

THE LAW OFFICE OF DAVID M. GOTTFRIED
A PROFESSIONAL CORPORATION

WEST SIXTH PLACE
1505 WEST SIXTH STREET
AUSTIN, TEXAS 78703

PHONE
512-494-1481

December 22, 2006

MWD
52209

RFR *HR*
OPA

DEC 28 2006

BY *DM*

FAX
512-472-4013

*Regular U.S. Mail and
U.S. Certified Mail 0003 4739 6506*

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

**AFFECTED PERSON'S
REQUEST FOR CONTESTED HEARING**

Re: City of Sabinal
TPDES Permit No. WQ0014689001

Dear Ms. Castanuela:

CHIEF CLERKS OFFICE
2006 DEC 27 AM 10:37
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

I have been retained to represent L.T. McCann relating to the above-referenced permit application.

As evidenced by the Applicant's adjacent/downstream landowners' mailing list for notice, my client did not receive any notice of the proposed permit, despite being such an affected landowner since June 8, 2005. My client does not appear in either of the two lists of adjacent/downstream landowners' mailing list for notice provided by the City of Sabinal in their discharge permit application. My client raised the fact of insufficient notice to the Applicant, with a copy to the TCEQ in writing on June 14, 2006. Therefore, the Applicant had an obligation to disclose that deficiency to the TCEQ to correct their inaccurate affidavit of notice. Based on these facts, my client requests reconsideration of the Executive Director's Decision that the subject permit application meets the statutory requirements and should be the subject of a contested hearing.

DM

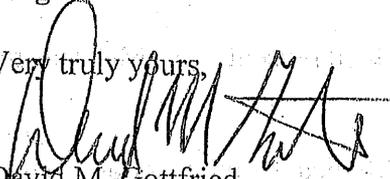
My client owns 142.29 Acres in Uvalde County, Texas by Warranty Deed filed in Vol. 0560, page 345, Uvalde County property records and identified as the following:

“Being 142.29 acre tract of land situated in the John G. Smith Survey No. 407, Abstract No. 448 and the Bernard Shern Survey No. 406, Abstract 743, both in Uvalde County, Texas, 47.89 acres of said 142.29 acre tract, being the TRAVIS STERWART SUBDIVISION, PHASE 1, a Uvalde County Subdivision according to the Plat recorded in Cabinet 2, Slide 208A of the plat Records of Uvalde County, Texas. Said 142.29 acre tract of land being more particularly described by metes and bounds in Exhibit “A” attached hereto and made a part hereof.”

My client is an “affected person” relating to the subject application because he is a landowner of property immediately adjacent to the property upon which waste effluent is proposed to be discharged. My client owns property within the discharge zone and through which discharge will flow. My client also owns property that is immediately downstream from the proposed discharge site. In addition, my client owns water rights to withdraw water from the Sabinal River, raises cattle and horses on the property, and uses the property for grazing. Those uses and rights will be directly affected by the granting of this permit and negatively affect my clients health, safety and economic interests. As such, my client has a personal justiciable interest related to a legal right, duty, privilege, power and economic interest.

My client requests a contested hearing in this matter and reconsideration of the executive director’s decisions in this regard.

Very truly yours,


David M. Gottfried

Cc: L.T. McCann

THE LAW OFFICE OF DAVID M. GOTTFRIED
A PROFESSIONAL CORPORATION

WEST SIXTH PLACE
1505 WEST SIXTH STREET
AUSTIN, TEXAS 78703

PHONE
512-494-1481

December 22, 2006

MWD
32209

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OPA
DEC 29 2006

BY *DM*

FAX
512-472-4013

*Regular U.S. Mail and
U.S. Certified Mail 0003 4739 6506*

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

**AFFECTED PERSON'S
REQUEST FOR CONTESTED HEARING**

Re: City of Sabinal
TPDES Permit No. WQ0014689001

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2006 DEC 28 PM 2:29
CHIEF CLERKS OFFICE

Dear Ms. Castanuela:

I have been retained to represent L.T. McCann relating to the above-referenced permit application.

As evidenced by the Applicant's adjacent/downstream landowners' mailing list for notice, my client did not receive any notice of the proposed permit, despite being such an affected landowner since June 8, 2005. My client does not appear in either of the two lists of adjacent/downstream landowners' mailing list for notice provided by the City of Sabinal in their discharge permit application. My client raised the fact of insufficient notice to the Applicant, with a copy to the TCEQ in writing on June 14, 2006. Therefore, the Applicant had an obligation to disclose that deficiency to the TCEQ to correct their inaccurate affidavit of notice. Based on these facts, my client requests reconsideration of the Executive Director's Decision that the subject permit application meets the statutory requirements and should be the subject of a contested hearing.

DM

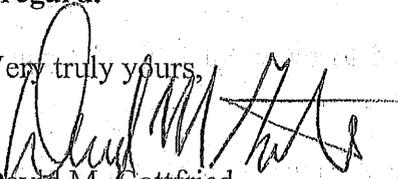
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My client requests a contested hearing in this matter and reconsideration of the executive director’s decisions in this regard.

Very truly yours,


David M. Gottfried

Cc: L.T. McCann

MWD
32209

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700
(512)407-8100 fax

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DEC 27 AM 10:13

CHIEF CLERKS OFFICE
HIC OPA

DEC 28 2006

BY DM

December 20, 2006

To: Chief Clerks Office:

Re: Request a Contested Case Hearing - Permit #WQ0014689001 - City of Sabinal

I L.T. McCann Request a Contested Case Hearing.

I am a land owner affected by this decision for several reasons 1) Property line several feet of the proposed effluent discharge area, 2) Plant erected next to my plated subdivision, 3) Effluent discharge upstream comes back on my property within 100 yds, 4) Effluent discharge traveling a short distance to Sabinal River that flows directly through my property, 5) My family, pets and livestock health is at risk due to close proximity from the effluent discharge. I realize the TCEQ is very busy with a considerable amount of issues across the state. It appears the decision to approve this permit was only made without all considerations carefully researched. Please take the extra time to listen to my concerns of a decision that will affect the Sabinal River and all tributaries over the long term. The responses from Staff Attorney Marc Friberg addressing the previous letters of concern I dispute responses #1, #2, #3, #4 and #6 . The response to #1 just shows negligence to issue a permit to allow effluent discharge in a stream that puts anyone at health risk. The response to #2 shows biological ignorance to permit effluent discharge to delicate aquatic ecosystems during extreme droughts as we are having in 2006. The response to #3 just shows that the discharge area was not carefully observed for erosion problems, the area is already severely distressed. The response to #4 the flood data on my Ranch Survey and the published FEMA flood data show the proposed plant in the flood zone. So what makes the flood data proposed surpass FEMA data. The response to #6 the plant is 150 feet from a plated subdivision that will be difficult in the event I choose to sell the lots with an adjacent sewer plant. I hope my concerns of this decision are taken serious and can be resolved with smart growth in mind and without further delay.

Thank you for your concern with this matter.

*See Attachments

Most Sincerely,

L. T. McCann
L. T. McCann

MWD

407 West Rhapsody
San Antonio, Texas 78216
(210) 349-5253

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 DEC 27 AM 10:13

CHIEF CLERKS OFFICE

RHYLANDER ROAD (CR 386)

TO SABINAL →

①
**PROPOSED WASTEWATER
TREATMENT PLANT
SITE**

L.T. McCAIN
Property

②

POINT OF DISCHARGE

③

DOWNSTREAM

UNNAMED TRIBUTARY

RIVER

SABINAL

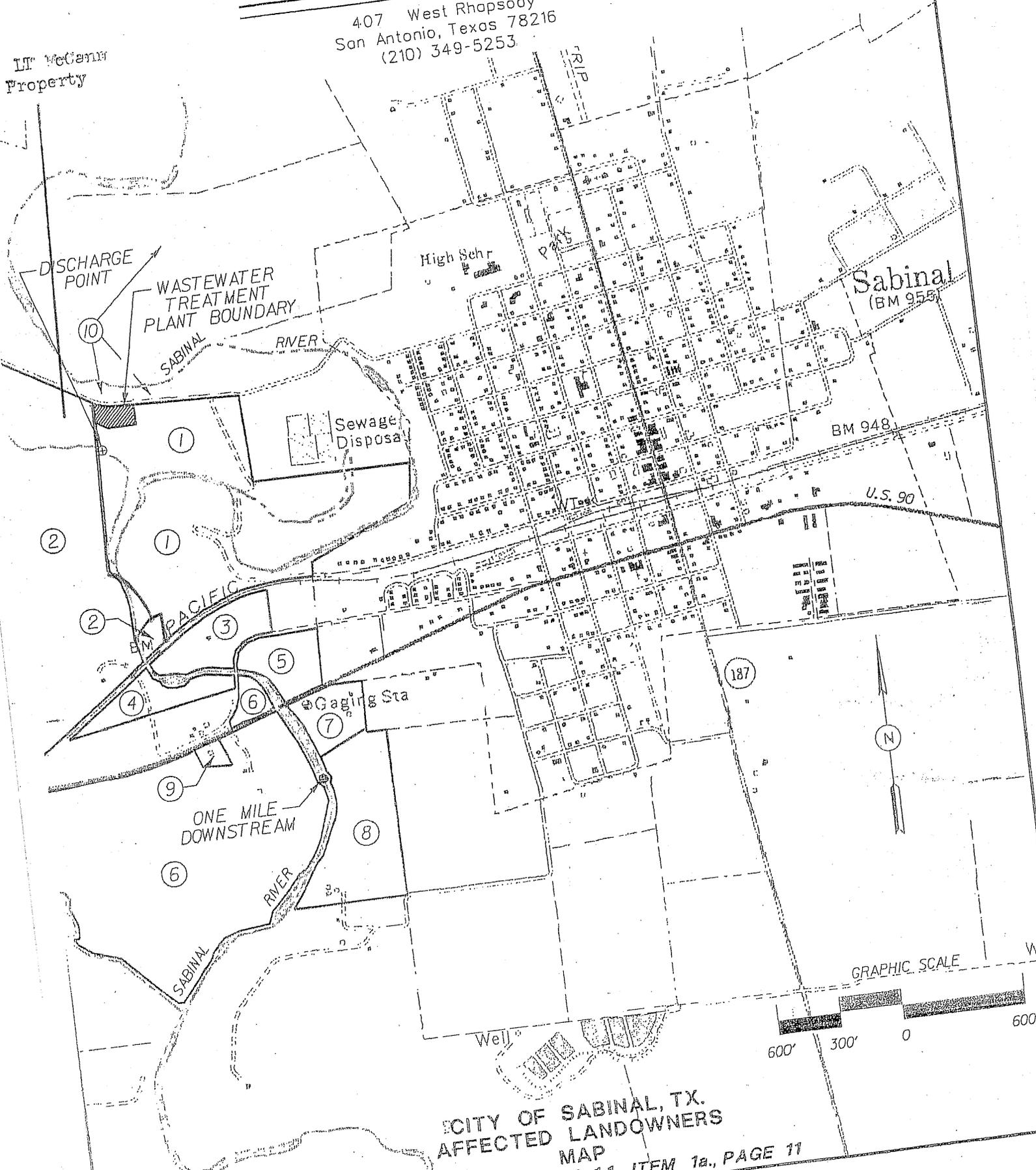


SCALE : 1" = 200'

**CITY OF SABINAL, TX.
PHOTOGRAPH PLOT PLAN**

407 West Rhapsody
San Antonio, Texas 78216
(210) 349-5253

LT McGann
Property



CITY OF SABINAL, TX.
AFFECTED LANDOWNERS
MAP

Proposed
Plant

L. P. McCann



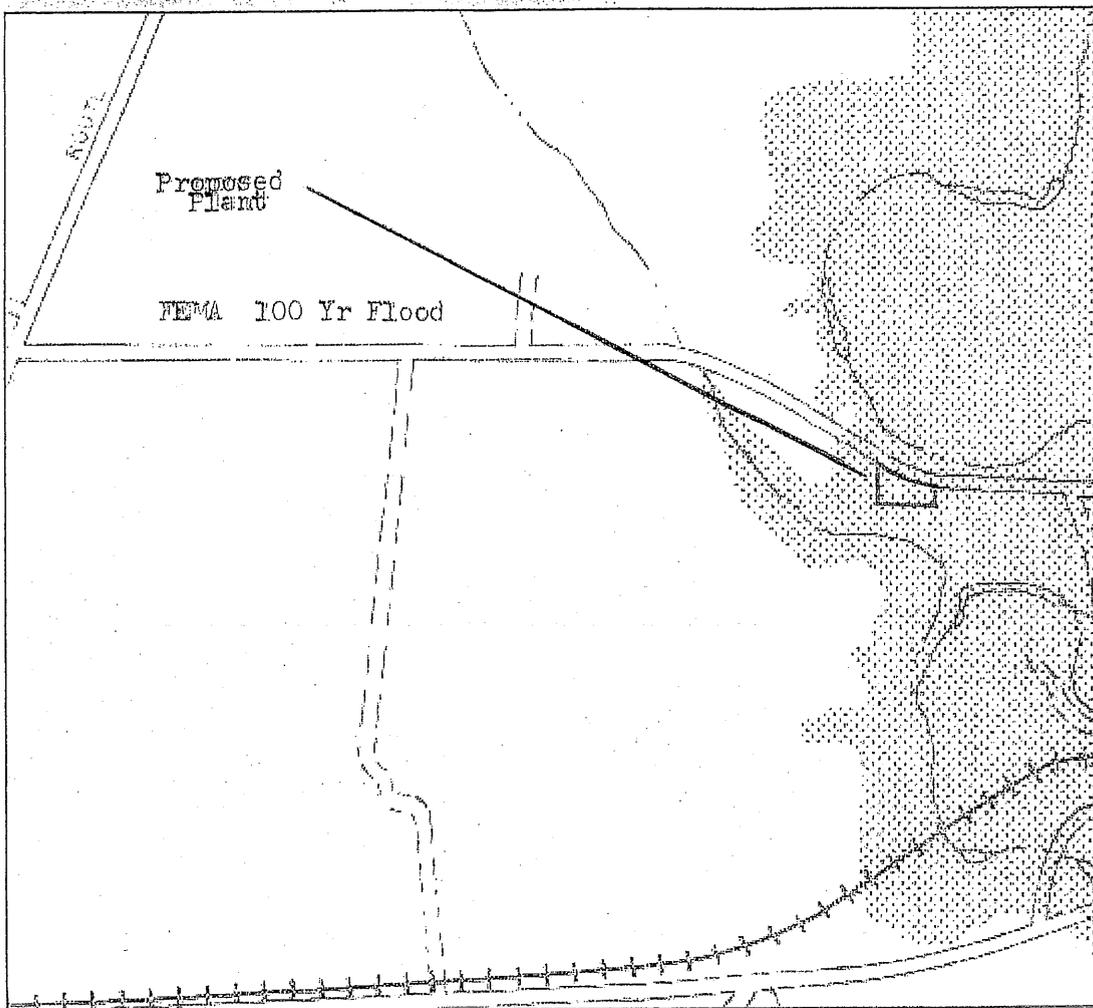


MSC Viewer



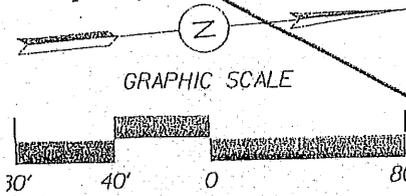
Scale 31



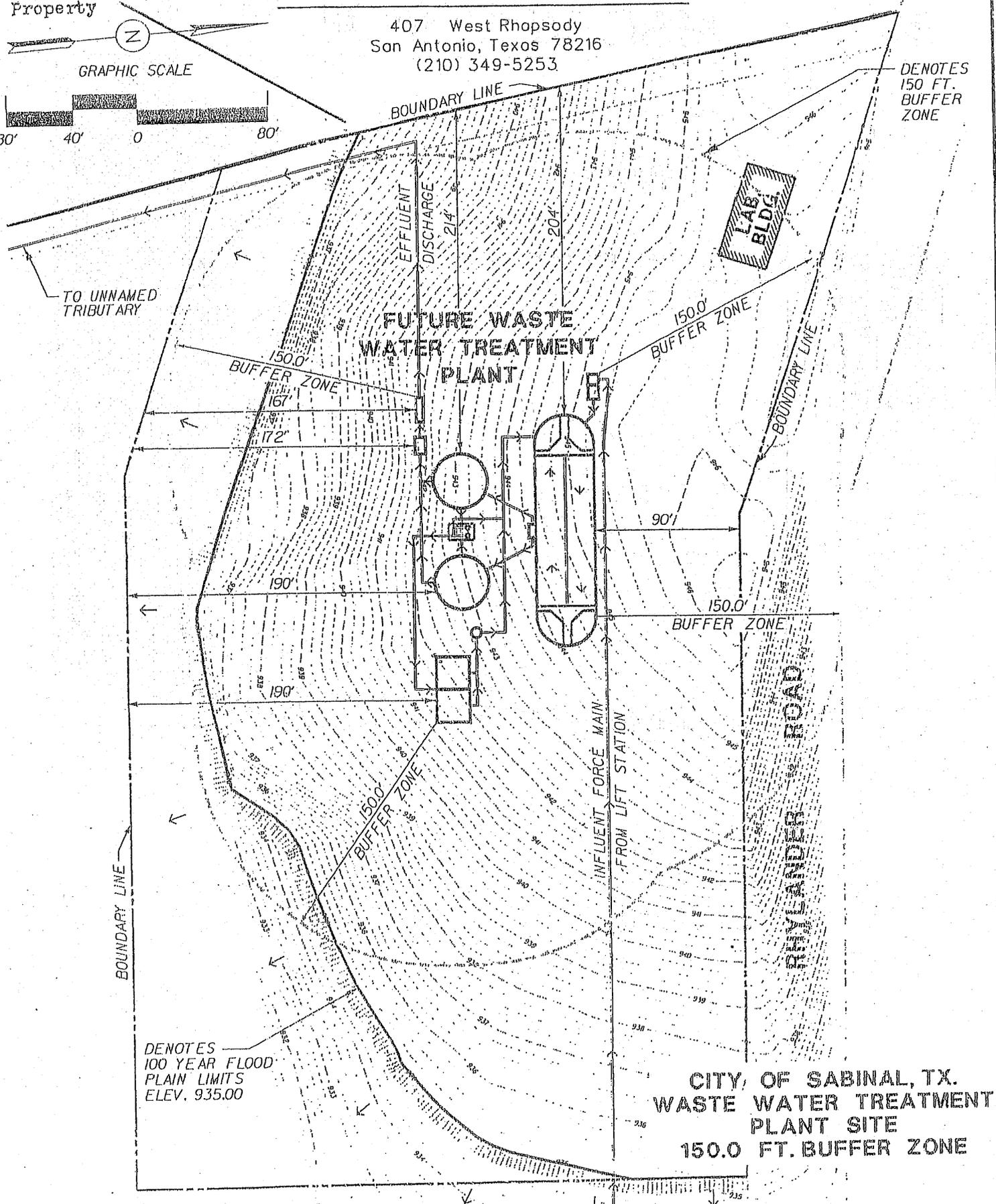


407 West Rhapsody
San Antonio, Texas 78216
(210) 349-5253

L T McCall
Property



DENOTES
150 FT.
BUFFER
ZONE



DENOTES
100 YEAR FLOOD
PLAIN LIMITS
ELEV. 935.00

CITY OF SABINAL, TX.
WASTE WATER TREATMENT
PLANT SITE
150.0 FT. BUFFER ZONE

Snyder's Land Co

125.90

LIMITS

K K
WOODLEY
CORP
12.00

JOHN
G. SMITH

A 448

50.1
SALMONS SEWER CO

LT
M. CANN
PROPERTY

2/3 AC

per yr 7

BERNARD
SHERNE

75.46

A. FLORES
A. L. FLORES
58.79 AC

406

20.7
CORP

45.54

42.45
EDWIN
CRAWF

27	28	29	30	31
32	33	34	35	36
37	38	39	40	41
42	43	44	45	46
47	48	49	50	51
52	53	54	55	56
57	58	59	60	61
62	63	64	65	66
67	68	69	70	71
72	73	74	75	76
77	78	79	80	81
82	83	84	85	86
87	88	89	90	91
92	93	94	95	96
97	98	99	100	101

OPA *H*

JUN 20 2006

BY *[Signature]*

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700

June 15, 2006

*60225
DOW
5/22/06*

CHIEF CLERKS OFFICE

2006 JUN 19 PM 1:50

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To: Chief Clerks Office:

Re: Sabinal Sewage and Waste Water Treatment Plant Relocation

In addition to my letter sent on June 14, 2006 contesting and requesting a hearing for permit # WQ0014689001 for the City of Sabinal's sewage and waste water treatment plant relocation. These are additional concerns that I think need to be addressed.

- 1) The unique/sensitive aquatic environment close to proposed discharge point.
- 2) The Sabinal River low flow rate not able to dilute the discharge affecting the natural ecosystems water .
- 3) My families health and recreational activities (fishing, swimming, wildlife consumption, etc.) being contaminated.
- 4) The discharge area prone to severe erosion.

Thank you for your patience and help with this matter.

Most Sincerely,

L. T. McCann

L. T. McCann

Received By:

Print:

[Handwritten mark]

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700

June 14, 2006

*60ccs
Dmwa*

CHIEF CLERKS OFFICE

2006 JUN 14 AM 10:54

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To Whom It May Concern:

Re: Sabinal Sewage and Waste Water Treatment Plant Relocation

It is to be recorded that L.T. McCann is filing for a hearing concerning permit #WR00014689001 for the City of Sabinal's sewage and waste water treatment plant relocation. There are many issues concerning this relocation that need to be disclosed

Thank you for your patience and help with this matter.

Most Sincerely,

L. T. McCann

L. T. McCann

OPA
H JUN 14 2006
BY *KJS*

Received By:

Melanie Mohair

Print:

Melanie Mohair

[Handwritten mark]

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 JUN 28 PM 2:12

CHIEF CLERKS OFFICE

June 15, 2006

To: Chief Clerks Office:

Re: Sabinal Sewage and Waste Water Treatment Plant Relocation

OPA

JUN 29 2006

BY

[Handwritten signature]

*MUD
52009*

In addition to my previous letters sent referencing the issues for permit #WQ0014689001 for the City of Sabinal's sewage and waste water treatment plant relocation. I would like for it to be recorded and recognized that the initial reason for the treatment plant to be relocated was due to the fact it operates in the flood zone subject to heavy floods. The proposed new site still remains in the same flood zone.
NOTE: Attachment (Proposed site in RED)

Thank you for your concern with this matter.

Most Sincerely,

L. T. McCann

L. T. McCann

Cc:
Sam Trevino TCEQ
Nueces River Auth
City of Sabinal

PLA
C.A.
JUN 16 2006
BY *KA*

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700

June 15, 2006

*Loe es
Cmmt*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
JUN 15 PM 3:48
CHIEF CLERKS OFFICE

To: Chief Clerks Office:

Re: Sabinal Sewage and Waste Water Treatment Plant Relocation

In addition to my letter sent on June 14, 2006 contesting and requesting a hearing for permit # WQ0014689001 for the City of Sabinal's sewage and waste water treatment plant relocation. These are additional concerns that I think need to be addressed.

- 1) The unique/sensitive aquatic environment close to proposed discharge point.
- 2) The Sabinal River low flow rate not able to dilute the discharge affecting the natural ecosystems water .
- 3) My families health and recreational activities (fishing, swimming, wildlife consumption, etc.) being contaminated.
- 4) The discharge area prone to severe erosion.

Thank you for your patience and help with this matter.

Most Sincerely,

L. T. McCann

L. T. McCann

Received By:

Print:

PLA

OPA

JUN 15 2006

BY KY

LTM Land & Cattle
L.T. McCann
PO Box 5954
Austin, TX 78763
(512)694-2700

June 14, 2006

*60005
Cann*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 JUN 14 PM 1:38
CHIEF CLERKS OFFICE

To: Chief Clerk:

Re: Sabinal Sewage and Waste Water Treatment Plant Relocation

It is to be recorded that L.T. McCann is contesting permit # WQ0014689001 for the City of Sabinal's sewage and waste water treatment plant relocation. There are many issues concerning this relocation that need to be addressed.

- 1) Location prone to flooding within 100/500 yr.
- 2) Neglected sewer lines going under river
- 3) Adjacent to subdivided properties.
- 4) Discrepancies of engineer's data for the permit.

Thank you for your patience and help with this matter.

Most Sincerely,

L. T. McCann

L. T. McCann

Received By:

Print:

df