

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Friday, October 6, 2023 4:13 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0015618001
Attachments: 2023.10.06 Sobieski Public Comment RE Love's Wastewater Permit.pdf

PM

From: chris.jensen@sprouselaw.com <chris.jensen@sprouselaw.com>
Sent: Friday, October 6, 2023 4:05 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0015618001

REGULATED ENTY NAME LOVES COUNTRY STORE 250

RN NUMBER: RN102452539

PERMIT NUMBER: WQ0015618001

DOCKET NUMBER:

COUNTY: POTTER

PRINCIPAL NAME: LOVES TRAVEL STOPS & COUNTRY STORES INC

CN NUMBER: CN601101173

NAME: Christopher Jensen

EMAIL: chris.jensen@sprouselaw.com

COMPANY: Sprouse Shrader Smith PLLC

ADDRESS: 701 S TAYLOR ST 500
AMARILLO TX 79101-2405

PHONE: 8064683335

FAX:

COMMENTS: Attached is public comment and request for public meeting submitted on behalf of Emeline Sobjeski, Jamie Sobjeski, and Jim Sobjeski.



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

CHRISTOPHER L. JENSEN
(806) 468-3335

October 6, 2023

Office of the Chief Clerk
Texas Commission on Environmental Quality
PO Box 1387
Austin, Texas 78711-3087

Re: Love's Travel Stop #250 Wastewater Permit WQ0015618001
Public Comment and Request for Public Meeting.

To Whom It May Concern,

I write this comment on behalf of Emeline Sobieski, James L. Sobieski, and James B. Sobieski, who are trustees of the trusts that jointly own Section 109, Block 9, located to the south and east of the Love's Travel Stop (Love's #250).

I am writing regarding the wastewater Permit (WQ0015618001) that Love's #250 obtained from the Texas Commission on Environmental Quality (TCEQ) dated October 24, 2018. The Permit is set to expire at midnight on October 24, 2023, exactly 5-years following the date it was obtained. Love's #250 has filed for an amendment to the Permit, requesting that the TCEQ authorize an expansion to the Love's #250 facility, allowing them to increase the daily flow from 15,000 gallons per day to 22,500 gallons per day. I am writing to request that the TCEQ deny Love's #250 request for the following reasons.

The TCEQ Wastewater Permit obtained by Love's #250 specifically provides that:

The issuance of this permit does not grant the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

To the Sobieskis' knowledge, Love's #250 has never attempted to acquire property rights from the property owners along the discharge route, continuously invading the personal rights of the property owners. Further, although Love's #250 has obtained certain permitting in Potter County, the majority of the wastewater flow occurs in Randall County as the flow is only in Potter County for approximately 300 yards. The Sobieskis do not believe Love's #250 has obtained any permitting or property rights in Randall County.

Pursuant to Texas Administrative Code §60.3(a)(1)(A)–(B), the agency should consider compliance history when preparing draft permits and when deciding whether to renew, amend, modify, deny, suspend, or revoke a permit by evaluating the person's: site specific compliance history and classification; and aggregate compliance history and classification, especially considering patterns of environmental compliance. Considering Love's #250 compliance history, Love's #250 has violated its permit 15 times in the 20-month period from 9/30/2021 to 4/30/2023. Among these violations include Love's #250 failure to: (1) comply with permitted effluent limitations; (2) prevent the unauthorized discharge of wastewater; and (3) provide and maintain adequate safeguards. In one instance, an investigation by the TCEQ discovered a ruptured pipe in Love's #250 holding tank was releasing untreated sewage onto the ground. It is important to note that each violation has been categorized as moderate under the applicable definition provided in §60.2 of the Texas Administrative Code. Further, based on its multiple failures and violations, Love's #250 should be considered a "repeat violator" when reviewing its repeated failures through the lens of §60.2(f)(1) and be given a rating based on the formula provided in §60.2(g)(1)(B).

Based on the information known to the Sobieski's available online, Love's #250 only received monetary fines for the violations. Available information does not reflect Love's #250 has remediated the properties downstream from the discharge point.

In addition, I note that on page 10 of the Love's #250 application, Love's #250 represents that the treated wastewater will not discharge to a city, county, or state highway right-of-way. However, the wastewater is discharged into the bar ditch along Arnot Road which is a paved county road. *See* Love's Application photos on pages 31-32 and page 19 reference to "roadside drainage."

The Love's #250 application also improperly describes the flow of the discharge as crossing Arnot Road from the Love's #250 property, across an RV park and through a field. *See* Love's Application p. 28 "Landowners' Map with 1 Mile Discharge Route." However, the wastewater actually discharges into the bar ditch off of Arnot Road, then flows south to CR 34, then flows east for nearly a mile, then flows under CR 34 through a culvert/waterway under CR 34, then flows south onto the Sobieski property, and then flows into the playa lake located on the Sobieski property. *See* Attachment. As such, the wastewater makes its way to the playa lake on the Sobieski property. While no testing on the playa lake has been performed, the Sobieski's presume that wastewater that does not meet TCEQ permit requirements will have made its way to the playa lake.

The increase in the daily flow limit would greatly increase the already occurring problems faced by property owners along the route from the initial bar ditch, where it is dumped, through Palo Duro Canyon, and to the Red River Basin its ultimate destination. As it is, the lack of elevation causes the discharged wastewater to move extremely slow through its route, causing a multitude of issues.

Based on these reasons, I respectfully ask on behalf of the Sobieski family that the TCEQ deny Love's #250 request to renew the permit. In the alternative, the Sobieski family requests that

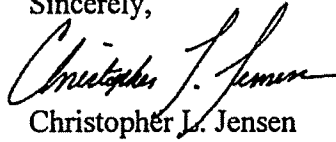
Office of the Chief Clerk-TCEQ

October 6, 2023

Page 3

the TCEQ not grant the permit with the additional capacity requested. Finally, we request a public meeting to discuss the requested permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher L. Jensen". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Christopher L. Jensen

cc: Clients

Enc. - Love's Wastewater Effluent Flow to Section 109

2015660.1 102747.014

LOVES TRUCK STOP

SECTION 109

S109 PLAYA







Customer Login

Locations & Fuel Prices

My Love Rewards

Truck Care

Financial Services

Store Offerings

News

About Us

Careers

Search Loves.com



I-40 Frontage Rd

U.S. Rt. 66

W Interstate Hwy 40
I-40 Frontage Rd

W Interstate Hwy 40

I-40 Frontage Rd

U.S. Rt. 66

W Interstate Hwy 40

Potter County
Justice of Peace

Google

Export Locations In Excel

Keyboard shortcuts Map data © 2023 Terms of Use Report a map error

1



Exit 60 Amarillo, TX I-40
14701 I-40 W, Amarillo, TX 79124

Store #250

Tel: (806) 358-2551
Fax: (806) 353-1764
Truck Parking : 100
DEF Lanes : 7
Shower Count : 5

\$3.49⁹ UNLEADED

\$4.18⁹ DEF

\$3.49⁹ PROPANE

\$3.89⁹ MIDGRADE

\$4.44⁹ DIESEL B20

\$4.19⁹ PREMIUM

Accepted Payment Types

- | | | | |
|--------------------|------------------|---------------------|--------------------|
| • ComCheck | • Fleet One | • Cash | • EBT/SNAP |
| • Fleet One OTR | • Fuelman | • CPS/Compass | • EFS |
| • MultiService | • Love's Express | • QuikQ FPS | • T-Chek |
| • American Express | • Discover | • Visa / MasterCard | • Voyager |
| • Wex | • Comdata | • Debit | • Love's Gift Card |
| • My Love Rewards | • Apple Pay | • Android Pay | • Samsung Pay |

Station Codes

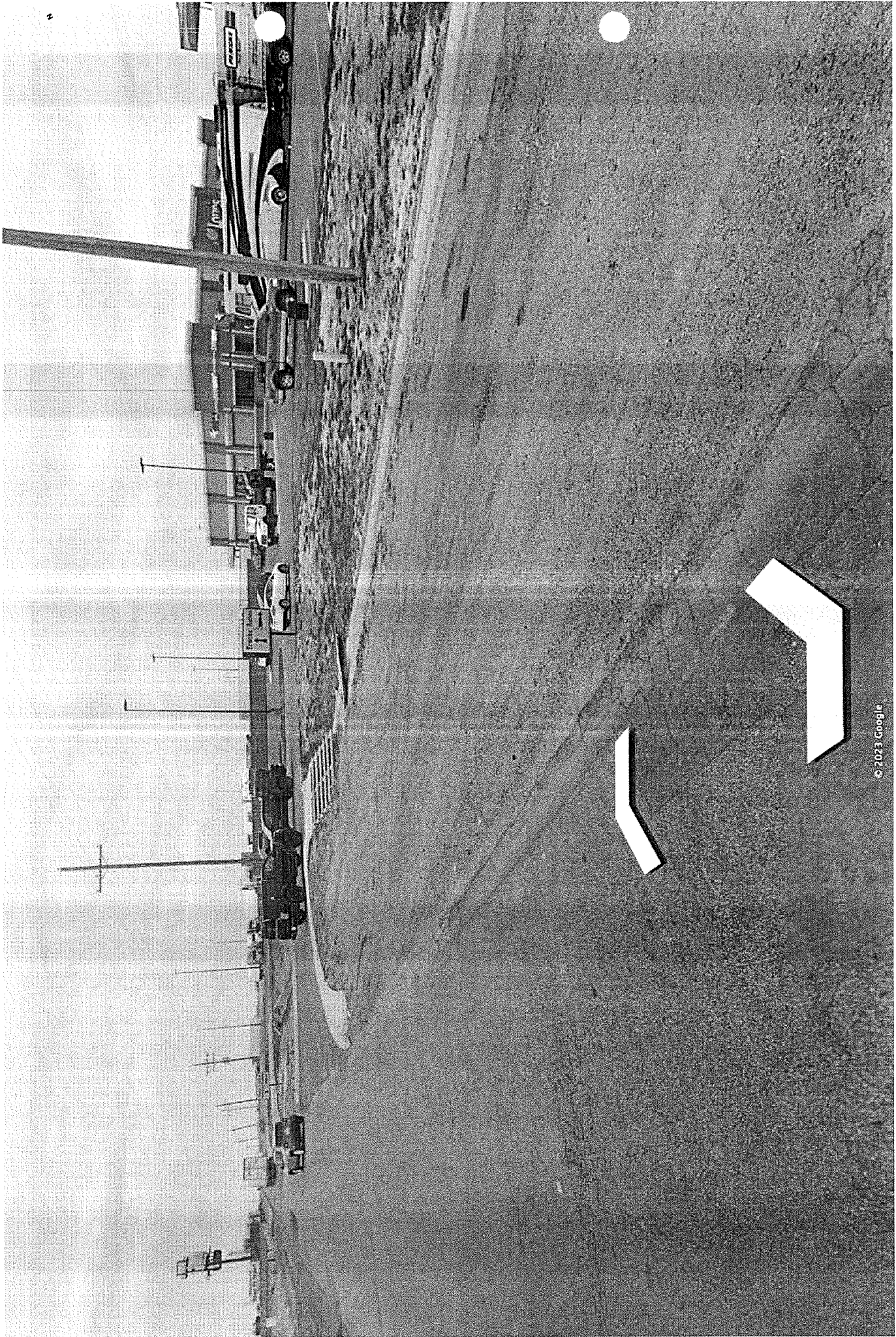
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|------------------------|---------------|---------------------|----------------------|
| • Comdata: TX790 | • EFS: 7879 | • Fleet One: 132241 | • MultiService: 1801 |
| • Natso: 00462029A | • OPIS: 01582 | • T-Chek: 43282 | • Transcom: 580100 |
| • CPS/Compass: TX00250 | | | |

Amenities

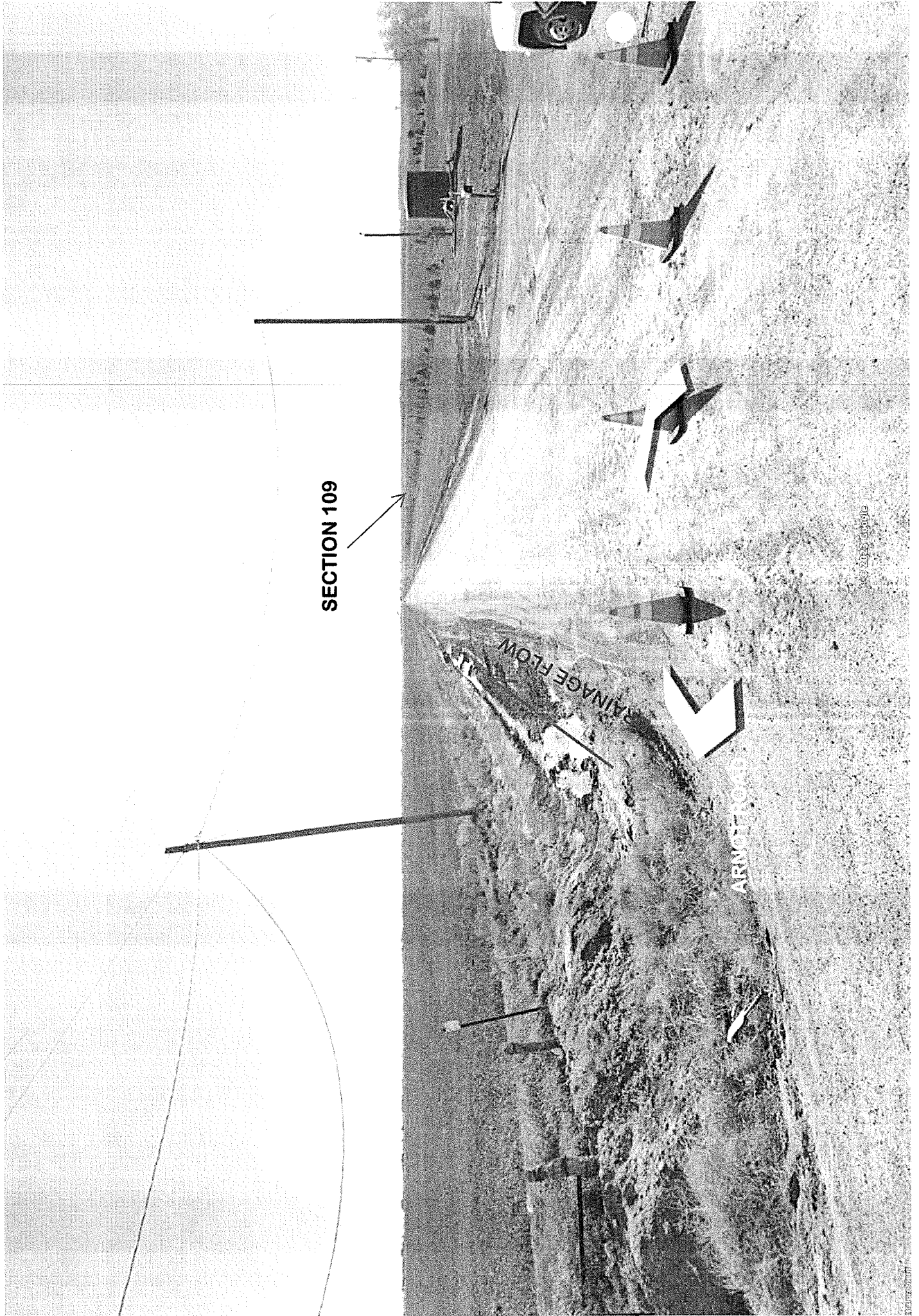
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|-----------------|------------|---------------|-----------------|--------------|-------------|---------------|----------------------|---------------------------|
| Private Showers | CAT Scales | Wi-Fi - Basic | Wi-Fi - Premium | ATM | TFX Transfo | Truck Parking | • Open 24-Hours | • Additives Available |
| RV Dump | DEF | RFID Pump | Bulk Propane | Propane Tank | Pet Wash | Video Gaming | • Calling Cards | • Check Cashing |
| | | | | | | | • Copy & Fax Service | • DEF Retail |
| | | | | | | | • Permit Fax | • My Love Rewards Program |



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SECTION 109

RAINAGE FLOW

ARNOCT ROAD

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Friday, December 22, 2023 2:31 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0015618001
Attachments: Letter to TCEQ re. Love's Travel Stops1.pdf

eComment = PM
Attachment = PM

From: jacksonlatimer@co.potter.tx.us <jacksonlatimer@co.potter.tx.us>
Sent: Friday, December 22, 2023 1:56 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0015618001

REGULATED ENTY NAME LOVES COUNTRY STORE 250

RN NUMBER: RN102452539

PERMIT NUMBER: WQ0015618001

DOCKET NUMBER: 2021-0834-MWD-E

COUNTY: POTTER

PRINCIPAL NAME: LOVES TRAVEL STOPS & COUNTRY STORES INC

CN NUMBER: CN601101173

NAME: MR Jackson Latimer

EMAIL: jacksonlatimer@co.potter.tx.us

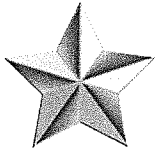
COMPANY: Potter County Attorney's Office

ADDRESS: 500 S FILLMORE ST 301
AMARILLO TX 79101-2439

PHONE: 8063792214

FAX:

COMMENTS: The Potter County Commissioners Court would like to request a public meeting on this permit. Please allow this comment and the attached letter to serve as a formal request to hold such a meeting. Thank you.



OFFICE OF THE COUNTY ATTORNEY
Potter County, Texas

SCOTT BRUMLEY
COUNTY ATTORNEY

JACKSON LATIMER
DEPUTY COUNTY ATTORNEY
MELINDA POWELL
DEPUTY COUNTY ATTORNEY
JANELLE MCBRIDE
SECTION CHIEF
TOMMY PASSMORE
CHIEF INVESTIGATOR

December 22, 2023

Mrs. Kelly Keel
Executive Director
Texas Commission on Environmental Quality

Via: TCEQ E-comments

Re. Request for Public Meeting re. WQ0015618001

Dear Mrs. Keel,

Please allow this letter to serve as a formal request by the Potter County Commissioners Court for a public meeting on the proposed amendments to Permit No. WQ0015618001. Today the Commissioners Court voted to request a public meeting on this matter. The Commissioners Court further designated Commissioners Warren Coble and John Coffee to represent it at the meeting.

Public concerns have been brought to the attention of the Commissioners Court regarding violations by the regulated entity. You may direct correspondence on this matter to our office at the following:

Potter County Commissioners Court
c/o Potter County Attorney's Office
500 S. Fillmore, Suite 301
Amarillo, Texas 79101

Thank you for your attention to this matter.

Sincerely,

s/ Jackson Latimer
jacksonlatimer@co.potter.tx.us
Direct: 806-379-2214

cc. Mr. Boyd Mouse
boyd@christensenlawgroup.com