

WQ
127396

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, November 18, 2022 2:59 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016104001
Attachments: 2022.11.17 Bartlett Ranch Owners Request for Reconsideration and Contested Case Hearing.pdf

PM
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RFR

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Thursday, November 17, 2022 3:17 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016104001

REGULATED ENTY NAME BROCK NORTH WWTP

RN NUMBER: RN111421996

PERMIT NUMBER: WQ0016104001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: BLACKBURN, GILDEN BLAIR

CN NUMBER: CN605980549

FROM

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

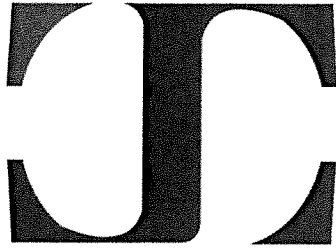
COMPANY: Clay Scott LLP

ADDRESS: 401 W 15TH ST Suite 870
AUSTIN TX 78701-1624

PHONE: 8179752165

FAX:

COMMENTS: See attachment. Request for Reconsideration and Contested Case Hearing.



CLAY
SCOTT

November 17, 2022

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Gilden Blair Blackburn for Proposed TPDES Permit No. WQ0016104001;
Public Comments; Request for a Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Bartlett Ranch Brock LLC and FM 1189 LLC (collectively, "Bartlett Ranch Owners") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the Bartlett Ranch Owners' notice of opposition to the Application submitted by Gilden Blair Blackburn ("Applicant").

On August 11, 2022, in accordance with Title 30 of Texas Administrative Code Chapter 55, Section 55.200, et seq., the Bartlett Ranch Owners submitted to the Texas Commission on Environmental Quality ("Commission") a Request for Public Meeting and a Contested Case Hearing on the Application ("Request"), which included the Bartlett Ranch Owners' formal comments, in the above-referenced matter.

The Bartlett Ranch Owners now reassert, restate, and resubmit the request for a public meeting and contested case hearing, and further request that the Executive Director reconsider his decision in this matter. The Bartlett Ranch Owners again formally request a contested case hearing on the above-referenced application. The Bartlett Ranch Owners further show as follows:

On October 18, 2022, the Commission issued the Decision of the Executive Director. The Decision provides that requests for contested case hearings must be submitted "no later than 30 calendar days after the date of the Decision, which would be November 17, 2022. Therefore, the Bartlett Ranch Owners timely submit this Restated Request for a Public Meeting and a Contested Case Hearing on the Application and reconsideration of the Executive Director's decision. Further, the Bartlett Ranch Owners incorporate all comments, pleadings, and other documents by the Bartlett Ranch Owners in relation to the above-referenced application and incorporates them herein by reference as if copied verbatim herein.

The Bartlett Ranch Owners hereby request a contested case hearing on the Application. In accordance with the published notice, the Bartlett Ranch Owners provide the following information:

1. Your name, address, phone number:

The Bartlett Ranch Owners may be notified of any developments in this case by providing notice to:

John Reed Clay Jr.
J. Andrew Scott
401 W 15th St
Suite 870
Austin, Texas 78701
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

Gilden Blair Blackburn
TPDES Permit No. WQ0016104001

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The Bartlett Ranch Owners hereby request a contested case hearing.

For the reasons below, the Bartlett Ranch Owners are affected persons. The Bartlett Ranch Owners' properties are located approximately 0.35 miles south and downstream of Applicant's proposed facility. The Bartlett Ranch Owners use the properties as their primary residence as well as to raise championship-level quarter horses, cattle, and other livestock. More specifically, at any given time, the Bartlett Ranch Owners' property houses a multitude of bird dogs in-training, nearly twenty (20) horses, and 150 head of cattle.

Grindstone Creek navigates through the Bartlett Ranch Owners' properties, eventually leading to the Brazos River. The Bartlett Ranch Owners and their livestock use Grindstone Creek, so they would be directly impacted by any degradation in effluent water quality because of an influx of discharge into the creek. The Bartlett Ranch Owners also rely on groundwater wells on their property as a source of water for their operations, so they are concerned that the proposed Application would potentially increase the risk of contamination of groundwater in the area.

Moreover, the economic and recreational implications of a poorly run plant are significant. Indeed, the Bartlett Ranch Owners are concerned that their ability to enjoy and utilize for agricultural and livestock purposes Grindstone Creek and all points downstream will be negatively affected by the permit.

The Bartlett Ranch Owners are also concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The Bartlett Ranch Owners are concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, there is concern that nuisance conditions will be created. The Bartlett Ranch Owners are also concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The Bartlett Ranch Owners are particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, the Bartlett Ranch Owners are concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The Bartlett Ranch Owners believe that Applicant's proposed discharge is in direct violation of the Texas Water Code. The Bartlett Ranch Owners also are concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the Bartlett Ranch Owners are concerned that the Application violates the State's policy on regionalization. Namely, Applicant Gilden Blair Blackburn is a party to another WWTP application (WQ0016124001) under TCEQ review that is located less than ½ mile from this Application's proposed facility.

The discharge authorization being sought by the Applicant will endanger the Bartlett Ranch Owners' properties. Thus, the Bartlett Ranch Owners protest the entirety of the application and seek further time to review it.

4. Issues to be Considered in a Contested Case Hearing:

- (a) Whether the proposed discharge will violate TCEQ's antidegradation policy and procedures, or negatively impact aquatic or terrestrial wildlife species, including livestock;
- (b) Whether the draft permit will be protective of surface water and groundwater quality;
- (c) Whether the permit is protective of water quality;
- (d) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved;
- (e) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired;

- (f) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property;
- (g) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors;
- (h) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant;
- (i) Whether impacts on groundwater have been adequately addressed;
- (j) Whether the new plant violates the TCEQ's regionalization policy;
- (k) Whether the permit meets the need requirements of TWC Section 26.0282;
- (l) Whether nuisance odor conditions will be created;
- (m) Whether the Application is complete and provides truthful information upon which the TCEQ can rely.

For the reasons provided in the attached Request, all other documents filed by the Bartlett Ranch Owners related to the Application, this request for contested case hearing, the Bartlett Ranch Owners are affected persons in this matter; have standing to request a contested case hearing; and request a contested case hearing and reconsideration of the Executive Director's Decision. These are critical issues the Commission should explore through an open and public contested case. The Bartlett Ranch Owners reserve the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,

/s/ J. Andrew Scott

Andrew Scott, Partner
Clay Scott, LLP

WQ
127396

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, August 12, 2022 8:23 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016104001
Attachments: 2022.08.11 Req for Public Meeting and Contested Case Hearing.pdf

PM
H

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Thursday, August 11, 2022 4:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016104001

REGULATED ENTY NAME BROCK NORTH WWTP

RN NUMBER: RN111421996

PERMIT NUMBER: WQ0016104001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: BLACKBURN, GILDEN BLAIR

CN NUMBER: CN605980549

FROM

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

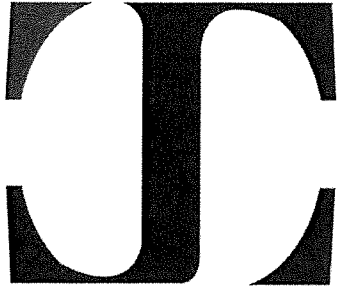
COMPANY: Clay Scott LLP

ADDRESS: 401 W 15TH ST Suite 870
AUSTIN TX 78701-1624

PHONE: 8179752165

FAX:

COMMENTS: See attachment.



CLAY
SCOTT

August 11, 2022

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Gilden Blair Blackburn for Proposed TPDES Permit No. WQ0016104001;
Public Comments; Request for a Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Bartlett Ranch Brock LLC and FM 1189 LLC (collectively, "Bartlett Ranch Owners"), who own property located within less than 1/2 mile from the proposed TPDES permit application and facility ("Application"). Upon information and belief, the Bartlett Ranch Owners never received the Notice of Receipt of Application and Intent to Obtain Water Quality Permit for this Application. Nevertheless, please accept this letter as the Bartlett Ranch Owners' notice of opposition to the Application submitted by Gilden Blair Blackburn ("Applicant"). The Bartlett Ranch Owners hereby request a public meeting and a contested case hearing on the Application. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit, the Bartlett Ranch Owners provide the following information:

1. Your name, address, phone number:

The Bartlett Ranch Owners may be notified of any developments in this case by providing notice to:

John Reed Clay Jr.
J. Andrew Scott
401 W 15th St
Suite 870
Austin, Texas 78701
(817) 975-2165
rclyay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Applicant's property to be served by the proposed WWTP is approximately ½ mile to the Bartlett Ranch Owners' properties.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The Bartlett Ranch Owners' properties are used as a primary residence as well as the raising of championship-level quarter horses, cattle, and other livestock. Grindstone Creek navigates through the Bartlett Ranch Owners' properties, eventually leading to the Brazos River. The economic and recreational implications of a poorly run plant are significant. Indeed, the Bartlett Ranch Owners are concerned that their ability to enjoy and utilize for agricultural and livestock purposes Grindstone Creek and all points downstream will be negatively affected by the permit.

Specifically, the Bartlett Ranch Owners are concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The Bartlett Ranch Owners are concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, there is concern that nuisance conditions will be created. The Bartlett Ranch Owners are also concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The Bartlett Ranch Owners are particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, the Bartlett Ranch Owners are concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The Bartlett Ranch Owners believe that Applicant's proposed discharge is in direct violation of the Texas Water Code. The Bartlett Ranch Owners also are concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the Bartlett Ranch Owners are concerned that the Application violates the State's policy on regionalization. Namely, Applicant Gilden Blair Blackburn is a party to another WWTP application (WQ0016124001) under TCEQ review that is located less than ½ mile from this Application's proposed facility.

The discharge authorization being sought by the Applicant will endanger the Bartlett Ranch Owners' properties. Thus, the Bartlett Ranch Owners protest the entirety of the application and seek further time to review it.

The Bartlett Ranch Owners have sufficiently demonstrated that they are adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

4. The Bartlett Ranch Owners request a public meeting and a contested case hearing on the Application.

The Bartlett Ranch Owners request a public meeting about this application. The Bartlett Ranch Owners also request a contested case hearing. The Bartlett Ranch Owners reserve the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,

/s/ J. Andrew Scott

Andrew Scott, Partner
Clay Scott, LLP