PROGRESS IN MOTION

February 10, 2009

Mr. Sid Slocum
Water Section Manager
Dallas/Fort Worth Regional Office
2309 Gravel Road
Fort Worth, Texas 76118-6951

Reference: Notice of Enforcement for Compliance Evaluation Investigation at:
Stewart Creek near Dallas North Tollway Bridge, Frisco, Texas
Regulated Entity No. 101430437, Incident No. 119333
Investigative Report No. 723549

Dear Mr. Slocum:

Please accept this letter as our response to your investigative report for the above referenced incident.

We were contacted by the North Texas Municipal Water District (NTMWD) on Monday, December 15, 2008 about a possible loss of flow at the Stewart Creek West WWTP. The NTMWD inquired about the possibility of any lift station malfunctions within our system.

On December 16, we began a thorough investigation of our lift stations. We found all lift stations functioning properly. Also beginning December 16 and continuing through December 24, we walked 57,260 linear feet of off-site sewer lines immediately upstream from the Stewart Creek West WWTP in order to identify any possible breaches of our collection or transmission lines. We notified the NTMWD of our plans to walk the off-site sewer lines. We currently have three wastewater collection system maintenance crews to operate and maintain approximately 500 miles of sewer pipe. One crew was completely assigned the responsibility of walking and checking manholes on our off-site sewer lines near the plant, while the other two crews responded to at least 19 separate service calls related to stoppages, repairs, etc. during that week before Christmas.

PUBLIC WORKS DEPARTMENT
CITY OF FRISCO
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On December 24, 2008, we did walk the line where the break was ultimately found. We began this inspection at the manhole immediately downstream of the leak and walked toward the plant. This downstream manhole was observed flowing almost full so we did not consider moving upstream at that time.

At about 3 pm on December 29, we were contacted by the NTMWD with news that they had located the location of the leak. We certainly appreciated their help. By 4 pm, we had crews mobilizing for repair and by 8 pm the leak was completely and properly repaired.

On the following morning, December 30, Kevin Grant (Operations Manager) spoke with Jeff Tate with the TCEQ by phone to report the problem and followed the phone call with the required written notification to fax number 817-588-5700 and to the Austin TCEQ office by mail.

I do believe that the amount of discharge has been grossly overstated. It was certainly not 9.0 million gallons (mg). During 2008, the City of Frisco with the NTMWD placed the 5.0 mgd Panther Creek WWTP in service. During 2008, we reversed flow from three lift stations to provide flow to the new plant. The flow reversal reduced the flow to the Stewart Creek West WWTP by about 2.0 mgd. So, there is no winter flow history for the plant conditions that occurred in December 2008. Also, the plant does not have an influent flow meter, only a meter at the effluent. It also rained during this period which would have resulted in flow increases due to infiltration/inflow. We do acknowledge the leak and the loss of flow at the plant, but not the reported magnitude. The 9.0 mg estimate provided in the TCEQ investigation report may have been accurate had the Panther Creek WWTP not been in operation.

We dispute the conclusions regarding the impact to the environment. At no time during this period did we receive any complaints for odor or sewage debris. In fact, during our initial walk-through of this line downstream of the leak, we did not observe any dead fish or other obvious debris that would indicate a leak upstream.

Kevin Grant personally walked the creek on Wednesday, December 31, 2008, for approximately three miles from the leak location to just upstream of the Stewart Creek West WWTP effluent discharge. He observed no dead fish and about a total of 20 gallons of sewage debris at four location. There were no visible signs of a serious impact to the creek or the surrounding environment. We also monitored the DO levels along the creek from the leak. The DO levels ranged from 8.1 to 13.4 mg/l, well above levels that have an adverse impact on aquatic life.

As a matter of history, the damage to our sewer line occurred about 12 years ago by the paving contractor for the construction of the southbound DNT service road. Apparently, the contractor damaged our sewer line made an improper repair and did not notify us of the damage. His repair consisted of a plywood cover over the damaged line with concrete encasement, followed with back-filling the pipe. The problem surfaced last year after stormwater from the construction of the main DNT lanes eroded the concrete from

the old repair. My Utilities Superintendent observed the leak just prior to our repair. He indicated a flow of about one inch deep and about 12 inches wide.
The City of Frisco could not have prevented a leak from an improper sewer line repair that we did no know existed. We also properly reported the unauthorized discharge and have eye-witnesses that observed no dead fish or other serious impacts to the environment. If you have questions or need additional information, please contact me at your convenience.

Sincerely,

City of Frisco

Gary R. Hartwell, P.E.
Director