

Texas RioGrande Legal Aid has sent the Liberty Hill mayor a letter giving a 60-day notice that it intends to file a federal lawsuit against the city claiming its wastewater treatment plant has violated the levels of nutrients it can release into the South San Gabriel River 3,108 times since 2015.

The violations and the fact that they have made the river unusable for recreation are violations of the Clean Water Act, the letter said. Each violation per day carries a possible fine of up to \$55,800, according to the letter.

Liberty Hill Mayor Rick Hall did not respond to a request for comment and neither did Wayne Bonnet, the city's director of public works. The letter, sent on Sept. 4, gives Hall 20 days from the time of receipt to negotiate to avoid a lawsuit.

Bonnet has previously said the plant was "using the best technology we can obtain to make sure we are doing the best we can as far as the environment."

The letter said the lawsuit would be filed on behalf of Stephanie Morris, who lives with her family by the river about a quarter-mile downstream from where the Liberty Hill plant discharges treated wastewater into the river.

Morris said in August that the river was "clogged with mats of algae in various stages of growth and rotting."

She said if she walked in the water near her property "my boots disappear in the gelatinous beige muck and a bubbling stench rises with a black cloud of water." She said her family cannot swim or wade in the part of the river that runs past their own house.

"We have to hop in the car, drive, park and hike like everyone else to enjoy the same river that runs across our own lot," Morris said.

Amy Johnson, a lawyer for the Texas RioGrande Legal Aid nonprofit, said the goal of the lawsuit was not to "extract as much money as possible" but to get the plant to clean up the discharge and/or stop it.

Liberty Hill has a permit that allows it to discharge up to 1.2 million gallons of treated wastewater effluent a day into the South San Gabriel River. The permit also allows the city to expand its plant so it can discharge 4 million gallons a day into the river in the future.

"Due to the city's discharge of phosphorus and nitrogen-rich wastewater effluent into the river, the receiving water is often choked with algae and aquatic vegetation," the letter from Texas RioGrande Legal Aid said.

It said the wastewater treatment plant's violations included exceeding total phosphorus permit limits for at least 994 days from Nov. 1, 2015, through July 31, 2020, according to the city's worksheets and online enforcement and compliance reports from the Environmental Protection Agency.

Violations also included exceeding ammonia nitrogen permit limits for at least 1,070 days from Nov. 29, 2015, to Feb. 29, 2020 and also exceeding total suspended solids permit limits for 321 days from Dec. 1, 2015 through Feb. 28, 2018.

The letter also said Liberty Hill made errors reporting the testing results of the treatment plant's discharge, including calculating daily averages incorrectly by using a zero on days when no samples were taken.

"This has led to repeated and absurdly low incorrect reported measurements for many of the limits for which Liberty Hill is required to sample," according to the letter.

The Texas Commission on Environmental Quality has investigated Liberty Hill and the South Fork San Gabriel River several times, the letter said.

"However, TCEQ has acted slowly in its enforcement, and, even when it has gone through with an agreed order, has failed to deal with many of the relevant violations," according to the letter.

The TCEQ said it has investigated Liberty Hill's wastewater treatment plant in 2018 and 2019 in response to complaints and has issued orders for the plant to follow about violations the state agency has documented.

The agency also hosted a public meeting on Aug. 17 to gather comments on Liberty Hill's proposed renewal of its discharge permit.

Ryan King, a biology professor at Baylor University, recently shot a drone video of the South San Gabriel River. "View this drone footage for sad lesson in how to ruin a stream," he tweeted. "The video ends just upstream of the discharge, providing glimpse of how river should look."