD
03333

REGULATED ENTY NAME NORTH TEXAS MWD LEONARD WTF

RN NUMBER: RN106437320

PERMIT NUMBER: WQ0004996000

DOCKET NUMBER:

COUNTY: FANNIN

PRINCIPAL NAME: NORTH TEXAS MWD

CN NUMBER: CN601365448

FROM

NAME: MRS Elizabeth C. Harrington

E-MAIL: harringtonfarms@gmail.com

COMPANY: harrington farms

ADDRESS: RR 1 BOX 34
GRANT OK 74738-9708

PHONE: 5803264573

FAX:

COMMENTS: I would like to contest permit no. WQ0004996000. We make our living farming and ranching in the Red River bottom below Lake Texoma. The Red River naturally is known for its salinity and dumping the desalination concentrate back into the river will be harmful to the aquatic environment, livestock which depend on the river for a water source, and farmers who depend on those waters for irrigation. Please reconsider

MWD

allowing this permit for the sake of the aquatic life and all those involved in agriculture that depend on those waters. Thank you for considering my comments.



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

March 11, 2014

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

REVIEWED

MAR 13 2014

By: *[Signature]*

LWD
83333

CHIEF CLERK'S OFFICE

2014 MAR 13 AM 9:52

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: TPDES Permit Application, Permit No. WQ0004996000
North Texas Municipal Water District, Leonard Water Treatment Plant

To Whom it May Concern:

The Oklahoma Department of Environmental Quality (DEQ) received the draft permit for the new North Texas Municipal Water District Leonard Water Treatment Plant. The receiving waterbody specified in the draft permit is the Red River. Since this waterbody is a water of the State of Oklahoma, any discharges to the Red River must comply with Oklahoma's Water Quality Standards (OAC 785, Chapter 45). Oklahoma's Water Quality Standards dictate that changes should be made to this permit regarding whole effluent toxicity (WET) testing and pH requirements. The permit should be reviewed to ensure that all Oklahoma Water Quality Standards are met.

As it is currently written, the permit does not require WET testing. Discharges of wastewater with high concentrations of total dissolved solids (TDS) pose a risk (toxicity) to aquatic communities. WET testing is the most direct measure of potential toxicity, since it incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. OAC 785:45-5-12(f)(6)(A) states "Surface waters of the state shall not exhibit acute toxicity and shall not exhibit chronic toxicity..." In the draft permit the expected concentration of TDS to be discharged is listed as 5,000 mg/l. High TDS concentrations have the potential to be toxic and would call for WET testing in the draft permit.

The draft permit classifies the facility as an industrial minor. "If this facility is classified as an industrial facility, Oklahoma DEQ would classify it as a major. In the permit rating sheet prepared by TCEQ, the facility received classification as a minor because it received a total of 30 points under factor 2. Oklahoma DEQ agrees with the 30 points received under factor 2 but would also have the facility receive additional points under factors 1 and 3. For Factor 1: Toxic Pollutant Potential the SIC code falls under toxicity group 7, which would add 35 points. TCEQ choose to say that it was not a process waste stream and therefore added 0 points under Factor 1. ODEQ would also add 15 points under Factor 3: Conventional Pollutants. The permit contains a TSS limit and would fall under code 3 which adds another 15 points. These points added up would equal 80 which would make the classification a major. Thus, WET testing would be required.

If you instead choose to classify the facility as a municipal/domestic facility it would be classified as a major facility, the criteria for this being that the discharge is greater than 1MGD. In this situation WET testing would be required.

[Handwritten signature]



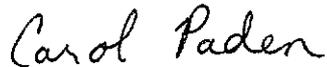
North Texas Municipal Water District
TCEQ.
March 11, 2014

The permit specifies a pH range of 6.0 to 9.0 standard units. This range does not comply with Oklahoma's pH standards of 6.5 to 9.0 (OAC 785:45-5-12(f)(3)). The permit should be revised to reflect this range of acceptable pH values.

In addition, Oklahoma has minerals criteria in place to protect the Agriculture beneficial use detailed in OAC 785:45-5-13. The permit must comply with the requirements of this subsection with respect to chloride, sulfate, and TDS concentrations in the effluent discharge.

Thank you for your consideration of our concerns.

Sincerely,



Carol Paden, P.E., Manager
Industrial Permits Section
Water Quality Division

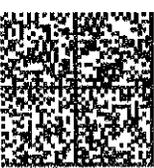
CMP/MKD



OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
 WATER QUALITY DIVISION
 707 N. ROBINSON, P.O. BOX 1677
 OKLAHOMA CITY, OKLAHOMA 73101-1677

RETURN SERVICE
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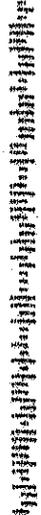


UNITED STATES POSTAGE
 AIR MAIL PERMIT NO. 1000 OKLAHOMA CITY, OKLAHOMA
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 02 1R 0002001260 MAR 11 2014
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 2014 MAR 13 AM 9:52
 OFFICE OF PARKS

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 MAR 13 2014
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 JR

79711306797



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, March 10, 2014 3:46 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0004996000
Attachments: TCEQ Letter1.pdf

1601
83333

From: michele.duspiva@deq.ok.gov [mailto:michele.duspiva@deq.ok.gov]
Sent: Monday, March 10, 2014 2:57 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0004996000

REGULATED ENTY NAME NORTH TEXAS MWD LEONARD WTF

RN NUMBER: RN106437320

PERMIT NUMBER: WQ0004996000

DOCKET NUMBER:

COUNTY: FANNIN

PRINCIPAL NAME: NORTH TEXAS MWD

CN NUMBER: CN601365448

FROM

NAME: MS Michele Duspiva (Carol Paden)

E-MAIL: michele.duspiva@deq.ok.gov

COMPANY: Oklahoma Department of Environmental Quality

ADDRESS: PO BOX 1677
OKLAHOMA CITY OK 73101-1677

PHONE: 4057028209

FAX:

COMMENTS: Please see the comments in the attached PDF.

MW



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

March 11, 2014

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

Re: TPDES Permit Application, Permit No. WQ0004996000
North Texas Municipal Water District, Leonard Water Treatment Plant

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North Texas Municipal Water District
TCEQ.
March 11, 2014

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Thank you for your consideration of our concerns.

Sincerely,

Carol Paden

Carol Paden, P.E., Manager
Industrial Permits Section
Water Quality Division

CMP/MKD

Marisa Weber

From: PUBCOMMENT
Sent: Monday, August 13, 2012 9:32 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0004996000

PM

LWA
03333

From: PUBCOMMENT-OCC
Sent: Friday, August 10, 2012 12:10 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0004996000

From: cyarbrough@wildblue.net [mailto:cyarbrough@wildblue.net]
Sent: Friday, August 10, 2012 11:03 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0004996000

REGULATED ENTY NAME NORTH TEXAS MWD LEONARD WTF

RN NUMBER: RN106437320

PERMIT NUMBER: WQ0004996000

DOCKET NUMBER:

COUNTY: FANNIN

PRINCIPAL NAME: NORTH TEXAS MUNICIPAL WATER DISTRICT

CN NUMBER: CN603851551

FROM

NAME: Charles Michael Yarbrough

E-MAIL: cyarbrough@wildblue.net

COMPANY:

ADDRESS: 2325 COUNTY ROAD 2765
HONEY GROVE TX 75446-5210

PHONE: 9033787291

FAX:

CMW

COMMENTS: The notice in the local paper does not say exactly what NTMWD wants to discharge, but it comes from desalination treatment so I assume they are referring to sodium salts. The notice also does not tell which creek they wish to dump into but to go to the Red River it would have to be either Caney Creek or Bois'D Arc Creek. In either case, the discharge will build up salt concentrations in the creek bed and then when heavy rains occur along with or even without the extra 9.3 million gallons/day discharge, the creek will overflow and spread salt onto farmland, killing or severely hurting crops and pastures. I am also concerned about the impact that changing freshwater streams into saltwater streams will have on livestock and wildlife. The notice in the paper also did not say where the water being treated was coming from. The most probable source is Lake Texoma, which has zebra mussels and will the treatment process kill zebra mussel eggs or will the discharge spread them? These are but a few of the questions and concerns that need to be addressed at a public meeting.