

	§	BEFORE THE
In the Matter of	§	TEXAS COMMISSION ON
Application of Elan Development, LP	§	ENVIRONMENTAL QUALITY
for TPDES Permit No.	§	CHIEF CLERKS OFFICE
WQ0014694001	§	

**Executive Director's Response to Motion to Overturn the Issuance of TPDES Permit No.
WQ0014694001**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to the Motion to Overturn (MTO) the ED's approval of the issuance of new Texas Pollutant Discharge System (TPDES) permit no. WQ1004694001 to Elan Development, LP (Applicant). An MTO was filed by the Jeffery Lochore, General Partner, Little Princess's Investment Company (LPIC). Attached for Commission consideration are the following:

- Attachment A Adjacent Landowner Mailing Lists
- Attachment B Adjacent Landowner Map & Ownership Listing
- Attachment C Satellite Map of Area
- Attachment D Email Documenting Informal Region Investigation of Discharge Route
- Attachment E Public Notice Verification Forms NORI and NAPD

I. GENERAL BACKGROUND

The Applicant was issued a new TPDES permit authorizing it to treat and discharge wastes from the Saddleridge Ranch Wastewater Treatment facility. The permit authorizes the Applicant to discharge an average daily flow of 180,000 gallons per day (gpd) in interim Phase I, an average daily flow of 360,000 gpd in the interim Phase II, and an average daily flow of 1.0 million gpd in the Final Phase. The facility will be located approximately 4,300 feet east and 1,500 feet north of the intersection of Farm-to-Market Road 1314 and Calhoun Road in Montgomery County, Texas.

II. PROCEDURAL BACKGROUND

The application was received on March 6, 2006 and was declared administratively complete on May 31, 2006. The Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) was published in *The Courier* on June 21, 2006. The ED completed a technical review of the application and prepared a draft permit. The Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) was published in *The Courier* on October 6, 2006. Alternative Language Notice of the NAPD was published in *El Sol Newspaper* on October 27, 2006 and the comment period ended on November 27, 2006. This application is subject to the procedural requirements of House Bill 801 (76th Legislature, 1999).

III. SUBSTANTIVE ISSUES RAISED BY THE MOVANTS

1. LPIC's untimely comments and contested case hearing (CCH) request.

The permit application requires the Applicant to submit a landowner list and map showing adjacent landowners to the facility and those landowners located up to one mile downstream on the discharge route. The adjacent landowner list filed in the Office of the Chief Clerk (OCC) includes LPIC (See Attachment B). Notification of both the NORI and NAPD are mailed by the OCC. The address on the adjacent landowner list for the NORI (See Attachment A, mailing list dated June 8, 2006, see page 2, column 1) and the NAPD (See Attachment A, mailing list dated September 11, 2006, see page 2 of 3, column 1) is identical to the address on the hearing request and MTO: "Little Princess Investment Co., P.O. Box 1762, Porter, TX 77365." The comment period ended on November 27, 2006 and LPIC's comments and hearing request were received by the OCC on December 11, 2006. No public comments were received on this permit application during the public comment period.

A review of the file indicated that LPIC was left off of the original adjacent landowner list submitted by the Applicant in February, 2006, but was added prior to publication of the NORI in June, 2006. Since LPIC was on the adjacent landowner list for the NORI, the OCC mailed notice to all names and addresses on the list, as is OCC's practice. LPIC is also on the mailing list for the NAPD, and the ED assumes that notice was sent to LPIC in that case as well.

However, while investigating LPIC's claim that notice was defective, an unrelated issue regarding notice was discovered. 30 TAC § 39.405(h) outlines the requirements for alternative language notice that apply to wastewater discharge applications. 30 TAC § 39.405(h)(2) requires alternative language notice to be published for the NORI and NAPD if either the elementary or middle school nearest the facility is required to provide a bilingual education program as required by the Texas Education Code and if one of the following conditions is met:

1. Students are enrolled in a program at that school;
2. Students from that school attend a bilingual education program at another location; or
3. The school that otherwise would be required to provide a bilingual education program waives out of this requirement under 19 TAC § 89.1205(g).

The Public Notice Verification Form for the NORI submitted by the Applicant indicated that the nearest elementary and middle school in the area did not have bilingual programs, but that "students who require bilingual programs attend other schools." This statement should have triggered alternative language notice of the NORI (See Attachment E, NORI). However, the Applicant stated on the verification line that alternative language notice was "not required." Therefore, the Applicant did not publish alternative language notice for the NORI.

On the Public Notice Verification Form for the NAPD, the Applicant stated that the same schools listed on the NORI verification form have a bilingual program in Spanish and verified that the NAPD for this permit application was subject to the alternative language notice requirements

(See Attachment E, NAPD). Alternative language notice for the NAPD was published on October 27, 2006.

The ED would suggest that the Commission treat alternative language publication of the NAPD as curing any defect caused by the Applicant failing to publish an alternative language notice for the NORI. Publication of the alternative language NAPD still offered the opportunity for those persons targeted to provide public comment on the permit application. In this case, mailed notice is the issue, not published notice. Therefore, the ED would recommend that the Commission find that the Applicant has substantially complied with the notice requirements and not overturn the decision on the application based on the failure to publish an alternative language NORI.

2. Description of the discharge route.

LPIC alleges that it owns "79 acres adjacent to the eastern boundary" of the Applicant's property. First, it is not clear where these 79 acres are located in relation to the discharge route. The MTO states that the wastewater facility is located "almost 1.5 miles" from LPIC's property. The adjacent landowner map submitted by the Applicant shows no such parcel owned by LPIC, probably because the parcel is located more than one mile downstream from the proposed discharge. The property shown on the adjacent property map as being owned by LPIC is identified as Parcel #63, which appears to be a residential lot located on the southwest boundary of the facility. Parcel #63 is not located on the proposed discharge route (See Attachment B). The only large parcel located on the eastern side and adjacent to the Applicant's property is parcel #42 on the Applicant's adjacent landowner map, which is owned by FM1314-Oak Tree, LTD. Apparently, the track of land referred to by LPIC is located off the map somewhere to the east.

The permit describes the proposed discharge as being to an on-site drainage channel, then to a pumped detention pond, then to a series of drainage ditches, then to Dry Creek, then to Caney Creek in Segment 1010 of the San Jacinto River Basin. On January 25, 2007, a TCEQ Region 12 Investigator went to the proposed site to inspect the discharge route at the request of the

Environmental Law Division (See Attachment D). The Inspector noted that the proposed discharge route crosses under Old Houston Road via two 24" corrugated plastic culverts. The Inspector also noted that there had been extensive amounts of rain (estimated - 4-5") for the previous week and a half prior to the investigation and both upstream and downstream of Old Houston Road contained large amounts of water. The Inspector noted that west of Old Houston Road was heavily wooded and that she could not see a clearly defined channel due to the high volume of storm water runoff. Downstream on the east side of the road, the Inspector noted a low broad channel approximately 15-20' wide, but was unable to investigate further downstream due to flooding. However, the Inspector estimated that the channel was visible for about 100' downstream on the date of her investigation.

A satellite map generally shows the existence of some sort of channel east and west of Old Houston Road, approximately .8 miles downstream from the discharge point (See circled point on Attachment C). From the satellite view there are some small channels visible west of Old Houston Road, but it was not clear from this perspective exactly how the discharge would reach Caney Creek.

LPIC alleges that the discharge route is improperly described, but has not identified what is inaccurate about the description. LPIC alleges that the discharge will cross its property where no discharge channel exists. However, LPIC provides no address or exact location of their property. The only identifiable property owned by LPIC is a residential lot adjacent to the facility and that lot is not located on the discharge route.

Therefore, based on the information available, the ED cannot conclude that the discharge route is improperly described or that the discharge will cross property owned by LPIC. If the proposed discharge does cross property owned by LPIC, the ED cannot determine the existence of a discharge channel to convey the wastewater due to LPIC's failure to provide a physical location or description of the property in question.

III. EXECUTIVE DIRECTOR'S RECOMMENDATION

The ED respectfully recommends that the Commission deny the Motion to Overturn filed by LPIC. LPIC was mailed notices of the permit application and has not identified any deficiencies or inconsistencies with the applicable statutory, regulatory, or permit provisions in the ED's approval of this permit.

Texas Commission on Environmental Quality

Glenn Shankle
Executive Director

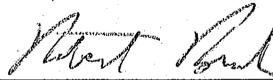
Robert Martinez, Director
Environmental Law Division

by  _____

Robert D. Brush, Staff Attorney
Environmental Law Division
State Bar No. 00788772

CERTIFICATE OF SERVICE

I certify that on January 29, 2007, the original and 11 copies of the Executive Director's Response to Motion to Overturn the Issuance of TPDES Permit No. WQ0014694001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and mailed or faxed to all persons on the attached mailing list.



Robert D. Brush, Staff Attorney
Environmental Law Division
State Bar No. 00788772

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 FEB -5 PM 2:20

CHIEF CLERK'S OFFICE

MAILING LIST
FOR MSGP AUTHORIZATION NO. TXR05T197
Connors Construction, Inc.
TCEQ Docket No. 2006-2249-WQ

FOR THE APPLICANT:

Martin Rochelle
David Klein
Lloyd Gosselink Blevins Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Fax: (512) 472-0532

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Texas Commission on Environmental Quality
Wastewater Permits Section, MC-148
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Austin, Texas 78711-3087

FOR ALTERNATIVE DISPUTE RESOLUTION

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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OFFICE OF PUBLIC INTEREST COUNCIL

Blas Coy, Jr.
Texas Commission on Environmental Quality
Office of Public Interest, MC-103
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Fax: (512) 239-6377

REQUESTOR

Jeffery Lochore
P.O. Box 1762
Porter, Texas 78711-3087
Fax: (281) 354-6184

APPLICANT & THEIR CONTACTS DURING APPLICATION PROCESS MAILING LIST FOR NOTICE

Applicant Information

LEGAL NAME OF FACILITY OWNER Elan Development, L.P.
OPERATOR (if required to be co-permittee)
PERMIT MAILING ADDRESS 211 Highland Cross Drive, Suite 101
Houston, Texas 77073-1700

CN602549495

RN104913454

53344

CONTACT INFORMATION

APPLICANT'S REPRESENTATIVE(S) OR CONTACT PERSON DURING APPLICATION PROCESS

David Warner, P.E.
Montgomery & Associates
450 Gears Road, Suite 200
Houston, Texas 77067
Telephone: 281-775-4650
Fax: 281-876-4688

NOTICE TO BE PUBLISHED BY

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Fax: 281-876-4688

CHIEF CLERK'S OFFICE
MAY 15 11 10 AM '99
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

MAILING LISTS

FIXED STATE MAILING LIST (by Chief Clerk)

COUNTY MAILING LIST Montgomery

CITY TO BE NOTIFIED Conroe

NOTICE TO GLO (X)YES () NO

ADJACENT/DOWNSTREAM LANDOWNERS LIST PLUS INTERESTED PERSONS (N/A for renewals or minor amendments)

LANDOWNER MAILING LIST ATTACHED (X)YES () NO

BILINGUAL NOTICE REQUIRED () YES (X) NO

NOTIFY FOLLOWING COUNTY JUDGES ONLY IF THEY OFFICIALLY REQUESTED TO BE NOTIFIED OF ALL PERMIT ACTIONS (only applies to facilities with a flow of 5 MGD or greater)

JAMES FIELDS
PO BOX 295
CONROE TX 77305

KENNEN LAYNE BYLER
15721 HILL AND DALE TERRACE DR
SPLENDORA TX 77372

ROBERT L REDDEHASE
5211 THIESS RD
HUMBLE TX 77338

JESSIE RUTH CLARK
16652 PAYNE RD
CONROE TX 77302

FRANK L & MARY ANN CANON
25603 PENGUIN ST
MAGNOLIA TX 77355

DARRELL DUDCZAK
7223 NICKABURR CRK
MAGNOLIA TX 77354

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900 GRANDBERRY ST
HUMBLE TX 77338

JEWEL SCOTT
4211 CREEK LEDGE
AUSTIN TX 78731

WILLIAM G NEWMAN
18404 OLD HOUSTON RD
CONROE TX 77302

MONTGOMERY COUNTY
400 N SAN JACINTO ST
CONROE TX 77301-2823

BERTRAND PROPERTIES LTD
117 S WIND DR
MONTGOMERY TX 77356-8235

OAKTREE LTD
PO BOX 603
PORTER TX 77365

PAUL MCQUEEN
18153 FM 1314 RD
CONROE TX 77302-5911

MICHAEL W & JANICE A CURRIER
19886 N STAR DR
PORTER TX 77365-3042

CONROE ISD
SUPERINTENDENT
3205 W DAVIS ST
CONROE TX 77304-2052

MARILYN ABBOTT
PETER MANN
17571 FM 1314 RD
CONROE TX 77302-4857

DELOS ENTERPRISES
504 W LEWIS ST
CONROE TX 77301

K MRS EST NELSON
RONALD R LEAHEY
2935 NE 43RD AVE
PORTLAND OR 97213-1106

MARTIN REALTORS
MARTIN TOM
PO BOX 603
PORTER TX 77365-0603

RIGOBERTO GONZALES
17234 FM 1314 RD
CONROE TX 77302-4850

J H CARLILE
15092 GREENBOUGH ST
CONROE TX 77302-5338

HARLEY H MILNER
15049 GREENBOUGH ST
CONROE TX 77302-5339

MADELINE CAROL OAKS
20585 PIN OAK RD
NEW CANEY TX 77357

SUSAN BACON TR
636 BELLINGRATH PARK
CONROE TX 77302-3018

SAMUEL E JR & CONSTANCE
TROYER
16607 ALDRICH ST
CONROE TX 77302-5303

ANTONIO CORONA
11958 MEDICINE BOW CIR
HOUSTON TX 77067-1116

RONALD & PATRICIA FARRELL
16559 ALDRICH ST
CONROE TX 77302-5301

Landowner List - (1 of 3)

06/10/06

ISMAEL G MATA
20614 SLEEPY HOLLOW LN
SPRING TX 77388

JAMES L CLARK
PO BOX L
NAPLES TX 75568

CONROE ISD TAX TRUST
3205 W DAVIS ST
CONROE TX 77304-2052

KEYSTONE-GARRETT PROP
PO BOX 1409
CONROE TX 77305-1409

FM1314-OAK TREE LTD
8150 N CENTRAL EXPRESSWAY
DALLAS TX 75206

STATE OF TEXAS
GENERAL LAND OFFICE
17000 N CONGRESS AVENUE
STE 130
AUSTIN TEXAS 78701-1495

BURNABY PROPERTIES LTD
PO BOX 1406
SPRING TX 77383-1406

WANDA MOORHEAD
PO BOX 413
CONROE TX 77305-0413

DIANA SAUTER
22619 DIANE DR
SPRING TX 77373-7507

JUVENTINO & GREGORIA CAZARES
607 E 26TH ST
HOUSTON TX 77008-2319

TU VAN & KIM H TRAN
17038 GLENEAGLE DR S
CONROE TX 77385-4614

NELSON C SHEPPARD
8022 12TH FAIRWAY LN
HUMBLE TX 77346-4503

JACKIE MADDEN SHORES
15590 VILLAGE WOODS DR
CONROE TX 77302-6756

BARBARA TRAHAN
723 SHENANDOAH DR
SPRING TX 77381-1043

CURTIS M PEACOCK
17858 FM 1314 RD
CONROE TX 77302-5904

ANDY E & GARLAND M KEETH
14867 LYRIC RD
CONROE TX 77302-6751

LARRY SR & ANNETTE SKERO
15337 BENNETTE WOODS RD
CONROE TX 77302-6815

SCOTT W GUILLOTE
17806 FM 1314 RD
CONROE TX 77302-5904

TRUITT W THOMAS
PO BOX 7714
HOUSTON TX 77270-7714

MICHAEL FRENCH
5006 SEYMOUR DR
HOUSTON TX 77032-4620

RANDALL & ELAINE TATRO
17728 FM 1314 RD
CONROE TX 77302-5902

LITTLE PRINCESS INVESTMENT CO
PO BOX 1762
PORTER TX 77365-1762

RICHARD LYNCH
PO BOX 657
HYANNIS MA 02601-0657

RENE W MARTIN
2442 LAKE VILLAGE DR
KINGWOOD TX 77339-3649

JOHNNY F & JOY A WRIGHT
14809 MCGREGOR RD
CONROE TX 77302-6625

MARIA DEL GLUR
357 LOST CREEK CT N
KEIZER OR 97303-8100

BENTLEY WALTERS
7530 PINETEX DR
HUMBLE TX 77396-2681

NORTHEAST CHURCH OF CHRIST
PO BOX 166
PORTER TX 77365-0166

STEVEN JR & SHELLY M POLONSKI
27770 SOUTHLAND DR
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STEVEN M & DONNA G ACORD
WICK
18415 OLD HOUSTON RD
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SALOMON & MARGARET HERRERA
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(2-02)

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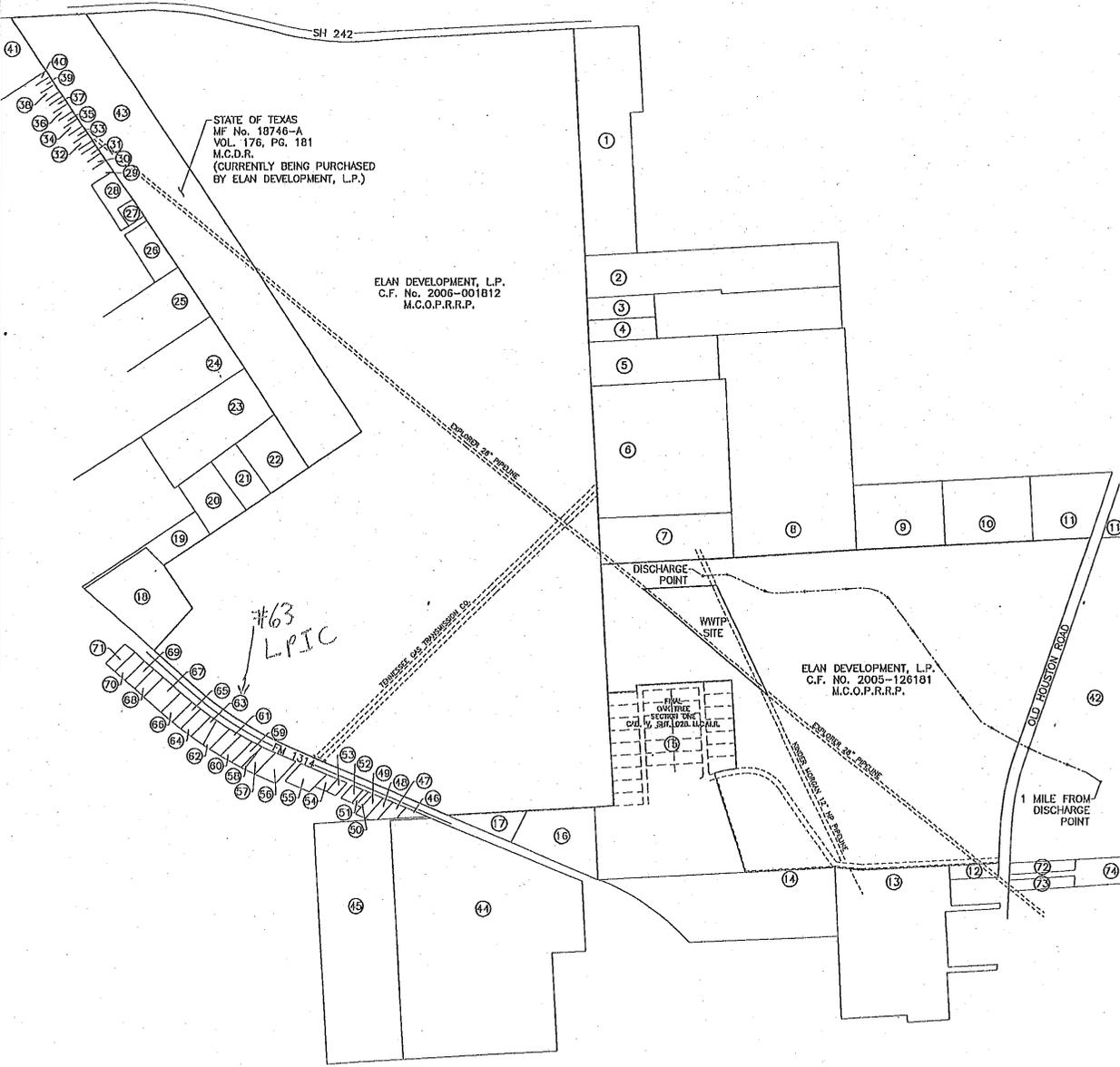
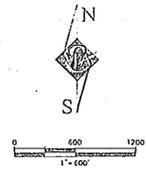
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SALOMON & MARGARET HERRERA
19258 TIMBERLAND BLVD
PORTER TX 77365-6465

1. condio. mas

2/11/16

3 of 3



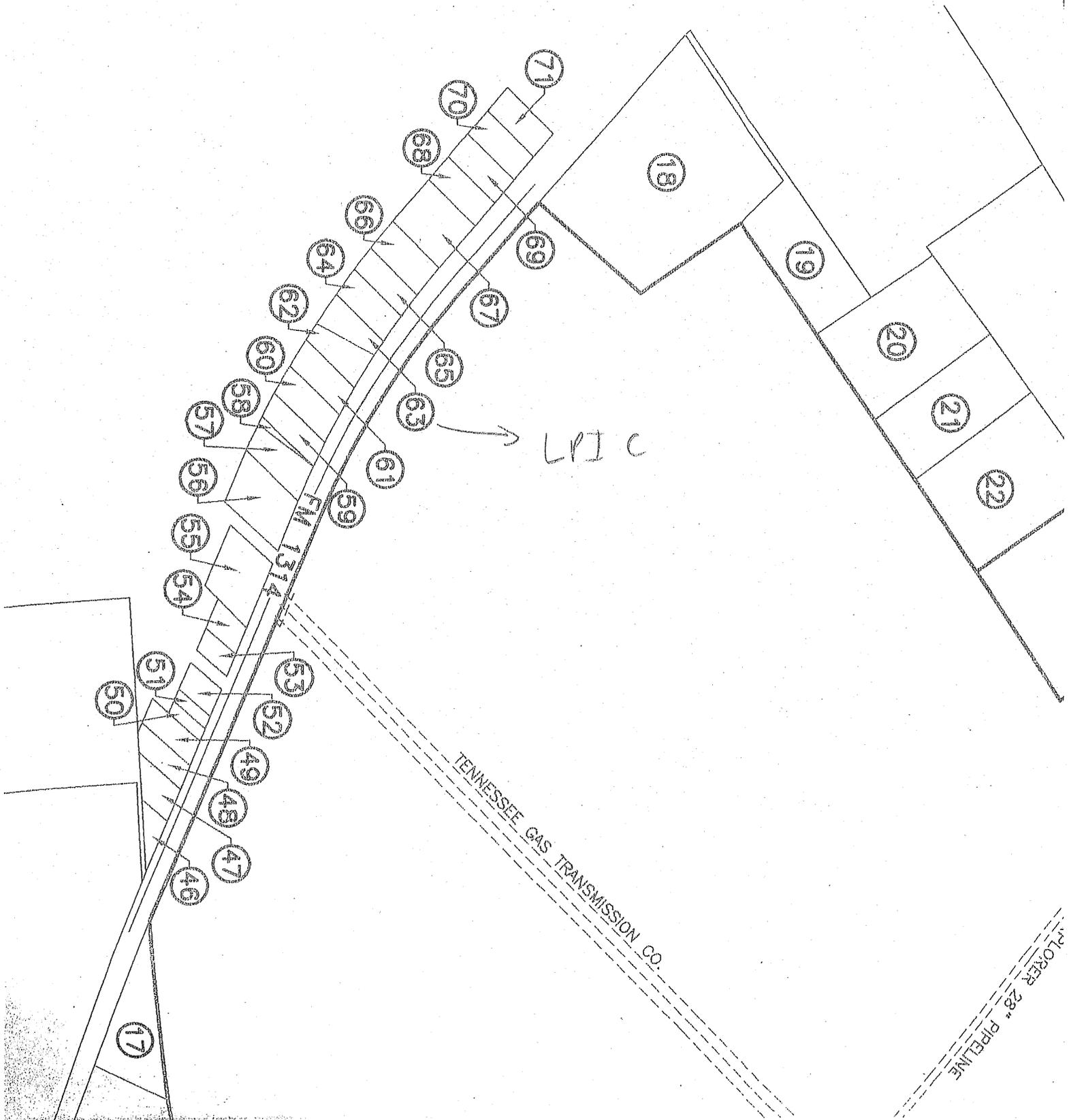
LEGEND:
 ① NUMBER CROSS-REFERENCED TO LIST OF LANDOWNERS


Montgomery & Associates
 430 CHAIR ROAD, SUITE 200
 HOUSTON, TEXAS 77057
 PH. (281)775-4650, FAX. (281)876-4688

EXHIBIT 2
AFFECTED LANDOWNERS
 ELAN DEVELOPMENT, L.P.
 SADDLERIDGE RANCH W.W.T.P.

DATE: 02-06 PROJ. No. 5004-05

Revised Map



FLOWER 28" PIPELINE

EXHIBIT 2
AFFECTED LAND OWNERS
NEW PERMIT, ELAN DEVELOPMENT, L.P. – SADDLERIDGE RANCH W.W.T.P.

1
JAMES FIELDS
P.O. BOX 295
CONROE, TX 77305

2
KENNEN LAYNE BYLER
15721 HILL AND DALE TERRACE DR
SPLENDORA, TX 77372

3
ROBERT L REDDEHASE
5211 THIESS RD
HUMBLE, TX 77338

4
JESSIE RUTH CLARK
16652 PAYNE RD
CONROE, TX 77302

5
FRANK L & MARY ANN CANON
25603 PENGUIN ST
MAGNOLIA, TX 77355

6
DARRELL DUDCZAK
7223 NICKABURR CRK
MAGNOLIA, TX 77354

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FRANK L & MARY ANN CANON
25603 PENGUIN ST
MAGNOLIA, TX 77355

8
JESSIE & CARRIE SUE FARMER
16696 PAYNE RD
CONROE, TX 77302

Elan Development, L.P.

APR 11 2006
Water Quality Application

9

CARRIE S FARMER
16696 PAYNE RD
CONROE, TX 77302

10

DR CJ ETUX PANNZARELLA
900 GRANDBERRY ST
HUMBLE, TX 77338

11

JEWEL SCOTT
4211 CREEK LEDGE
AUSTIN, TX 78731

12

WILLIAM G NEWMAN
18404 OLD HOUSTON RD
CONROE, TX 77302

13

MONTGOMERY COUNTY
400 N SAN JACINTO ST
CONROE, TX 77301-2823

14

BERTRAND PROPERTIES LTD
117 S WIND DR
MONTGOMERY, TX 77356-8235

15

OAKTREE, LTD.
P.O. BOX 603
PORTER, TX 77365

16

PAUL MCQUEEN
18153 FM 1314 RD
CONROE, TX 77302-5911

17

MICHAEL W & JANICE A CURRIER
19886 N STAR DR
PORTER, TX 77365-3042

Received

APR 11 2006

Water Quality Applications Team

18
CONROE ISD
SUPERINTENDENT 3205 W DAVIS ST
CONROE, TX 77304-2052

19
MARILYN ABBOTT
PETER MANN 17571 FM 1314 RD
CONROE, TX 77302-4857

20
DELOS ENTERPRISES
504 W LEWIS ST
CONROE, TX 77301

21
DELOS ENTERPRISES
504 W LEWIS ST
CONROE, TX 77301

22
DELOS ENTERPRISES
504 W LEWIS ST
CONROE, TX 77301

23
K MRS EST NELSON
RONALD R LEAHEY 2935 NE 43RD AVE
PORTLAND, OR 97213-1106

24
MARTIN REALTORS
MARTIN TOM PO BOX 603
PORTER, TX 77365-0603

25
RIGOBERTO GONZALES
17234 FM 1314 RD
CONROE, TX 77302-4850

26
J H CARLILE
15092 GREENBOUGH ST
CONROE, TX 77302-5338

RECEIVED

APR 11 2006

Water Quality Applications Team

27

HARLEY H MILNER
15049 GREENBOUGH ST
CONROE, TX 77302-5339

28

HARLEY H MILNER
15049 GREENBOUGH ST
CONROE, TX 77302-5339

29

MADELINE CAROL OAKS
20585 PIN OAK RD
NEW CANEY, TX 77357

30

MADELINE CAROL OAKS
20585 PIN OAK RD
NEW CANEY, TX 77357

31

15008 ALLENDALE LAND TR
SUSAN BACON TR 636 BELLINGRATH PARK
CONROE, TX 77302-3018

32

SAMUEL E JR & CONSTANCE TROYER
16607 ALDRICH ST
CONROE, TX 77302-5303

33

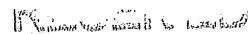
SAMUEL E JR & CONSTANCE TROYER
16607 ALDRICH ST
CONROE, TX 77302-5303

34

ANTONIO CORONA
11958 MEDICINE BOW CIR
HOUSTON, TX 77067-1116

35

RONALD & PATRICIA FARRELL
16559 ALDRICH ST
CONROE, TX 77302-5301



APR 11 2003

Quality Applications

36

RONALD & PATRICIA FARRELL
16559 ALDRICH ST
CONROE, TX 77302-5301

37

ISMAEL G MATA
20614 SLEEPY HOLLOW LN
SPRING, TX 77388

38

JAMES L CLARK
PO BOX L
NAPLES, TX 75568

39

JAMES L CLARK
PO BOX L
NAPLES, TX 75568

40

CONROE ISD TAX TRUST
3205 W DAVIS ST
CONROE, TX 77304-2052

41

KEYSTONE-GARRETT PROP
PO BOX 1409
CONROE, TX 77305-1409

42

FM1314-OAK TREE, LTD
8150 N CENTRAL EXPRESSWAY
DALLAS, TX 75206

43

STATE OF TEXAS,
GENERAL LAND OFFICE
17000 N. CONGRESS AVENUE
STE. 130
AUSTIN, TEXAS 78701-1495

Handwritten signature

APR 11 2006

Water Quality Applications Team

46

DIANA SAUTER
22619 DIANE DR
SPRING, TX 77373-7507

47

JUVENTINO & GREGORIA CAZARES
607 E 26TH ST
HOUSTON, TX 77008-2319

48

TU VAN & KIM H TRAN
17038 GLENEAGLE DR S
CONROE, TX 77385-4614

49

TU VAN & KIM H TRAN
17038 GLENEAGLE DR S
CONROE, TX 77385-4614

50

NELSON C SHEPPARD
8022 12TH FAIRWAY LN
HUMBLE, TX 77346-4503

51

NELSON C SHEPPARD
8022 12TH FAIRWAY LN
HUMBLE, TX 77346-4503

52

JACKIE MADDEN SHORES
15590 VILLAGE WOODS DR
CONROE, TX 77302-6756

53

BARBARA TRAHAN
723 SHENANDOAH DR
SPRING, TX 77381-1043

54

CURTIS M PEACOCK
17858 FM 1314 RD
CONROE, TX 77302-5904

RECEIVED

MAY 08 2006

Water Quality Applications Team

55

CURTIS M PEACOCK
17858 FM 1314 RD
CONROE, TX 77302-5904

56

ANDY E & GARLAND M KEETH
14867 LYRIC RD
CONROE, TX 77302-6751

57

LARRY SR & ANNETTE SKERO
15337 BENNETTE WOODS RD
CONROE, TX 77302-6815

58

SCOTT W GUILLOTE
17806 FM 1314 RD
CONROE, TX 77302-5904

59

SCOTT W GUILLOTE
17806 FM 1314 RD
CONROE, TX 77302-5904

60

STEVEN JR & SHELLY M POLONSKI
27770 SOUTHLAND DR
SPLENDORA, TX 77372-4413

61

STEVEN M & DONNA G ACORD WICK
18415 OLD HOUSTON RD
CONROE, TX 77302-6135

62

SALOMON & MARGARET HERRERA
19258 TIMBERLAND BLVD
PORTER, TX 77365-6465

Elan Development, LP

WQ0011469001

Map requested by TCEQ Office of Legal Services
for Commissioners Agenda



Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

January 30, 2007



Projection: Texas Statewide Mapping System
(TSMS)
Scale 1:11,465

Legend

Wastewater Treatment Facility

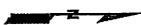
Proposed WWTF

Old Houston Rd

Source: The location of the WWTF site was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requester information from the applicant. The locations of the requesters were obtained by geocoding. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is K339 J-1.

This map depicts the following:
(1) The approximate location of the plant. This is labeled "Proposed WWTF".

*O where discharge
rate crosses Old
Houston Road*



The proposed wastewater treatment facility is located in Montgomery County. The red square in the first inset map represents the approximate location of this facility. The second inset map represents the location of Montgomery County in the state of Texas; Montgomery County is shaded in red.



Elan Development, LP

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

Robert Brush - Elan Development

From: Barbara Sullivan
To: Brush, Robert
Date: 1/29/2007 1:33 PM
Subject: Elan Development
CC: Sears, Elizabeth

Bob,

I investigated the Elan Development site on Thursday, January 25, 2007. The proposed discharge route from the WWTP crosses under Old Houston Road via two 24" corrugated plastic culverts. There had been extensive amounts of rain (estimated - 4-5") for the previous week and a half prior to my investigation and both upstream and downstream of Old Houston Road contained large amounts of water. The land has not yet been cleared for the Elan Development on the west side of the road and was still heavily wooded. There was no clearly defined channel(s) visible on the upstream side of the road due to the extensive flooding of the area. Downstream on the east side of the road, there appeared to be a low broad channel approximately 15-20' wide however, this wooded area was also extensively flooded. I was unable to get downstream due to the flooding of the woods. I estimated that I could see a channel for about 100'. The land was very flat with very little elevational drop. If you need additional information on this site, I would be happy to go out when it's a bit drier to get a better feel for the validity of the complainant's concerns.

Thanks,

Barbara

NOYLI

0000



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Public Notice Verification Form

Water Quality Permit

CHIEF CLERKS OFFICE

AUG 21 PM 2:11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Applicant Name: ELAN DEVELOPMENT, L.P.
 Site or Facility Name: SADDLERIDGE RANCH WWTP
 TCEQ Account Number (if applicable): N/A Permit Number: WQ0014694001
 Regulated Entity Number: RN104913454 Customer Number: CN602549495

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST	
I have contacted the appropriate school district.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
School District: <u>CONROE ISD</u>	Phone: <u>281-572-2248</u>
Person Contacted: <u>RENEE ONEAL (PRINCIPAL)</u>	Date: <u>FEB. 7, 2006</u>
The name of the elementary school nearest to the proposed or existing facility is: <u>SAN JACINTO ELEMENTARY</u>	
The name of the middle school nearest to the proposed or existing facility is: <u>GRANGERLAND INTERMEDIATE SCHOOL</u>	
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. <u>STUDENTS WHO REQUIRE BILINGUAL PROGRAMS ATTEND OTHER SCHOOLS</u> <input type="checkbox"/> YES <input type="checkbox"/> NO	
The following language(s) is/are utilized in the bilingual program:	<u>N/A</u>
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.	

ALTERNATIVE LANGUAGE VERIFICATION	
I verify that the area addressed by this permit application is subject to alternative language public notice requirements. <u>NOT REQUIRED</u>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located). <u>N/A</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. <u>N/A, NOT REQUIRED</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) <u>N/A</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ. <u>N/A</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Signed by: <u>[Signature]</u> <u>DAVID W. WARNER, PE.</u>	Applicant: <u>FOR ELAN DEVELOPMENT, L.P.</u>
Title: <u>PROJECT ENGINEER</u>	Date: <u>8-16-06</u>



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Water Quality Permit

OCC#

(TCEQ use only)

Applicant Name: ELAN DEVELOPMENT, LP.
 Site or Facility Name: SADDLERIDGE RANCH, WWTP
 TCEQ Account Number (if applicable): N/A Permit Number: WQ0014694001
 Regulated Entity Number: RN10491345A Customer Number: CN602549495

WATER QUALITY PERMIT NOTICE VERIFICATION

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. YES NO

Notice of Receipt of Application and Intent to Obtain Permit (1st Notice):

I verify that a copy of the complete water quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. YES NO

Notice of Application and Preliminary Decision (2nd Notice, if applicable):

I verify that a copy of the complete water quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the water quality application and draft permit, and any revisions, will remain in the designated public place until either:

- 1) the TCEQ acts on the application; or
- 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing.

YES NO

Name and Address of Public Place: P.B. TULLIS LIBRARY, 21130 U.S. Hwy. 59 #K NEW CANEY, TX 77357

Signed by: [Signature] DAVID W. WARNER, P.E.

Title: PROJECT ENGINEER

Date: 8.16.06

NOTE: THE PAPERWORK HAS BEEN POSTED AT THE ABOVE LISTED LIBRARY SINCE 6-16-06.

CHIEF CLERK'S OFFICE

AUG 21 PM 2:11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NAPD

OCT 23 2006



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Water Quality Permit

OCC # 53344
(1) TCEQ use only
NOV 16 PM 2:12
CHIEF CLERKS OFFICE

Applicant Name: ELAN DEVELOPMENT LP
Site or Facility Name: SADDLERIDGE RANCH WASTEWATER TREATMENT PLANT
TCEQ Account Number (if applicable): Permit Number: WQ0014694001, WQ0014694001
Regulated Entity Number: RN104913454 Customer Number: CN602549495

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST
I have contacted the appropriate school district. [X] YES [] NO
A bilingual education program is required by the Texas Education Code in the district. [X] YES [] NO
School District: CONROE I.S.D. Phone: 281-572-2248
Person Contacted: RENEE ONEAL (PRINCIPAL) Date: FEB. 7, 2006
The name of the elementary school nearest to the proposed or existing facility is: SAN JACINTO ELEMENTARY
The name of the middle school nearest to the proposed or existing facility is: GRANGERLAND INTERMEDIATE SCHOOL
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district. [X] YES [] NO
The following language(s) is/are utilized in the bilingual program: SPANISH
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.

ALTERNATIVE LANGUAGE VERIFICATION
I verify that the area addressed by this permit application is subject to alternative language public notice requirements. [X] YES [] NO
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located). [X] YES [] NO
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required. N/A [] YES [] NO
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located). [] YES [] NO [X] N/A
Newspaper: EL SOL Language: SPANISH
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable) [] YES [] NO
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ. [X] YES [] NO
Signed by: DAVID W. WARNER Applicant: ELAN DEVELOPMENT, L.P.
Title: PROJECT ENGINEER Date: 11-3-06



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Water Quality Permit

OCC #
53344
(TCEQ use only)

Applicant Name: ELAN DEVELOPMENT LP
Site or Facility Name: SADDLERIDGE RANCH WASTEWATER TREATMENT PLANT
TCEQ Account Number (if applicable): _____ Permit Number: WQ0014694001, WQ0014694001
Regulated Entity Number: RN104913454 Customer Number: CN602549495

WATER QUALITY PERMIT NOTICE VERIFICATION	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Notice of Receipt of Application and Intent to Obtain Permit (1st Notice): I verify that a copy of the complete water quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Notice of Application and Preliminary Decision (2nd Notice, if applicable): I verify that a copy of the complete water quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and I also verify that the water quality application and draft permit, and any revisions, will remain in the designated public place until either: <ol style="list-style-type: none"> 1) the TCEQ acts on the application; or 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 	
Name and Address of Public Place: <u>R.B. TULLIS LIBRARY, 21130 U.S. Hwy. 59 #K NEW CANEY TX 77557</u>	
Signed by: <u>DAVID W. WARNER</u>	
Title: <u>PROJECT ENGINEER</u>	Date: <u>11-3-06</u>

CHIEF CLERK'S OFFICE
 NOV 13 PM 2:42
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: ELAN DEVELOPMENT LP
PERMIT NO.: WQ0014694001 CCO#: 53344
NOTICE OF APPLICATION AND PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF Montgomery §

BEFORE ME, the undersigned authority, on this day personally appeared

Jorge Perez, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Genl Manager
(title of newspaper representative)

of the El Sol Newspaper; that this newspaper is
(name of newspaper)

generally circulated in Harry's & Montgomery County, Texas
(same county as proposed facility)

and is published primarily in Spanish language;
(alternative language)

the attached notice was published in said newspaper on the following date(s):

10-27-06

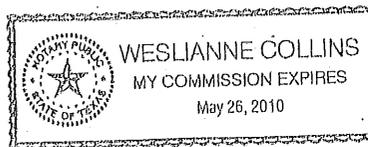
Subscribed and sworn to before me this the 30 day of October, 2006,

by Jorge Perez
Newspaper Representative's Signature

(Personalized Seal)

Weslianne Collins
Notary Public in and for the State of Texas

TCEQ- 20244. November 28, 2005



CHIEF CLERK'S OFFICE
2006 NOV - 6 PM 2:58
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY