

**SPECIAL MEETING**  
**AUGUST 31, 2009**

The Special Meeting of the City Commission was called to order at 7:00 p.m. in the Forum Room of Wilbarger Auditorium by Mayor Jeff Bearden, and a quorum was declared present.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, Travis Taylor and Phil McCuiston

Staff Present: City Manager Mitch Grant, Community Development Director Monica Wilkinson, Public Works Director Bob Cochran, City Attorney Trish Byars and City Secretary Linda Byers.

TCEQ representatives present were Karen Goelkel with the Public Affairs Office, Monica Baez and Robert Hansen with the Permitting Division, Michelle Bacon and John Williams with the Environmental Law Division, and Wynona Henry with the TCEQ Regional Office.

Also present were Dwight Brandt and Kyle Schniederjan with Dwight Brandt Engineering.

This special meeting was held in conjunction with the Texas Commission on Environmental Quality (TCEQ) Public Hearing on an Application for Water Quality TPDES Permit Industrial Wastewater Permit #WQ0004868000 which proposes to operate the Nitrate Treatment Plant Ion Exchange Water Treatment Plant which proposes to operate with a maximum flow of 46,000 pounds per day.

During the meeting, members of the public were given the opportunity to ask questions of the City of Vernon and TCEQ Officials about the permit request to discharge nitrates from the city's water supply into the Pease River via a proposed pipeline between the ion exchange plant and the river.

Following the question and answer session, a formal comment period was held in which members of the public were given the opportunity to voice concerns or comments concerning the proposal. City officials and TCEQ officials did not respond to the comments made during the session. TCEQ officials plan to review and summarize the comments and prepare written responses to be mailed to those who submitted the questions. They also noted the process of reviewing the applications and considering approval or disapproval could take up to a year, or longer, if a formal contest of the proposal is filed and additional hearings are scheduled.

City of Vernon Public Works Director Bob Cochran outlined the nitrate discharge proposal and explained the process for removing nitrates from city water. He stated that the ion exchange plant, which was built and went into use in December, 2003, has been shut down since May, 2007 due to the adverse effects the process had on the city's wastewater treatment plant. Those adverse effects included salt deposits leading to rust on metal structures and equipment.

Mr. Cochran stated the city applied for a discharge permit for the ion exchange system for which the city would build a pipeline connecting the plant to the Pease River at a point north of Vernon.

Dwight Brandt with Brandt Engineers stated his firm and the city looked at various options including injection wells and ponds but found such proposals to be more expensive than the ion exchange plant proposal that the city decided on. He stated that information was reviewed which indicated the effect on the Pease River would not be detrimental.

### **INFORMAL DISCUSSION PERIOD**

Jay Pierce raised concerns about the plant and its effects on the water in the Pease River.

Jose Cardenas stated taxpayers are being asked to foot the bill to rebuild the ion exchange facility and develop a plan to discharge the nitrates removed from the water, alleging faulty construction of the facility.

Mr. Cochran responded that the plant was built before he was employed as Public Works Director, and despite problems with the system, it was considered the least expensive solution at the time and was considered the best process for nitrate removal due to less value of waste.

Andy Brumley stated his water quality along the Pease River is already suffering and has resulted in the death of cattle, noting that although his current problems are not due to nitrate discharges, permitting the discharges into the river would make the problem worse. He suggested that the nitrate removal should be disposed into an injection well. He believed that there should be more testing concerning where the waste and salt are going, noting that an injection well was recommended at the beginning of the process to develop the ion exchange system several years ago, but the city dropped the plan due to cost concerns.

Ismael Cortez raised concerns that the proposal would adversely affect the city of Davidson, Oklahoma's water supply and recreational activity along the Red River.

Elton Zoch asked City Manager Mitch Grant if the city would pay for potential damages to adjoining property owners along the river. Mr. Grant responded that the city has no plan for that, and that TCEQ does not consider that factor in reviewing the permit applications.

Mike Hardage raised concerns about the sewer smell along the river.

James Dillingham asked why the city didn't buy water rights from low nitrate sites, stating that he thinks this is getting too costly for the taxpayers of Vernon.

Mr. Cochran responded that the city has researched many different areas north of the city, as well as south and west of Vernon, but found that the wells west and south of Vernon were either low on water or dried up. Having wells north of Vernon was the only alternative.

James Dillingham also voiced concerns that the Pease River was dry most of the year, but the waste would go downstream and build up, creating major problems such as residue seeping into the ground.

Rudy Cardona questioned whether it was necessary to remove the nitrates from the water supply.

Mr. Cochran responded that city water meets Environmental Protection Agency (EPA) requirements except for the nitrate levels, which exceed the maximum allowable levels of 10 milligrams. He stated that the city water supply is tested several times a year by the EPA, but commercial bottled water is tested only once a year by the Food & Drug Administration, adding that Vernon water is safe to drink except by infants, pregnant women and the elderly.

Gloria Cardena questioned why the water was not safe for infants, pregnant women and the elderly. Mr. Cochran responded that the nitrogen in the water can draw oxygen out of the blood of those populations, but that the rest of the population can safely drink from the city water supply. The City provides free supplies of bottled water to those affected people.

Charles McArthur raised concerns about the safety of the discharge, asking if the discharge would kill the fish in the Pease River and attached streams.

Robert Hanson, an aquatic specialist for the TCEQ Water Supply Division said it wouldn't kill the fish and they would still be safe to eat.

Cody Brumley voiced his worries about the effect the discharge would have on the cattle that he raises on property below the discharge site.

Winona Henry, TCRQ Regional Director from Abilene, stated the ion exchange plant would be inspected every two years and that the Red River Water Authority would review the quality of the discharged water. She also outlined the process of filing a complaint to the TCEQ which would lead to an investigation. She said the regional office can be contacted about such concerns.

Sara McDuff questioned the water testing procedure and sites where the water would be tested. She was advised to contact the Red River Water Authority with her concerns since they are responsible for testing all of the rivers and streams that empty into the Red River.

### **FORMAL COMMENT PERIOD**

Andy Brumley stated that there needs to be more public involvement. The water needs to be tested by TCEQ, the EPA or another agency with an unbiased opinion. An injection well to dispose of the nitrates should be the minimum option for consideration, instead of putting wastewater into another water stream. There needs to be some "real" engineering and design for this proposal.

Jose Cardenas emphasized the potential that the Pease River, and ultimately the Red River, could become a potential dump for toxic waste. Chemical analysis of the water indicates the water

contains 35 undesirable elements, in small concentrations, that can cause cancer and other diseases. He alleged that the permit submitted is incomplete, inconsistent and lacks relevant information on the proposed discharge, claiming that the city failed to list chemical components to be disposed other than wastewater. He said the TCEQ should rescind the city's preliminary plan and consider alternative proposals such as blending water with less nitrate content from other sources and turn abandoned oil and gas wells into discharge sites. He is concerned that the Pease River bed is sand and porous, and that the discharge would seep into the ground for long distances. He voiced concern that any well drilled in that basin could be contaminated and vegetation could be overloaded with nitrates – killing cattle. Discharge will not be diluted, but will evaporate and become concentrated. He feels that TCEQ should provide an environmental impact study. Toxic pollutants should not be dumped to create additional pollution in the environment.

Elton Zoch voiced concern that the red bed of the Pease River under the channel is at the same level as the proposed discharge and any well drilled there will contain nitrates and other chemicals. The discharge will not be diluted in summer because of no stream flow.

Rusty Riddle voiced his concern and encouraged denial of the discharge permit.

Ismael Cortez was concerned for the negative effect on the people downstream of the discharge and encouraged denial of the permit.

Tommy Weaver wanted water samples to be taken from downstream wells.


Shane Castlebury asked about the computer model that TCEQ prepared, asking how TCEQ arrived at their decision.

Jose Cardenas asked what is the river flow rate used in the TCEQ calculations and charged that the TCEQ calculations were incorrect.

After hearing all public comment, the Public Meeting was declared closed at 9:05 pm.

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary