

**SOAH DOCKET NO. 582-23-10368
TCEQ DOCKET NO. 2022-1731-MWD**

**APPLICATION BY R040062, LP § BEFORE THE STATE OFFICE
FOR § OF
TPDES PERMIT NO. WQ0016008001 § ADMINISTRATIVE HEARINGS**

FILED
582-23-10368
6/9/2023 4:22 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

**DIRECT TESTIMONY

OF

MILES WHITNEY**

ACCEPTED
582-23-10368
6/9/2023 4:27:20 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ON BEHALF OF JONAH WATER SPECIAL UTILITY DISTRICT

EXHIBIT JWSUD-2

JUNE 9, 2023

SOAH DOCKET NO. 582-23-10368
TCEQ DOCKET NO. 2022-1731-MWD

DIRECT TESTIMONY OF MILES WHITNEY,
WITNESS FOR JONAH WATER SPECIAL UTILITY DISTRICT

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EXHIBITS:

Exhibit MW-1 District/Water CCN Map

**SOAH DOCKET NO. 582-22-1016
TCEQ DOCKET NO. 2021-1214-MWD**

**DIRECT TESTIMONY OF MILES WHITNEY,
WITNESS FOR JONAH WATER SPECIAL UTILITY DISTRICT**

I. INTRODUCTION, POSITION, AND QUALIFICATIONS

Q. PLEASE STATE YOUR NAME AND CURRENT EMPLOYMENT POSITION.

A. My name is Miles Whitney. I am a licensed civil engineer, License No. 116154, and the President of Cayote Consulting, LLC.

Q. HOW LONG HAVE YOU BEEN EMPLOYED IN YOUR CURRENT POSITION?

A. I have held the position of President for more than eight years.

Q. WHAT ARE YOUR RESPONSIBILITIES IN YOUR CURRENT POSITION?

A. As the professional civil engineer for Jonah Water Special Utility District, I work on planning, design, permitting, and management. I am responsible for the design and management of the water and wastewater projects for Jonah, that would include Texas Commission on Environmental Quality ("TCEQ") discharge permit applications and renewals. I also assist with future planning efforts, including master planning, capital improvement plans, certificate of convenience and necessity ("CCN") applications, review of proposed subdivisions, easement acquisition assistance, and funding assistance.

Q. WHAT ATTACHMENTS HAVE YOU PREPARED IN SUPPORT OF YOUR TESTIMONY?

A. My direct testimony and supporting attachment, identified as Exhibit MW-1, which were prepared by me or under my direction, supervision or control, are to the best of my knowledge true and correct and are the types of documents kept in the normal course of

1 business. Exhibit MW-1 is a map of Jonah's service areas and systems, and pending
2 wastewater treatment plant permit applications, located in proximity to the district.

3 **Q. WHAT HAVE YOU REVIEWED TO PREPARE YOUR TESTIMONY AND**
4 **RENDER YOUR OPINIONS?**

5 A. My opinions are based on my personal knowledge of the proposed development project
6 that the proposed permit will serve, including the documents submitted by R040062, LP
7 (the "Applicant") to Jonah and the draft permit effluent limitations, my understanding of
8 Jonah's ability to construct and operate the Facility, defined below, as well as the direct
9 testimony of Jonah's other witness, William Brown.

10 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

11 A. I am filing direct testimony on behalf of Jonah Water Special Utility District ("Jonah"), a
12 Protestant in this proceeding.

13 **II. PURPOSE OF DIRECT TESTIMONY**

14 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

15 A. Since the Applicant requested direct referral of this application to the State Office of
16 Administrative Hearings ("SOAH"), this hearing is to address whether the application
17 complies with all applicable statutory and regulatory requirements. The purpose of my
18 testimony is to provide additional information for the record regarding some of the
19 applicable requirements. Specifically, whether the draft permit is consistent with the state's
20 regionalization policy and demonstration of need for the volume requested in the
21 application for a new discharge permit pursuant to Texas Water Code ("TWC") § 26.0282.
22 I will also provide testimony concerning wastewater system design and permitting,
23 generally.

1 **Q. PLEASE DESCRIBE THE DEVELOPMENT PROJECT FOR WHICH**
2 **APPLICANT IS SEEKING THE TEXAS POLLUTANT DISCHARGE**
3 **ELIMINATION SYSTEM (“TPDES”) PERMIT NO. WQ0016008001?**

4 A. I understand that the Indigo Water Resource Recovery Facility (the “Facility”) is proposed
5 to serve Applicant’s subdivision, consisting of approximately 600 manufactured homes.
6 The property lies within Jonah’s district boundary and existing water CCN area.

7 **Q. ARE YOU FAMILIAR WITH THE EXHIBITS AND DOCUMENTS THAT**
8 **COMPRISE THE ADMINISTRATIVE RECORD?**

9 A. I am familiar with some of the other exhibits and documents.

10 **Q. WHAT IS YOUR OPINION ABOUT THE APPLICATION BASED ON THE**
11 **EVIDENCE IN THE ADMINISTRATIVE RECORD?**

12 A. Jonah is willing and able to provide wastewater service to Applicant for future residential
13 customers within the proposed service area and that Jonah would be the best regional
14 service provider in this area.

15 **III. JONAH’S CONCERNS**

16 **Q. PLEASE DESCRIBE THE AREA WHERE THE PROPOSED DEVELOPMENT**
17 **AND WASTEWATER TREATMENT FACILITY WILL BE LOCATED.**

18 A. Due to the construction of SH 130, the area on both sides of the highway in Jonah’s service
19 area is experiencing significant growth. New developments along the SH 130 corridor are
20 requesting water and wastewater service at record pace. As you can see on Exhibit MW-1
21 the R040062 LP application is just one of ten pending wastewater applications within or
22 near Jonah’s district boundary and water CCN area. There are three other pending
23 wastewater treatment plant permits within 3.3 miles of the subject application: AIRW-

2017-7 Permit No. WQ0015878001 (0.84 miles), Limmer Loop JV, LLC WQ0016260001 (3.37 miles), and New Horizons Utility LLC WQ0016257001 (1.30 miles). Additionally, the subject application is within 1.6 miles of three active and one inactive Jonah water wells: Plant No. 1, Well No. 1, and Well No. 10 (1.28 miles); and Plant No. 7, Well No. 3 (1.58 miles) are in service; and Plant No. 11, Well No. 6 (0.57 miles) that is currently out of service.

Q. PLEASE DESCRIBE YOUR CONCERNS REGARDING THE DRAFT PERMIT'S COMPLIANCE WITH TEXAS REGIONALIZATION POLICY AND DEMONSTRATION OF NEED FOR THE VOLUME REQUESTED IN THE APPLICATION FOR A NEW DISCHARGE PERMIT PURSUANT TO TWC § 26.0282.

A. Texas has a regionalization policy for wastewater treatment that is meant to encourage consistency and quality in wastewater treatment by providing for the administrative or physical combination of two or more community wastewater systems for improved planning operation or management. For example, expanding or combining treatment facilities to operate under one operator that has a strong background in good management is encouraged over multiple smaller wastewater-treatment facilities in a region that may have operators that vary in operation quality, pollution management, and other types of expertise that can potentially have a profound impact on the regional environment and public health and safety. My understanding is that the Applicant for the draft permit is a single-purpose entity that, to Jonah's knowledge, does not own or operate any other wastewater-treatment plants.

1 Jonah is in the business of utilities and of constructing and operating facilities at the highest
2 standards. Selecting Jonah as the provider of wastewater treatment for Applicant's
3 development has the added benefit of facilitating the Texas regionalization policy because
4 Jonah desires to pursue the construction and operation of wastewater-treatment plants
5 within its boundaries to ensure that surface-water quality is preserved. Construction and
6 operation of high-quality wastewater-treatment plants is necessary to maintain the surface-
7 water quality for all discharges above Lake Granger, as Lake Granger serves as a major
8 water supply source for Jonah through its wholesale contracts with the Brazos River
9 Authority.

10 **Q. PLEASE DESCRIBE YOUR CONCERNS REGARDING THE POTENTIAL**
11 **ENVIRONMENTAL IMPACT OF THE FACILITY.**

12 A. Based on the information in documents reviewed, the treated wastewater will be discharged
13 to an unnamed tributary of Mankins Branch, to Mankins Branch, then ultimately to the San
14 Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin.
15 Jonah has concerns that the treated wastewater, if not properly managed, will contaminate
16 the water in the San Gabriel/North Fork San Gabriel River, and eventually Lake Granger.
17 Jonah provides to its customers water obtained from both surface water and wells,
18 including water coming from the San Gabriel River. Jonah is concerned about degradation
19 of water quality conditions in these creek beds, tributaries, Mankins Branch, the San
20 Gabriel River and ultimately Lake Granger from the discharge that will emanate from this
21 facility should the proper maintenance and operation of the facility not be sustained. Due
22 to the proximity of the proposed facility to Jonah's water wells and the northern segment
23 of the Edwards (Balcones Fault Zone) Aquifer, Jonah is also concerned about the potential

1 contamination of ground water in the area if the facility is not properly maintained or
2 discharge is not in compliance with the required water quality standards.

3 **Q. PLEASE DESCRIBE WHY JONAH WOULD BE A SAFER AND MORE**
4 **QUALIFIED OPERATOR FOR THE FACILITY.**

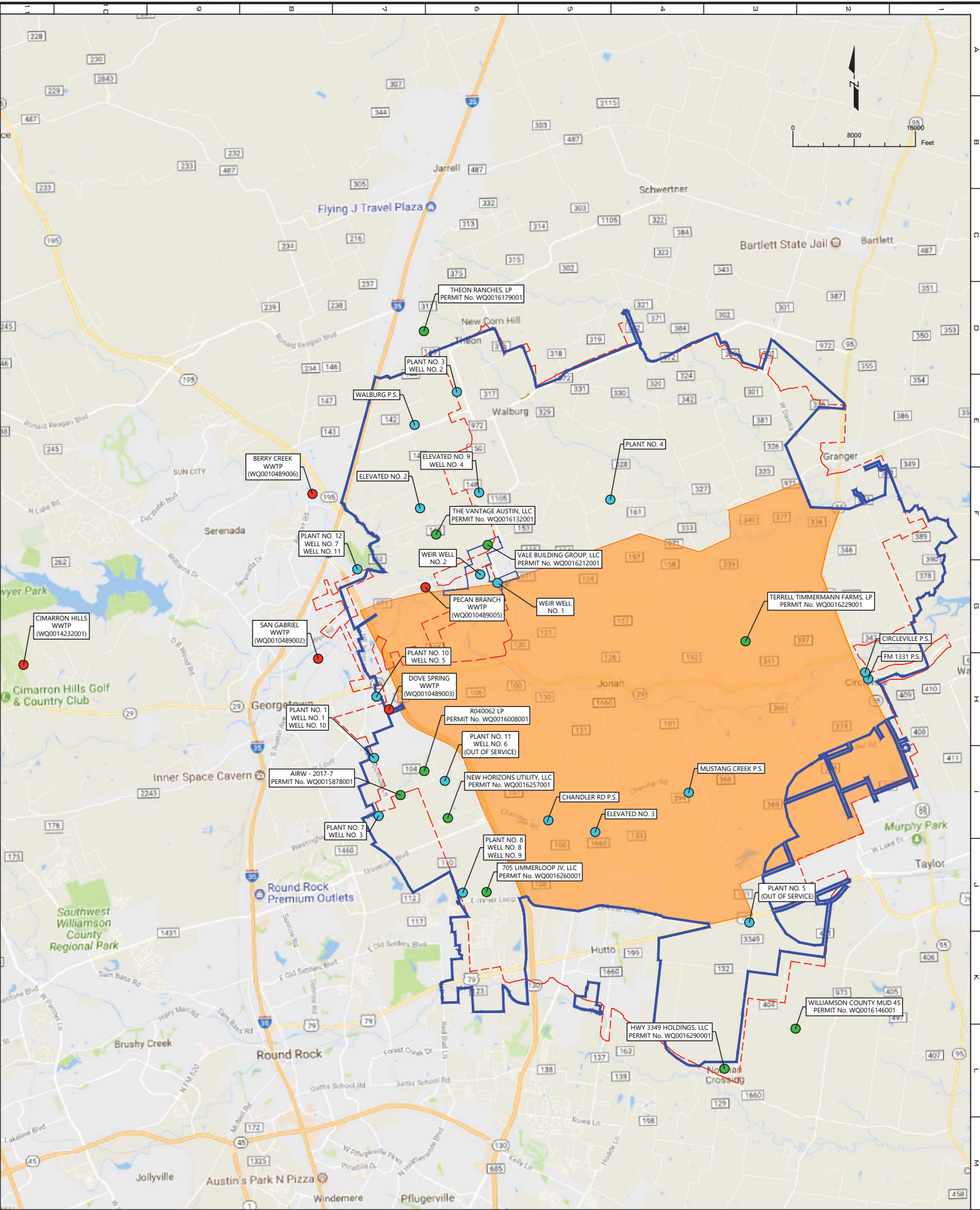
5 A. Jonah is the superior choice to construct and operate the Facility because Jonah will ensure
6 that the Facility is built and maintained to operate at the highest quality standards to
7 safeguard surface-water quality in the region; Jonah's construction and operation of the
8 Facility will comply with Texas' regionalization policy by combining water and
9 wastewater service in the area to a single provider with a history of exceptional operations;
10 additionally, Jonah will not impose requirements on potential customers, such as
11 annexation into a city or compliance with additional development standards, simply to have
12 wastewater treated at the Facility.

13 **IV. CONCLUSION**


14 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

15 A. Yes, but I reserve the right to supplement my testimony as additional information becomes
16 available.


EXHIBIT MW-1




- NOTES:
- INFORMATION USED TO CREATE JONAH'S CCN BOUNDARY WAS ACQUIRED FROM THE PUBLIC UTILITY COMMISSION OF TEXAS' (P.U.C.) WEBSITE ON APRIL 6, 2022
 - INFORMATION USED TO CREATE JONAH'S S.U.D. BOUNDARY WAS ACQUIRED FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S (T.C.E.Q.) WEBSITE ON APRIL 7, 2022
 - LINE LOCATIONS ARE FOR REPRESENTATION ONLY, CONTACT APPLICABLE UTILITY PROVIDER FOR FIELD LOCATIONS
 - THIS PRODUCT IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF THE INFRASTRUCTURE.
 - JONAH WATER S.U.D. NOR ITS REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY WITH RESPECT TO ANY LIABILITY, LOSS, OR DAMAGE CAUSES OR ALLEGED TO BE CAUSED DIRECTLY OR INDIRECTLY BY USE OF THIS MAP.




JONAH CCN:
(AREA: 112,167 ACRES OR
175.26 SQUARE MILES)




JONAH S.U.D.:
(AREA: 108,363 ACRES OR
169.317 SQUARE MILES)




WWMP STUDY AERA
(APPROX AREA: 57,938 ACRES
OR 90.53 SQUARE MILES)



APPROXIMATE LOCATION
OF GEORGETOWN
WASTE WATER
TREATMENT PLANT



APPROXIMATE LOCATION
OF PROPOSED WASTE
WATER DISCHARGE



APPROXIMATE LOCATION
OF EXISTING JWSUD
PLANT

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Envelope ID: 76483561

Filing Code Description: Pre-filed Testimony

Filing Description: Direct Testimony of Miles Whitney on Behalf of Jonah

Water Special Utility District

Status as of 6/9/2023 4:28 PM CST

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Water Special Utility District

Status as of 6/9/2023 4:28 PM CST

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