



CHIEF CLERKS OFFICE

2007 JUL 16 PM 4:26

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TROPICAL GARDEN'S SUBDIVISION DICKINSON, TX

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, TX 78711-3087

Re: **MARLIN ATLANTIS WHITE, LTD**
TCEQ DOCKET NO. 2006-1572-MWD

Dear Ms. Castanuela:

Enclosed for filing are the Residents Requesting Reconsideration Replies in the above referenced matter.

Sincerely,

Peggy Wright
Peggy Wright, Spokesperson

Tropical Garden's Affected Persons for a Contested Case Hearing

CC: Mailing List

**MAILING LIST
MARLIN ATLANTIS WHITE, LTD.
TCEQ DOCKET NO. 2006-1572-MWD**

The following mailing list was generated after conversations with Bridget Bohac, Director of Office of Public Assistance, John Gillen and Christine Mann.

FOR THE APPLICANT:

Arthur Val Perkins
Coats Rose
3 E Greenway Plaza, Ste. 2000
Houston, TX 77406

FOR THE EXECUTIVE DIRECTOR:

Kathy Brown, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P. O. Box 13087
Austin, Texas 78711-3087

FOR THE OFFICE OF PUBLIC ASSISTANCE:

Scott Humphrey
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P. O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK;

LaDonna Castanuela
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

The Chief Clerk's documents mailed
07/14/07 by the USPS overnight mail

All others to be mailed or hand delivered
07/16/07.

The mailing arrangement was approved by
Bridget Bohac, John Gillen and Christine
Mann.

REQUESTORS:

James D. Alber
4400 Scenic Dr.
Dickinson, TX 77539-3691

Carl and Tom Bennett
5007 Scenic Dr.
Dickinson, TX 77539

John Berry
4115 Grand Blvd.
Dickinson, TX 77539-3658

Mark P. Bowers
2107 Bay Hill Dr.
League City, TX 77573-4483

(See back page for continuation
of requestor's list)

Kelly Brautigam
5024 Scenic Dr.
Dickinson, TX 77539-3887

Damon & Nicole Brown
4118 Grand Blvd.
Dickinson, TX 77539-3657

Van Bush
4400 Island Dr.
Dickinson, TX 77539-4776

Zeph Capo
Lot 7 Block 8
Dickinson, TX 77539

Roland Cardon
58 D Bruce
Dickinson, TX 77539

L L Cotts
4131 Scenic DR.
Dickinson, TX 77539-3686

Carol & Tom Dayton
5032 Scenic Dr.
Dickinson, TX 77539-3887

Mr. & Mrs. Matthew Dayton
5018 Scenic Dr.
Dickinson, TX 77539-3887

Louis Decker
Councilman, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539

Mary Dunbaugh
2716 FM 517 E
Dickinson, TX 77539-8615

Wade Duphily
4320 Scenic Dr.
Dickinson, TX 77539-3689

Fred Eagle
4435 Scenic Dr.
Dickinson, TX 77539-3692

James Ettell
4444 Scenic Cr.
Dickinson, TX 77539-3691

Mason Evans
5034 Scenic Dr.
Dickinson, TX 77539-3887

Diane Garcia
4138 Gum Dr.
Dickinson, TX 77539-3683

Lynn M. Garcia
4139 Grand Blvd.
Dickinson, TX 77539-3658

Kay Gonzalez & Matthew Muns
4114 Grand Blvd.
Dickinson, TX 77539-3657

Carl R. Griffith
4120 Scenic Dr.
Dickinson, TX 77539-3685

Betty Gutierrez
5020 Scenic Dr.
Dickinson, TX 77539-3887

Bobbie Hagan
4136 Grand Blvd.
Dickinson, TX 77539-3657

Elizabeth Hagan
4400 Island Dr.
Dickinson, TX 77539-4776

Rena Hardage
3100 Dickinson Ave., Apt. 2
Dickinson, TX 77539-5364

Pham Huyah
4414 Island Dr.
Dickinson, TX 77539-4776

Ray & Sherry Jones
4300 Scenic Dr.
Dickinson, TX 77539-3689

Lisa Kellogg
4430 Island Dr.
Dickinson, TX 77539-4776

Richard Kellogg
4430 Island Dr.
Dickinson, TX 77539-4776

Scott Kellogg
4430 Island Dr.
Dickinson, TX 77539-4776

William King, III
Councilman, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539

Art & Jane Levicki
4224 Scenic Dr.
Dickinson, TX 77539-3687

Bridget E. Long
4432 Scenic Dr.
Dickinson, TX 77539-3691

Dudley Long
4432 Scenic Dr.
Dickinson, TX 77539-3691

Chat Magee
2603 Webster St.
League City, Texas 77573-5660

Lorna Malone
4318 Scenic Dr.
Dickinson, TX 77539-3689

Robert Malone
4318 Scenic Dr.
Dickinson, TX 77539-3689

Julie Masters
Mayor, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539-8615

Diane Mettlach
4138 Gum Dr.
Dickinson, TX 77539-3683

Bill Mulvany
4212 Scenic Dr.
Dickinson, TX 77539-3687

Cyndi W. Mulvany
4212 Scenic Dr.
Dickinson, TX 77539-3687

Kerry Neves
Councilman, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539

Daniel Oakes
4424 Scenic Dr.
Dickinson, TX 77539-3691

Linda Oaks
4424 Scenic Dr.
Dickinson, TX 77539-3691

Dawn C. Pajak
4136 Gum Dr.
Dickinson, TX 77539-3683

Janice M. Patterson
4115 Grand Blvd.
Dickinson, TX 77539-3658

John C. Patterson
4115 Grand Blvd.
Dickinson, TX 77539-3658

Nancy Priddy
4420 Scenic Dr.
Dickinson, TX 77539-3691

Young Reese
4312 Scenic Dr.
Dickinson, TX 77539-3689

Sam Reichek
420 Scenic Dr.
Dickinson, TX 77539-3687

Starla Reichek
4220 Scenic Dr.
Dickinson, TX 77539-3687

Danny L. Rodgers
4132 Grand Blvd.
Dickinson, TX 77539-3657

Alison Rouse
4456 Scenic Dr.
Dickinson, TX 77539-3691

Alton Rouse
4456 Scenic Dr.
Dickinson, TX 77539-3691

Robert C. Sampson
923 AN County Road 1772
Grapeland, Texas 75844-4084

Pedro Sanchez
4141 Grand Blvd.
Dickinson, TX 77539-3658

Bert Schroeder
Bertram C. Schroeder, III, Co-Trustee
B.C. Schroeder, Jr., Martial Trust
RR 3 Box 2820
Dickinson, TX 77539-9745

Louis Starz
5021 Scenic Dr.
Dickinson, TX 77539-3888

Charles Suderman
Councilman, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539

Wanda J. Toole
4124 Gum Dr.
Dickinson, TX 77539-3683

Mark Townsend
Councilman, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539

Tomas Villanueva
5801 Bruce Dr.
Dickinson, TX 77539-4791

Francisco Villanueva
5829 Bruce Dr.
Dickinson, TX 77539-4791

Amber Whitted
4128 Grand Blvd.
Dickinson, TX 77539-3657

Pamela Williams
4410 Island Dr.
Dickinson, TX 77539-4776

Veta Winick
Mayor, City of Dickinson
2716 FM 517 E
Dickinson, TX 77539-8615

Edwin G. Wright
4216 Scenic Dr.
Dickinson, TX 77539-3687

Peggy Wright
4216 Scenic Dr.
Dickinson, TX 77539-3687

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 JUL 16 PM 4:25

July 9, 2007

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P. O. Box 13087
Austin, TX 78711-3087

Attention: Ms. LaDonna Castanuela, Chief Clerk

RE: TCEQ DOCKET NO. 2006-1572-MWD: In re: Application by Marlin Atlantis White, Ltd.
For Permit No. WQ0014570001

Dear Ms. Castanuela:

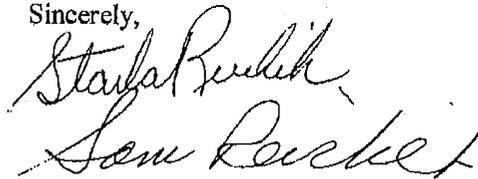
As residents of Tropical Gardens, 4220 Scenic Drive, Dickinson, TX 77539, we are affected persons based on the Executive Director's published one-mile radius map. Dickinson Bayou borders our property and we are directly impacted during high water events, such as the one that last occurred in October 2006. During that episode, we had 6 inches of bayou water in our home and considered our health in jeopardy. Both Gum Bayou and Dickinson Bayou converge in this area and are tidally influenced. Upsets to the proposed plant would bring waste within range of, and even into, our home because of tidal influence. A large number of homes in our subdivision are less than ½ mile from the discharge point.

As affected persons, we are requesting that the Residents Request for Reconsideration by the Executive Director be granted. All residents requesting reconsideration live no more than approximately 3000 feet from the proposed plant, and these requests were sent in good faith by affected persons concerned about human health and area wildlife.

As affected persons, we ask that the State Office of Administrative Hearing (SOAH) hold the contested case hearing, if granted, in Galveston County as we both work in Houston and would like to attend the hearing. There are also a large number of retired senior citizens living in Tropical Gardens and they should have access to the court hearing.

We also continue to ask that Peggy Wright be recognized as the representative for the affected persons living in Tropical Gardens. Thank you for your consideration.

Sincerely,



Starla and Sam Reichek
4220 Scenic Drive
Dickinson, TX 77539
713-252-2602 (cell) 281-534-6030 (home)

July 11, 2007

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUL 16 PM 4:33
CHIEF CLERKS OFFICE

Mrs. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

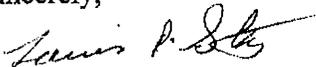
Dear Ms. Castanuela,

In response to correspondence from your Commission in which I was declared not to be an "affected party because my property is not located along Gum Bayou" concerning the application for a waste water plant to be constructed on Gum Bayou (see application by Marlin Atlantis White, LTD. TCEQ permit No. WQ001457001). I have to disagree with this statement because my property is located right along side Gum Bayou. My property contains 250 ft. of frontage on Gum Bayou (see attachment) and is located approximately 400 yards downstream from FM 517.

Therefore, I am and should be declared an "affected party." As such, I am deeply concerned about any change in the quality and/or makeup of the water in Gum Bayou. More specifically I am concerned about the diluting effect of the fresh water to be discharged into a brackish, tidal bayou such as Gum; since these bayous are the nurseries for wildlife, such as crabs, shrimp, red fish, sea trout and others. I am further concerned about the potential for spillage from the facility in the event of a tropical storm/hurricane, **when**, not if, one strikes this area.

Even though our address reads as Scenic Drive, we are located right on Gum Bayou.

Sincerely,



Louis P. Starz
5021 Scenic Dr.
Dickinson, TX 77539

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUL 16 PM 4:33
CHIEF CLERKS OFFICE

July 12, 2007

Ms. LaDonna Castanuela
Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
PO Box 13087
Austin, Tx 78711-3087

Re: TCEQ DOCKET NO. 2006-1572-MWD: In re: Application by Marlin Atlantis
White, Ltd.
For Permit No. WQ0014570001

I, Stephen Reckner, am an affected person in the above named application. I am the owner of five lots on Gum Bayou that are in the discharge path of the proposed waste treatment plant.

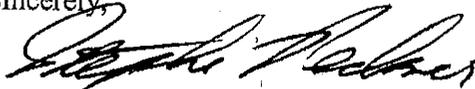
I wish to state my objections to the way that the permitting process has proceeded to date. In my original objections to the permit I noted that Gum Bayou was tidally affected and that upstream owners should be included. I also objected to the inaccuracies of the transects and depths of Gum Bayou that were put forward by the applicant. Neither of these two issues have been measured or modeled with accurate information.

My current objection is to the lack of notification that I received as to the upstream landowners being contacted by TCEQ. In the response letter that I received from TCEQ to my original objections, I was informed that notification on all proceedings that occurred in relation to this application would be forwarded to me. This did not occur with the results of the Executive Director's meeting last fall nor with the upstream landowners notification.

I find it particularly egregious that community notification and discussion were severely inhibited by the surreptitious actions of the TCEQ in their notification process.

I request, as an affected person, that the State Office of Administrative Hearing hold a contested case hearing, if granted, in Galveston County. The large number of residents in this area who have a direct interest in their safety and health in regards to this application warrant this action. I also request that the hearing not be limited to a time frame of less than one year.

Sincerely,



Stephen Reckner
411 Estella Rd.
Pasadena, Tx. 77504

Ms LaDonna Castanuela, Chief Clerk
 Texas Commission on Environmental Quality
 Office of the Chief Clerk (MC-105)
 P.O. Box 13087
 Austin, Texas 78711-3087

July 12, 2007

TEXAS
 COMMISSION ON
 ENVIRONMENTAL
 QUALITY
 2007 JUL 16 PM 4:33
 CHIEF CLERKS OFFICE

RE: TCEQ DOCKET NO. 2006-1572-MWD
 In re: Application by Marlin Atlantis White, Ltd., for Permit No. WQ0014570001

Dear Ms Castanuela,

I will quote from my October 30, 2006 letter to Mr. Glenn Shankle, TCEQ, concerning this matter:

"My name is Betty Gutierrez. I reside at 5020 Scenic Dr., Dickinson, Texas in the Tropical Gardens Addition. I have lived in the same location since 1963. My home property is between Dickinson Bayou and Scenic Drive. I also own a small vacant lot on Gum Bayou, which is directly across the street from my home. Using your map, it looks like I would be about 1/2 mile from the facility.

"My home is on 8-foot pilings. During the last 43 years, I would guess my property has been flooded at least ten times. Most of the time, the flooding starts with Gum Bayou rising enough to start emptying into the ditch along our side of the street. When the ditch is full, it starts covering the street and our driveways and yards. My vacant lot was completely under water. Meanwhile, Dickinson Bayou is starting to rise enough to flow over our bulkheads, and start encroaching on our bayou yards. There were times when both bayous met under my house, as they did two weeks ago. I am 78 years old, and I really shouldn't be wading in contaminated waters.

"A public meeting was held at the Dickinson Police Station and we chose Mrs. Peggy Wright to be our spokesperson to speak for us in Austin and Washington D.C. We want our voices heard as we are tax-paying citizens and our state of health would be in peril if this treatment plant is located this close to us.

"As an affected property owner, I want a contested case hearing and as a resident, request the executive director to reconsider the applicant permit for WWTP."

The above statements are still true, except my age is now 79, and the last flood was more than two weeks ago. I still would like Peggy Wright to be our representative for affected persons living in Tropical Gardens. Please consider our requests for reconsideration by the Executive Director be granted. If granted, please ask the State Office of Administrative Hearing to hold the contested case hearing in Galveston County. I thank you.

Sincerely,

Betty Gutierrez
 5020 Scenic Dr.
 Dickinson, TX 77539
 Tel. 281-614-0014

Betty Gutierrez

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
July 2007
July 16 PM 4:33
CHIEF CLERKS OFFICE

Ms LADONNA CASTANUELA

Chief Clerk

Texas Commission on Environmental Quality

Office of Chief Clerk, MC-105

P.O. Box 13087

Austin Texas 78711-3087

TCEQ Docket NO 2006-157-MWD Permit WQ0014376

Re: JOHN PATTERSON 4115 GRAND BLVD (TROPICAL GARDENS) DICKINSON, TX. we are a affected family based on the Executive Director's Published. (one mile radius map. = in fact we are exactly 417'3" to the water edge during normal tide (on 8 July 2007 at 11:20 AM & by a survey measurement on this date.)

our health is already in jeopardy during high tides with out the other crap being added to it, Both Gum Bayou and Dickinson Bayou cover this area, and are tidally influenced and often rise out of their banks.

This proposed plant would bring more waist up on our property.

there are approx 36 homes within this one black area on the west side of Gum Bayou and the bridge at FM 517. How can you state, we are not affected people? WAKE UP.

there many other homes (affected) here in TROPICAL GARDENS, NOT COUNTED AS AS A affected persons by your so called report. (WAKE UP)

As affected person we are requesting that a reconsideration by the Executive Director be granted (ALL) residence of this subdivision which are all within 3000' of the proposed package plant, which is to be built within 100yrs flood plain.

We as affected people, ask that the State TX office of Administration Hearings (SOAH) hold a contested case hearing in Galveston County, in order for more of the Senior Citizens (in TROPICAL GARDENS) to access the court hearings

REGGY WRIGHT WAS APPOINTED AS OUR REPRESENTATIVE, AT A PUBLIC MEETING CONDUCTED AT THE DICKINSON POLICE DEPT. SEVERAL STATE OF TEXAS REP AND BY THEIR SECRETARIES WERE PRESENT AT THIS MEETING (SO WAKE UP WHAT WE DO IS BY THE BOOK.

QUESTIONS TO BE ANSWERED BY YOU

How CAN you demand & justify requiring us to reply in such a short time period? when you send DATA DATED 2 July 07 and certified by SCOTT A HUMPHREY ON July 2 '07 we received this DATA ON 5 July 07 with no mail delivery ON 4 July / and NO MAIL DELIVERY ON 7 July 07 (Sunday) I receive on 5 July and you want reply in such a short time period.

you are being being PAID by my TAX DOLLARS, to fight for what is known to be correct. MANY of us are VETERANS and we BELIEVE in fighting for what is right.

DATA has been sent to WASHINGTON DC about this CRAP / STATE ATTORNEY GENERAL NOW HAS THIS DATA THE HEALTH DEPT HAS NOW RECEIVED THIS DATA / TX STATE REPRESENTATIVE'S NOW HAS THIS DATA CONGRESSMEN NOW HAVE THIS DATA / and you are being PAID with our TAX DOLLARS

John Patterson 4115 Grand Blvd (Tropical Gardens Resident) Dickinson TX 75739

July 13, 2007

Ms. La Donna Castanuela
Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
PO Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

2007 JUL 16 PM 4:33

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: TCEQ DOCKET NO. 2006-1572-MWD: In re: Application by Marlin Atlantis White, Ltd.
For Permit No. WQ0014570001

Peggy and Ed Wright wish to once again petition to be deemed affected persons based on the Executive Director's published one mile radius map. We have waterfront property on Dickinson Bayou and feel that our health is in jeopardy during high water events when both Dickinson and Gum Bayous converge in this area, are tidally influenced and rise out of their banks.

As affected persons we are requesting that the Resident's Requests for Reconsideration by the Executive Director be granted. All the residents requesting reconsideration live no more than approximately 3000 feet from the proposed plant. The Requests for Reconsideration were sent in good faith by affected persons concerned about human health and wildlife in the area.

As an affected person we ask that the State Office of Administrative Hearing (SOAH) hold the contested case hearing (if granted) in Galveston County in order to give the large number of senior citizens in Tropical Gardens access to the court hearing.

We continue to ask that Peggy Wright be recognized as the representative for the affected persons living in Tropical Gardens.

Sincerely,

Peggy Wright Ed Wright

Peggy and Ed Wright
4216 Scenic Drive
Dickinson, TX 77539
832-425-4344