

Jason Pool, PE
10334 Parkside Lane
Pilot Point, TX 76258

February 26, 2024

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
PO Box 13087
Austin, TX 78711-3087


Re: Contested Hearing request for petition for the creation of White Oaks Municipal Utility District of Denton County: TCEQ Docket No. 2023-1587-DIS

Dear Ms. Gharis:

Enclosed is my reply to the responses of (1) The Office of Public Interest Counsel of the Texas Commission on Environmental Quality, (2) The Executive Director of the Texas Commission on Environmental Quality, and (3) the Applicant.

This response was also sent on the same day to all individuals on the mailing list, as indicated in the TCEQ letter dated January 31.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jason Pool', written over the word 'Sincerely,'.

Jason Pool, PE
Tx Lic #92623, Tx Firm #11096
TCEQ #OS0033361 DR

Summary

The application for the creation of the White Oaks Municipal Utility District ("MUD") will be considered during the Texas Commission of Environmental Quality ("TCEQ") public meeting on March 6, 2026. I support the recommendations made by the Executive Director of the TCEQ ("ED") and by the Office of Public Counsel ("OPIC") to grant my request for a contested hearing.

Both the ED and OPIC did a careful analysis, and both found that I, Jason Pool, am an affected person due to the proximity of my land to the proposed MUD and its unique impact on my interests not common to members of the general public. The Applicant's response showed no analysis and only offered a blanket statement that it is their opinion that all 61 requests for contested hearing should be denied.

Background

The ED determined my house, which is in the Parkside Estates subdivision, to be 0.16 miles from the MUD boundary. I also own two additional lots in Parkside Estates, Lots 5 & 6, and these are adjacent to the proposed MUD (see Exhibit 1).

Due to the land topography, a significant portion of the proposed MUD, 238 acres, funnels stormwater runoff onto my land (see Exhibit 2). A development the size of the proposed MUD will increase storm water drainage quantity, and the quality of that drainage will be worsened due to debris and contaminants associated with residential development runoff. Even with proper stormwater detention and controlling the rate of discharge, the increase in impervious surface coverage due to development will increase the total volume of flow, meaning our land will remain wetter for longer periods of time. This will increase erosion. It is also well established in literature that residential development increases pollutants such as TSS (total suspended solids), TP (total phosphorous), TN (total Nitrogen), and heavy metals (see Exhibit 4).

In determining if a petition should be granted, TCEQ must consider the impact the development will have on (a) land elevation, (b) subsidence, (c) groundwater level within the region, (d) recharge capability of a groundwater source, (e) natural run-off rates and drainage, (f) water quality, and (g) total tax assessments on all land located within a district. My concerns clearly fall under (e) and (f) above.

My land is adjacent to the proposed MUD, and my concerns are interests protected by the law under which the application will be considered. I have a personal justiciable interest in the matter which is not common to the general public, and therefore I should be considered an affected person.

I am a licensed Professional Engineer in civil engineering, with a focus on municipal engineering and land development. I reviewed the Engineering Report submitted by Kimley Horn on November 10, 2022, and the TCEQ Interoffice Memorandum which included the Technical Memo prepared by staff. As a professional engineer, I have the follow comments.

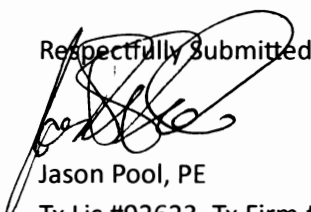
Water Supply Improvements: The proposed MUD falls within the North Texas Groundwater Conservation District ("NTGCD"). The plan calls for up to six wells to be drilled in support of this project, and states it will follow criteria established by TCEQ and Mustang SUD, but omits reference to NTGCD. The drilling of six wells may not be feasible under NTGCD regulation. Using the estimated 2.4 million gallons per day (MGD) maximum hour demand stated in the proposal, NTGCD would require the wells to be spaced up to approximately 1,500 ft away from any other well, new or existing. It is unlikely that six wells and their required buffer zone can fit completely within the boundaries of the proposed MUD under this requirement. A survey of existing wells in surrounding areas is needed before compliance can be determined. There are other requirements for NTGCD, such as consideration of alternative water sources such as surface water, that may not have been satisfied. This calls into question the feasibility of the proposed MUD as submitted.

Wastewater Treatment Improvements & Wastewater Collection Improvements: The proposed MUD states it will follow Denton County Regulations. It does not acknowledge the Lake Ray Roberts Zoning (LRRZ), which is included in the subdivision regulation of Denton County. Approximately 240 acres of the 379 acres in the proposed MUD fall within LRRZ. Under current zoning regulations, a maximum density of 1 acre lots is allowed. The current proposal calls for approximately 1/5 acre lots. Of the portion outside of the LRRZ, their current density would result in 570 ESFCs. Of the portion inside LRRZ, instead of 970 ESFCs, they would be limited to 238 ESFCs. Therefore, under current Denton County regulations, this proposed development would have a total maximum of 808 ESFCs – not 1,540 as proposed. For 808 ESFCs, wastewater treatment capacity of 282,800 GPD would be needed. This is significantly less than the proposed 537,250 GPD wastewater treatment capacity – so only 53% of the proposed treatment capability would be needed. And this could be further reduced since the lots inside LRRZ could utilize onsite sewage facilities (OSSFs) due to the fact that the lots are 1 acre minimum on municipal water. If OSSFs are utilized, the needed treatment plant capacity would be further reduced to 199,500 GPD (only 37% of the proposed capacity), and the wastewater collection improvements would also be significantly reduced. Therefore, the proposed improvements are not feasible and are drastically oversized. This would put an undue burden on the future tax base.

Conclusion

For the reasons stated above, I, Jason Pool, request that TCEQ grant my request for a contested case hearing for the White Oaks MUD, as recommended by the ED and OPIC.

Respectfully Submitted



Jason Pool, PE

Tx Lic #92623, Tx Firm #11096

TCEQ #OS0033361 DR

Exhibit 1: Jason Pool owns land adjacent to the proposed MUD

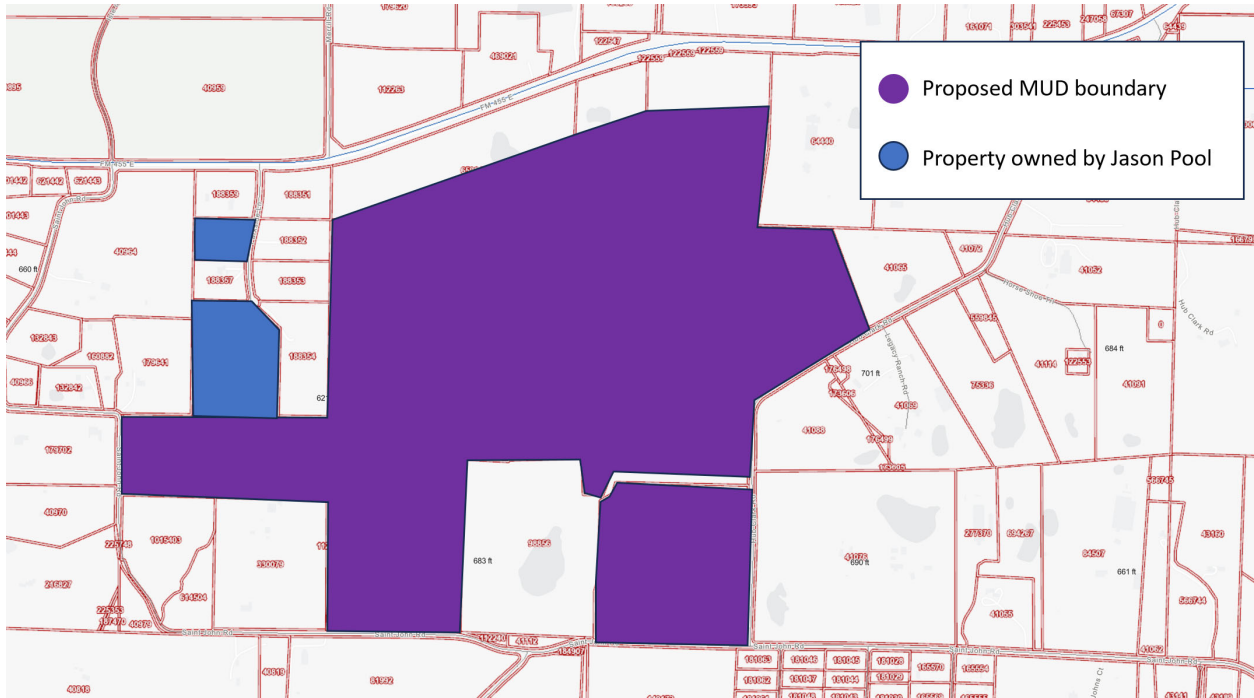


Exhibit 2: Area of proposed MUD that sends stormwater run off onto land owned by Jason Pool

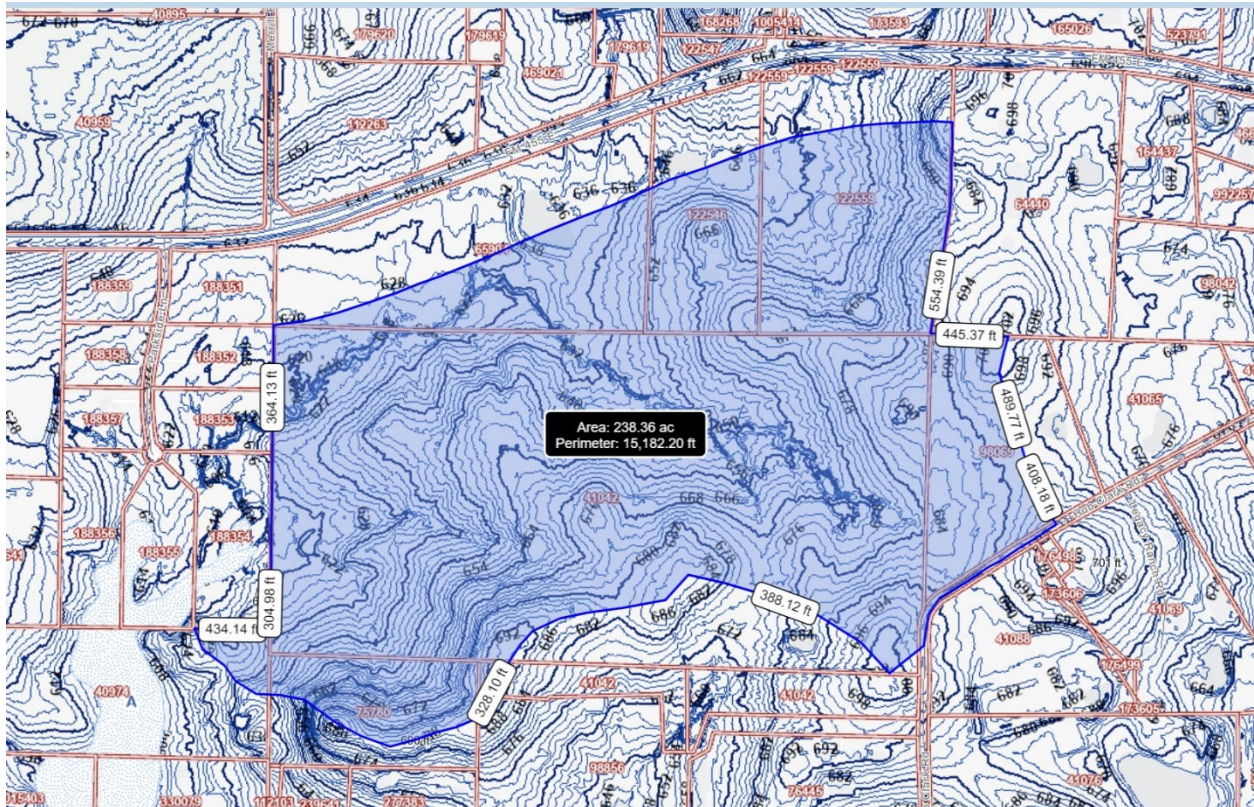


Exhibit 3: Portion of Proposed MUD that falls with Lake Ray Roberts Zoning

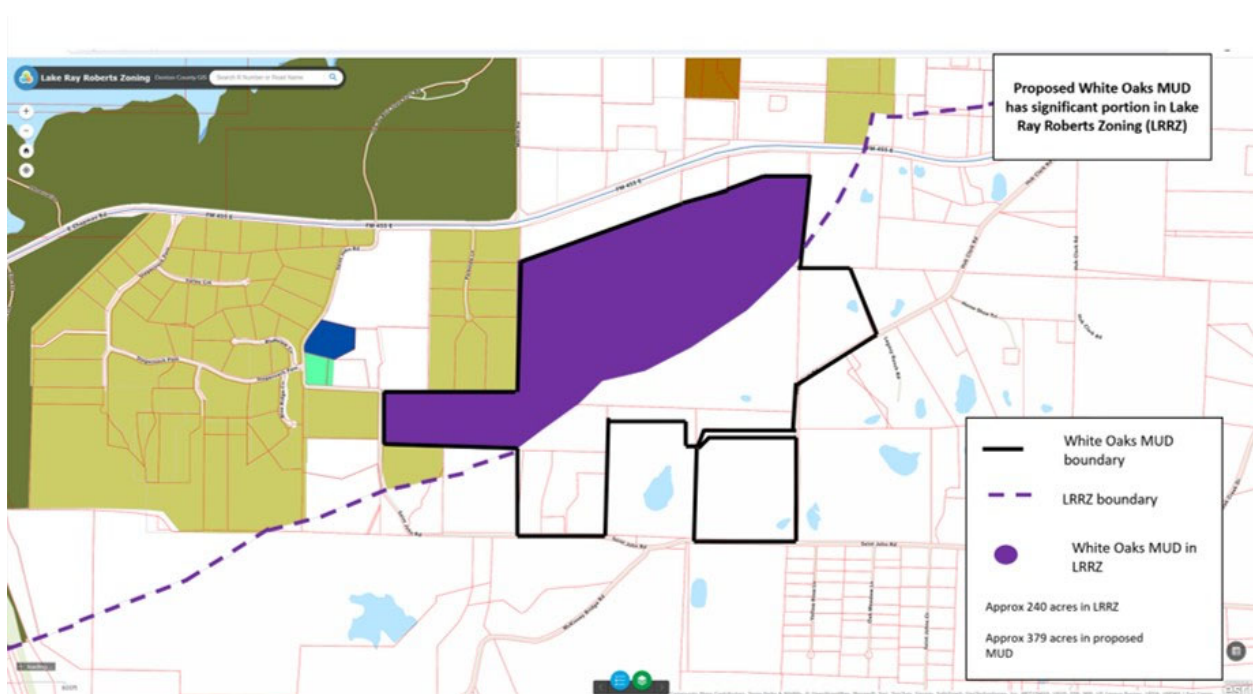


Exhibit 4: Documentation that residential development increases stormwater runoff pollution

Atasoy, Mary, Pamquist, Raymond B., & Phaneuf, Daniel J. Estimating the effects of urban residential development on water quality using microdata. *Journal of Environmental Management* 79(2006): 399-408 doi:10.1016/j.jenvman.2005.07.012

- Residential construction adversely affects water quality with respect to each of the pollutants (suspended solids, phosphorus, nitrogen). While there are required control practices, construction still increases runoff and the associated suspended solids and nutrients. New development has a larger effect on TP (total phosphorous) than TN (total nitrogen). This finding is expected given the tendency of phosphorous to bind to particles. Construction would directly increase the amount of sediment entering a body of water and consequently increase the avenues through which phosphorous may enter the system. The density of housing also has a positive and statistically significant effect on TP and TN. The percent of the surrounding land in agriculture also has a statistically significant effect on TN and TP, although not on TSS.

Goonetilleke, Ashantha & Lampard, Jane-Louise "Stormwater Quality, Pollutant Sources, Processes, and Treatment Options" *Approaches to Water Sensitive Urban Designs*, Woodhead Publishing, 2019, 49 – 74. <https://doi.org/10.1016/B978-0-12-812843-5.00003-4>

- As a consequence of transforming the natural environment into the built environment, vegetated lands are replaced by impervious surfaces such as roads, parking lots, and rooftops.

The increase in impervious areas reduces the volume of rainfall infiltration during storms, resulting in increased volume of stormwater runoff compared to previously vegetated lands.

- As the fraction of impervious surfaces increases, a relatively larger portion of streamflow is delivered by stormwater runoff rather than baseflow. During dry weather periods, significant pollutant loads can accumulate on urban impervious surfaces, and the accumulated pollutants are subsequently mobilized and entrained in runoff during storm events, and transported to receiving waters. The transport of pollutants is enhanced because of the increase in stormwater runoff volume and flow velocity, and the improved drainage system, thereby degrading the quality of urban receiving waters.
- Urban stormwater runoff contains a substantial amount of particulate solids primarily contributed by roadside soil. Additionally, automobile-use activities and abrasion products generated from different impervious surfaces, such as asphalt and concrete, also produce particulate. In addition to increasing the turbidity and sedimentation in receiving water bodies, biologically active suspended solids can result in low dissolved oxygen levels and reduced photosynthesis, which directly affect aquatic fauna.

Mallin, Michael A., Virginia L. Johnson, and Scott H. Ensign. "Comparative impacts of stormwater runoff on water quality of an urban, a suburban, and a rural stream." *Environmental monitoring and assessment* 159 (2009): 475-491. 475–491 DOI 10.1007/s10661-008-0644-4

- Over all sampling periods combined, the urban stream yielded the highest orthophosphate, TSS (total suspended solids), and surfactant concentrations. Percent watershed development and percent impervious surface coverage were strongly correlated with orthophosphate, and surfactant concentrations. These compounds can be attributed largely to anthropogenic sources.

United States Environmental Protection Agency (EPA). Preliminary Data Summary of Urban Storm Water and Best Management Practices. Chapter 4. 1999
https://www.epa.gov/sites/default/files/2015-11/documents/urban-stormwater-bmps_preliminary-study_1999.pdf, accessed 24 February 2024.

All measured pollutants increase as residential density increase. Typical Pollutant Loadings from Runoff by Urban Land Use (lb/acre-year) shown below.

Land Use	TSS	TP	TKN	NH3N	NO2 +NO3N	BOD	COD	Pb	Zn	Cu
High density residential	420	1	4.2	0.8	2	27	170	0.8	0.7	0.03
Medium density Residential	190	0.5	2.5	0.5	1.4	13	72	0.2	0.2	0.14
Low density residential	10	0.04	0.003	0.02	0.1	NA	NA	0.01	0.04	0.01
Construction	6000	80	NA	NA	NA	Na	NA	NA	NA	NA

TSS: Total Suspended Solids
 TP: Total Phosphorous
 TKN: Total Kjeldahl Nitrogen
 NH3N, NO2 + NO3N – Nitrogen based pollutants

BOD: Biochemical Oxygen Demand
 COD: Chemical Oxygen Demand
 Pb, Zn, Cu: Heavy metals (Lead, zinc, copper)
 NA: Not available

Mailing List

This reply by Jason Pool was filed with the Chief Clerk of the TECQ and a copy was served on the same day to all person listed below either via hand delivery, facsimile transmission, electronic mail, and/or by deposit in the U.S. Mail.

For the Applicant

Mindy Koehne, Attorney
Coates Rose PC
16000 Dallas Parkways, Suite 350
Dallas, TX 75248

Stephanie D. White, Engineer
Kimley-Horn and Associates, Inc
400 North Oklahoma Drive, Suite 105
Celina, TX 75009

For the Executive Director:

Fernando Salazar Martinez, Staff Attorney
TCEQ Environmental Law Division, MC-173
P.O. Box 13087 Austin, Texas 78711-3087

James Walker, Technical Staff
TCEQ Water Supply Division, MC-152
P.O. Box 13087 Austin, Texas 78711-3087

Ryan Vise, Deputy Director
TCEQ External Relations Division, MC-108
P.O. Box 13087 Austin, Texas 78711-3087

For Public Interest Counsel:

Garrett T. Arthur, Public Interest Counsel TCEQ
Public Interest Counsel, MC-103
P.O. Box 13087 Austin, Texas 78711-3087

For Chief Clerk:

(sent via eFiling)
Docket Clerk
TCEQ Office of Chief Clerk, MC-105
P.O. Box 13087 Austin, Texas 78711-3087

For Alternative Dispute Resolution:

Kyle Lucas
TCEQ Alternative Dispute Resolution, MC-222
P.O. Box 13087 Austin, Texas 78711-3087

Requester(s)/Interested Person(s)

See list starting next page

Requestor(s)/Interested Person(s)

Robert Adas
10020 Bluffview Cr.
Pilot Point, Texas 76258-7438

Christina M Brock
13069 Saint John Rd
Pilot Point, TX 76258-7452

R Scott Alagood
2nd Floor
3900 Morse St.
Denton, TX 76208-6333

Kim and Michael Caley
10155 Stagecoach Pass
Pilot Point, TX 76258-7469

Donald F. and Bonnie A. Ambrose
9824 Blueridge Cir.
Pilot Point, TX 76258-7451

Bernadine and Brian Campbell
9627 Saint Johns Ct
Pilot Point, TX 76258-76628

Mark and Terry L Atchison
9229 Hub Clark Rd
Pilot Point, TX 76258-6246

Hanna Campbell
Spencer Fane, LLP
816 Congress Ave., Ste. 1200
Austin, Texas 78701-2442

Amy Bonzon
9546 Oak Meadow Ln
Pilot Point, TX 76258-6663

Maris Marshall Chambers
Spencer Fane, LLP
816 Congress Ave., Ste. 1200
Austin, Texas 78701-2442

Ron Bourland and Joleen Moden
9918 Four Horse Trl
Pilot Point, TX 76258-7444

Joyce and Kenneth Dewitt
9481 Yellow Roade Ln
Pilot Point, TX 76258-6607

Jenene Breslin
10695 Stagecoach Pass
Pilot Point, TX 76258-7453

Italo Donato and Zahira Munoz
9427 Yellow Rose Ln
Pilot Point, TX 76258-6607

Amy Brock
13069 Saint John Rd
Pilot Point, TX 76258-7452

Alan D Donnell and April H Salisbury
10783 Stagecoach Pass
Pilot Point, TX 76258-7442

Clint Brock
13069 Saint John Rd
Pilot Point, TX 76258-7452

Kelly & Phillip Eggers
5800 Granite Pkwy, Ste. 250
Plano, TX 75024-6614

Lynn Brock
13069 Saint John Rd
Pilot Point, TX 76258-7452

Kay Elvrum
7351 Colton Ln.
Pilot Point, TX 76258-3651

Judy Ford
7545 Colton Ln.
Pilot Point, TX 76258-7346

Julie Lantrip and Matthew Pence
9213 Scenic Drive
Pilot Point, TX 76258-7429

Tommy Fotf
7545 Colton Ln.
Pilot Point, TX 76258-7346

Dr. Julie Lantrip
9213 Scenic Dr.
Pilot Point, TX 76258-7429

Darlene Freeman
8908 Hub Clark Rd.
Pilot Point, TX 76258-6208

Courtney Linde
Liberty Performance Horses, LLC
11000 Saint John Rd.
Pilot Point, TX 76258-6665

John Hicks
7300 Colton Ln.
Pilot Point, TX 76258-3650

Allen L. McCracken II
PO Box 1200
Pilot Point, TX 76258-1200

Nancy Hicks
7300 Colton Ln.
Pilot Point, TX 76258-3650

Juanita McDermed and Mehrle Martin
9424 Oak Meadow Ln.
Pilot Point, TX 76258-6612

Mark Hodak
10654 Saint John Rd
Pilot Point, TX 76258-6602

Helen and Robert McGraw
32 Braewood Pl.
Dallas, TX 75248-7901

Jessica How
11761 Massey Rd.
Pilot Point, TX 76258-3616

Adriana Midkiff
6716 FM 455 E
Pilot Point, TX 76258-7339

James Huccaby
9530 Yellow Rose Ln.
Pilot Point, TX 76258-6608

Dennis Mills Jr.
9605 Yellow Rose Ln.
Pilot Point, TX 76258-6611

Robert Kaiser
6435 Valley Crk.
Pilot Point, TX 76258-7455

Shaun Mills
9605 Yellow Rose Ln.
Pilot Point, TX 76258-6611

Mark Kinney
10763 Saint John Rd.
Pilot Point, TX 76258-6648

Donna Morgan
10491 Saint John Rd.
Pilot Point, TX 76258-6623

Gretel Mary L'Heureux
9440 Yellow Rose Ln.
Pilot Point, TX 76258-6606

Steven Colleen Newton
9839 Blueridge Cir.
Pilot Point, TX 76258-7451

Jason Pool
10334 Parkside Ln.
Pilot Point, TX 76258-4196

Dorothy Queen
763 Orchard Rd.
Whitesboro, TX 76273-4505

Paul Queen
138 Natches Trce.
Coppel, TX 75019-7903

Todd Renshaw
13429 Saint John Rd.
Pilot Point, TX 76258-7476

Blair Roberts
11320 Saint John Rd.
Pilot Point, TX 76258-6604

Jospeh Russell
10385 Saint John Rd.
Pilot Point, TX 76258-6622

Anthony Scamardo Jr.
9940 Saint John Ct.
Pilot Point, TX
76258-6614

Joe & Megan Schmidt
12906 Saint John Rd.
Pilot Point, TX 76258-7408

Steve Schmidt
6436 Valley Crk.
Pilot Point, TX 76258-7454

Rowland Selby Funk
9624 Yellow Rose Ln.
Pilot Point, TX 76258-6610

Jacob and Sue Sentlingar
9520 Oak Meadow Ln.
Pilot Point, TX 76258-6663

Bonnie and David Silva
10896 Saint John Rd.
Pilot Point, TX 76258-6603

Luther and Wanda Slay
PO Box 206
Pilot Point, TX 76258-0206

Jim and Melinda Street
13336 Saint John Rd.
Pilot Point, TX 76258-7406

Bruce and Julie Walker
10184 Stagecoach Pass
Pilot Point, TX 76258-7468

Brian Wellmon
8230 FM 455 E
Pilot Point, TX 76258-7320

Ryan Williams, Commissioner
Denton County Pct. 1
1 Courthouse Dr., 3rd Floor
Denton, TX 76208-1582

Phillip Wilson
9601 Oak Creek Dr.
Pilot Point, TX 76258-6249

Debbie Woodruff
9531 Yellow Rose Ln.
Pilot Point, TX 76258-6609

Michael Woodruff
9531 Yellow Rose Ln.
Pilot Point, TX 76258-6609