J. A. and Shirley Martin

P. O. Box 497

Gordonville, Texas 76245

April 30, 2016

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

Re: Permit No. WQ0014778001; Docket No. 2016-0306-MWD

Dear Ms. Bohac:

First, let me thank you and TCEQ for the copies of the responses filed in this matter. I received a phone call from TCEQ telling me of my right to file this response to those responses. I trust that the form is sufficient for your purposes.

Please consider this our response to the TCEQ's Response, the Applicant's Response and the OPIC's Response to Requests for Hearing. It may also serve as our Request for Reconsideration.

Concerning the matter of our right to a Hearing on the Renewal Permit Application it may be that we have not adequately described our observations in this case. While it is true that some of the five items listed in the cited Texas Water Code, Chapter 26 are satisfied, it does seem to us that the substance of the matter in this unique case must be considered.

As pertains to whether an increase of capacity is requested, the agreement between the developer who now possesses the subject permit and the current applicant in our opinion quite clearly explains that the current applicant will contract with and new engineering firm to design a new and different treatment plant with increased combined capacity. (Agreement pages 9-13, attached to the application.) The Permit that now exists has never been exercised. The City of Farmersville Council has discussed in its meetings the need to expand its capacity and the capacity of other entities providing sewage treatment and disposal in the area. The Council on June 9, 2015, approved the selection of the new engineering firm for design of the new and different plant estimated at the time to take about 12 months. (Farmersville Times newspaper articles of November 27, 2014 and June 18, 2015 attached to the application.)

Thus, it seems reasonable to us that eleven months after the design is begun, the design for the new plant is substantially available or known to the applicant.

The responses seem to be that we can always go through this process later when we have the plan for the new and different treatment plant and process; go through it a step at a time. That logic seems to be somewhat redundant for the TCEQ, the applicant and the affected public unless it is known that those changes are to be addressed as insignificant and not material. . We do not pretend that is a reasonable conclusion with the information now available. We do not know, and we are assuming TCEQ does not know, what those changes are, what the capacity will be, what the flow pattern will be, etc. Rather, the new plant could and should be fully described, outlined, diagramed, and subject to both TCEQ and public scrutiny before the permit is addressed.

Concerning whether the activity to be authorized by the renewal will maintain or improve the quality of waste to be discharged; that may be the case. But with due respect to TCEQ and the applicant, how can that be known until the design is known.

As to the opportunity for public meeting, the opportunity was given. But it was the opportunity to meet concerning a permit for a facility which was and will not be constructed.

As to the response to comments, the TCEQ did respond. We think now that we did not make clear our view of the situation. That is, unless this renewal is simply set aside, we are all just spinning our wheels, waiting for the next notice to be addressed.

Concerning compliance history, we have not looked into the applicant's compliance history but we would assume it to be acceptable in all major respects. However, the permitted facility has never been constructed and consequently, never operated by any party.

The other significant part of the responses to our request concerns whether we are "Affected Persons." We know of no other party more detrimentally affected.

We own the property immediately adjacent to, abutting, and north of the permitted site. The prevailing winds are directly over our property. The portion of our property available for domestic use is along the north boundary of the site and about 80-100 feet wide. The "unnamed tributary" runs completely through our property, flows under the county road 550 and into Lake Lavon at the 492 feet above msl full level. In eleven out of the last 13 months, the Lake Lavon level has been significantly above its full level and is currently at 497.73 feet, covering much of our property.

Conditions have changed greatly because of the heavy flows into the lake in past years and the channel of the "unnamed tributary" has changed as a result. The previous permittee argued

that a silted in area, very little higher than the 492' elevation, separated the main body of the Elm Creek arm from the outfall discharge point. If that is correct, no respondent has addressed the fact that no owner of the land, neither the Corps of Engineers nor us, has given permission to any applicant for the standing sewage plant discharge pond.. If that is not the case, the discharge is into Lake Lavon requiring more stringent treatment standards for the discharge. At 493', the level extends into our property.

We believe the discharge, as opposed to the elevation level of the end of a pipe from which effluent may fall, is into the surface of Lake Lavon. But that matter may or may not be a factor with the new and different design for the new and different treatment plant. With the permit which is the subject of the renewal application, it is a vital issue to us.

In this unique circumstance, rather than cause angst for the applicant for the renewal, for TCEQ, and for us, we should wait to see what we have to disagree about. The application for renewal should be set aside pending receipt of the application for a permit for the new and different facility planned.

Sincerely,

J. A. Martin S. J. Martin

Service List

I, Eric Allmon, certify that the forgoing document has been served on the individuals listed below on May 2, 2016 on behalf of Jim and Shirley Martin.

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