

June 23, 2007

Daniel Cervenka
223 Mary Ann
Canyon Lake, TX 78133

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

MWD
34044

RFR
OPA H

RE: TPDES Permit No. WQ0014716001

BY _____

Dear Ms. Castanuela;

I am writing to not only request a 'Contested Case Hearing' but also to request a 'Reconsideration of the Executive Director's Decision'. I am an adjoining property owner to the proposed sewer plant discharge. I have read the "Executive Director's Response to Public Comment" and I have found it most disturbing not only to the environment, but also to the residents of Swan Point. I will address the E.D.'s responses to our concern's below:

In Response #2, the E.D. states that "due to the nature and small size of the discharge, no significant degradation of water quality is expected....and existing uses will be maintained and protected." I would like to know by whom will these waters be protected and I do not consider 25,000 gals/day a small discharge. In the same response #2, he states that "The wastewater permit application does not require the Applicant to submit an environmental study or impact statement". When do they have to submit such a study? This discharge application was for their phase 1 development only....they now have 3 phases and I'm sure the same sewage treatment plant application will be amended later to increase the flow.

In Response #7, it is stated "The proposed permit was designed to be protective of the quality of water in the state regardless of tide or wind conditions." I have to disagree: This is a protected shoreline with S.E. winds predominant during the Spring and Summer months. Did your office even go to the location to see how this effluent is going to be washed right back upon the coastline? During the Winter months, the north winds blow the water out of the bay leaving the shoreline dry into the bay for 100+ feet making the sewer outflow ditch flowing upon dry land thereby creating a stagnant mess. My enclosed photos were taken this year at the proposed ditch outflow location and clearly show this. My pier is 300' long and, as you can see by the photo, has 12" of water at the end....and this isn't even the lowest that the water level gets! Just viewing these photos should be reason enough for the E.D. to "recommend denial of the application."

Response 5 claimed that this is a "relatively small discharge (25,000 gals/day) and therefore no negative impacts to sea grasses will occur." The enclosed color coded map of the area (published

MWD

by the Texas General Land Office clearly shows the abundance of grasses in the area that will be affected. And, your Response 11 opens the door for future expanding and upgrading of the facilities. I can only guess how much they will want to dump into the bay in their next sewage application.

Response 10 infuriated me as well when it was stated that "The wastewater permitting process does not consider a facility's potential impact on (existing) development and any ensuing development's effect on wildlife." Excuse me, but aren't you guys called 'The Texas Commission on Environmental Quality'????? Why would you ever make a statement like that? The Swan Point development has been in place since the 1950's. The Falcon Point sewer plant is potentially going to make a very bad impact on not only the environment (especially in the immediate area), but on wildlife as well!

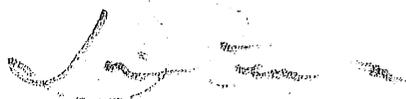
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I would like to call your attention to the attached 'Resource Management Codes' recommended by the Texas General Land Office for the area surrounding the proposed outflow ditch. I have highlighted a few of the more relevant recommendations as they apply to this issue.

Responses 10 and 20 refer to "common law remedies for causes of action, which result in injury or adverse effect on property". I am not opposed to the sewer treatment site, I only want the discharge ditch moved to a more environmentally friendly location. If this is going to be built, why not do it right in the first place? Why create a 'nuisance' and put the burden of future 'common law remedies' and their related expenses on down stream property owners?

I am not an attorney. If I was I might be more able to "list, to the extent possible, any disputed issues of law or policy." I am a justifiably concerned neighboring property owner who has diligently paid my taxes and abided by the rules of the governing entities. Response #4 states "The E.D. may recommend denial of the application if the proposed discharge would violate water quality standards." I think I have shown that it will. I ask for a more thorough study on this issue and trust that the decision made will be based on facts and nothing more.



OFA

Daniel Cervenka
701 Windrock Dr.
San Antonio, TX 78239

August 12, 2006

BY *[Signature]*

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

RE: Permit No. WQ0014716001

*MWD
D
54044*

EX-103
OFFICE OF THE CHIEF CLERK
AUG 16 PM 3:22

Dear Sirs:

I am an adjoining property owner to the above referenced permit application. I vehemently oppose the proposed sewage treatment plant and its effluent discharge into San Antonio Bay for reasons not only detrimental to the bay system itself, but also to the value of my property and my neighbors.

There is an existing channel that runs from the culvert at Falcon Point Rd., through my property, and into the bay. A few years ago, you could drive a small boat up that channel and back out again. After Calhoun County erected a dredging spoil pond at Mosquito Point and built a road to it, silt poured through the Falcon Point property, through the road culvert, through the channel on my property, and into the bay in back of our houses. This channel is now silted up so far that drainage has become seriously hindered. Despite my complaints, nothing was ever done to alleviate this problem. This is the same route the effluent will take if the proposed 'drainage channel' doesn't keep it all in check. I will address this issue again later in this letter.

During a recent Commissioner's Court meeting, I voiced my concerns about the flowing of water over Falcon Point road and the subsequent washing out of my property. The engineer retained by Falcon Point showed the same proposed 'drainage channel' to me and told me that this should help alleviate my problems, but he wouldn't guarantee it. This was well before anyone was told that Falcon Point was building a sewage treatment plant with its additional effluent discharge into the same drainage channel.

The existing channel on my property was never intended to handle the additional discharge of the development of Falcon Point Ranch and Swan Point Landing. The Commissioner's Court approved, some years ago, the development plat of Swan Point Landing and its subsequent drainage discharge into the existing channel on my property. I feel the county overstepped its authority by granting this easement to Swan Point Landing, but that's another issue in itself. Suffice it to say, I am getting silt poured across my property and into the bay behind my property from at least three different directions. The issue of flooding into both my houses because of the drainage issue is another topic of discussion. We have owned our bay front property since 1969 and the additional

acreage since 1993 with never more than a small amount of rainwater coming in under the front door, and that was only during a severe storm. Nothing has compared with the flooding we have experienced since both of these subdivisions started their development.

In my opinion, the discharge of effluent into the bay system itself will most definitely affect the enjoyment of our property owners, the value of their property, and the quality of the bay system itself. A constant discharge of that much fresh water in such close proximity of our property will certainly affect fishing and other marine habitats. The value of property will almost certainly go down as we would become, essentially, downstream of a sewage outflow. I noticed on the application for this plant that there was a question as to whether the effluent outflow would affect any oyster beds and sea grasses in the close proximity. Whomever answered the questions 'no' must have not looked at the shoreline or been familiar with the bay. There are both in very close proximity.

In closing, I hope your Commission will look very hard at this or any other application for dumping into our bay system. This proposed discharge affects not only the existing property owners of Swan Point, but also the residents of Seadrift. No one I have spoken to in Seadrift has been notified of this intention. I sincerely hope that Falcon Point Ranch will find another solution to their problem and not make it ours.

Sincerely,

A handwritten signature in black ink, appearing to be "D. P. Smith", written in a cursive style.

Daniel Cervenka
701 Windrock Dr.
San Antonio, TX 78239

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

August 12, 2006

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OFA

CHIEF CLERK'S OFFICE

AUG 16 11 09 13

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BY _____



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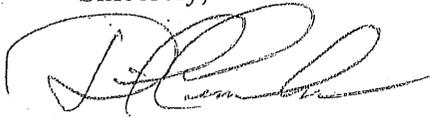
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Virginia Cervenka
701 Windrock Dr.
San Antonio, TX 78239

Ju 8, 2007

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

MAILED
5/10/07

H OPA RFR
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BY

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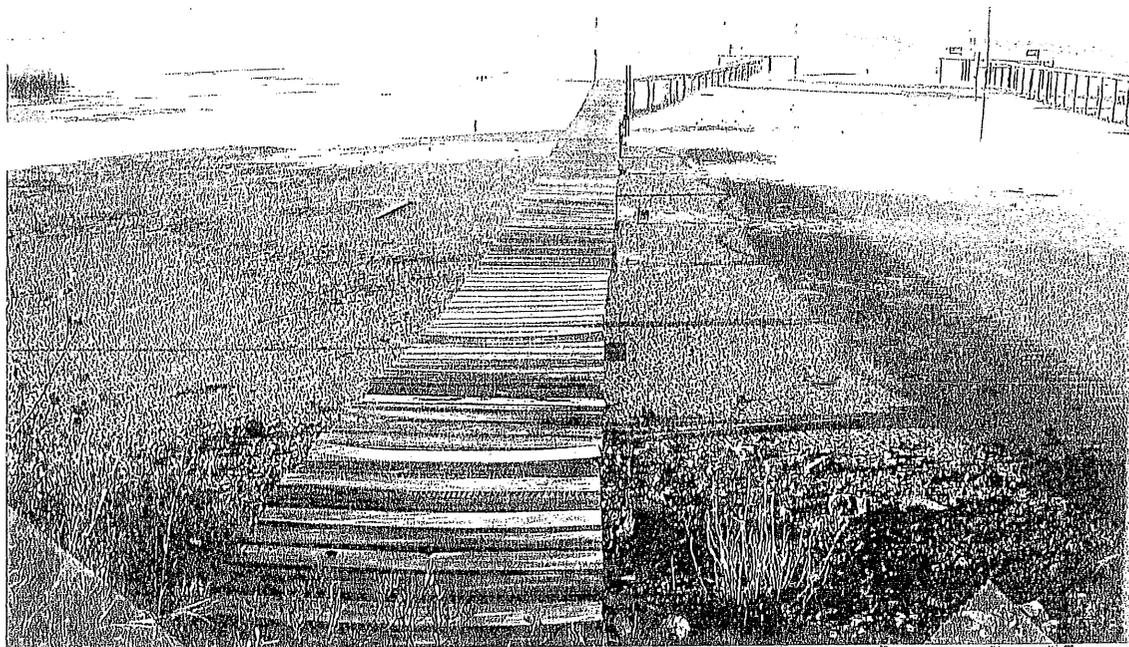
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William A. ...

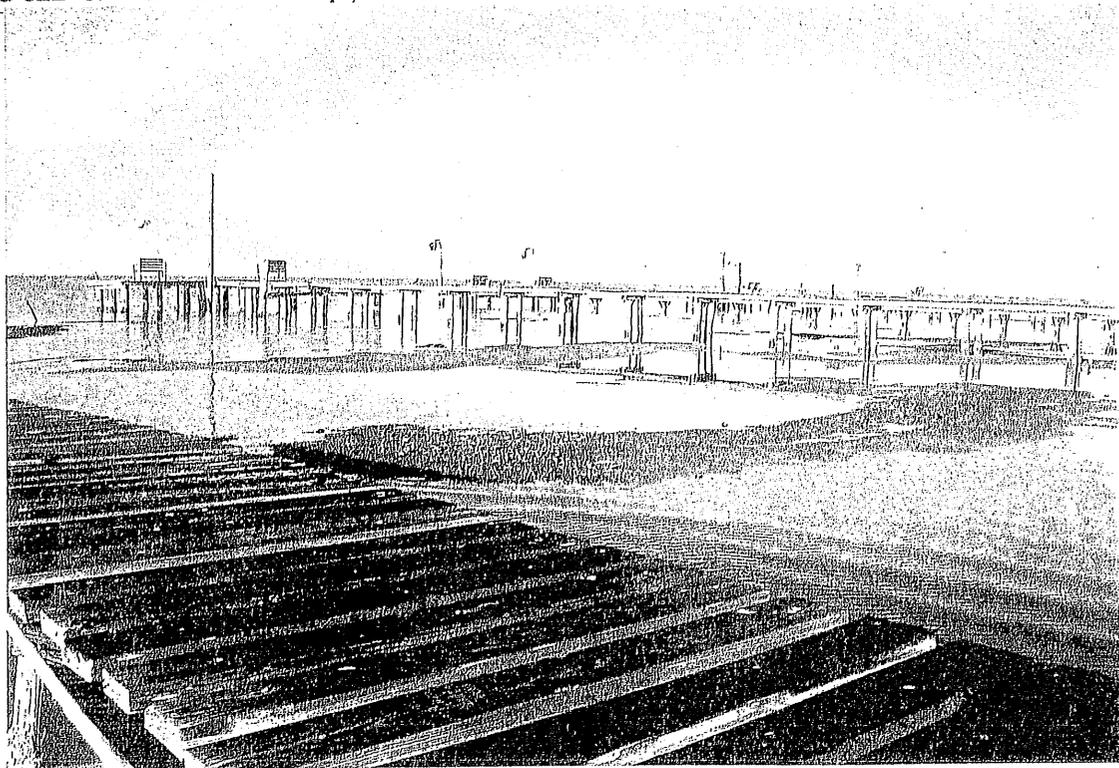
SWAN POINT
&
FALCON POINT RANCH

PHOTOGRAPHS AND
OTHER SUPPORTING
DATA

Swan Point Photographs

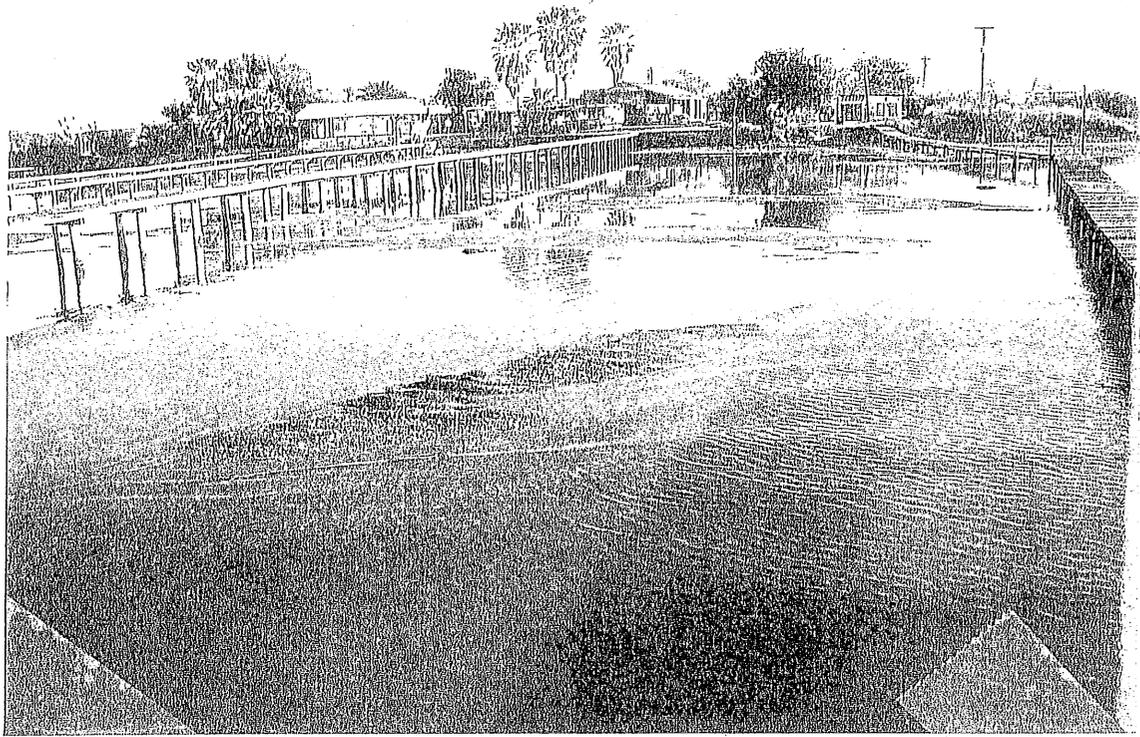


View from shoreline behind my house showing shallow water depth and nothing but mud to over 100' from shoreline.

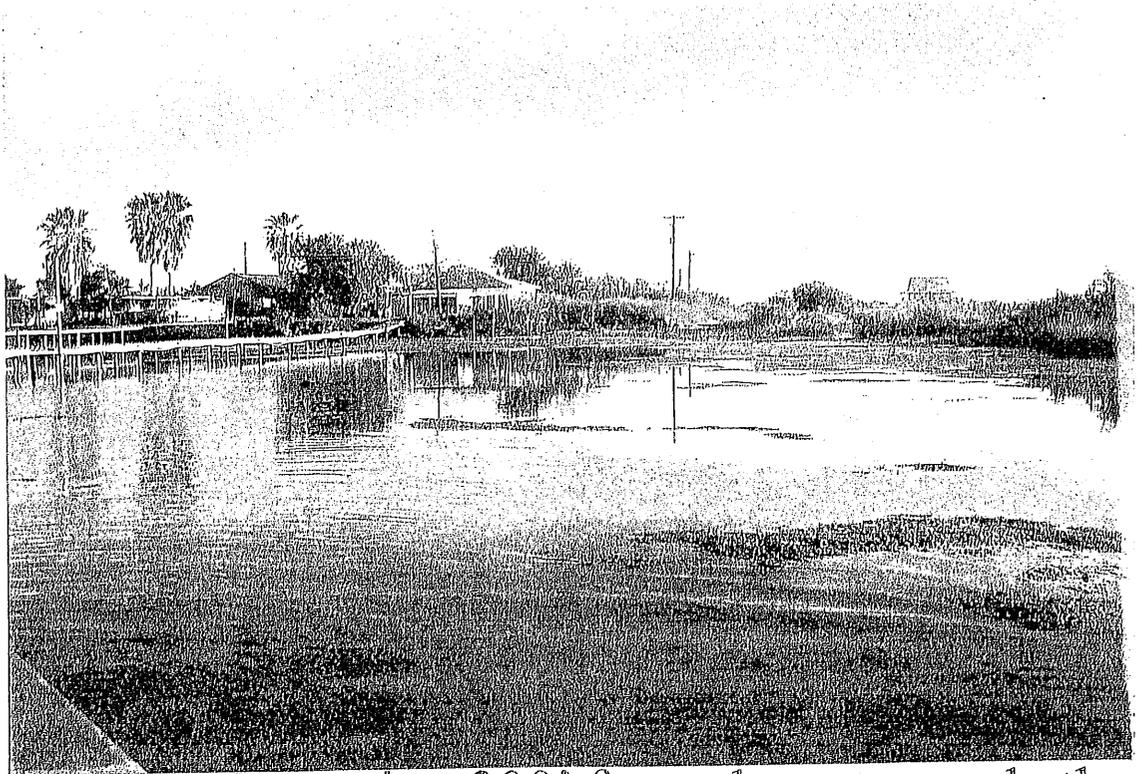


View from my pier looking seaward at 150' from shoreline.

Swan Point Photographs

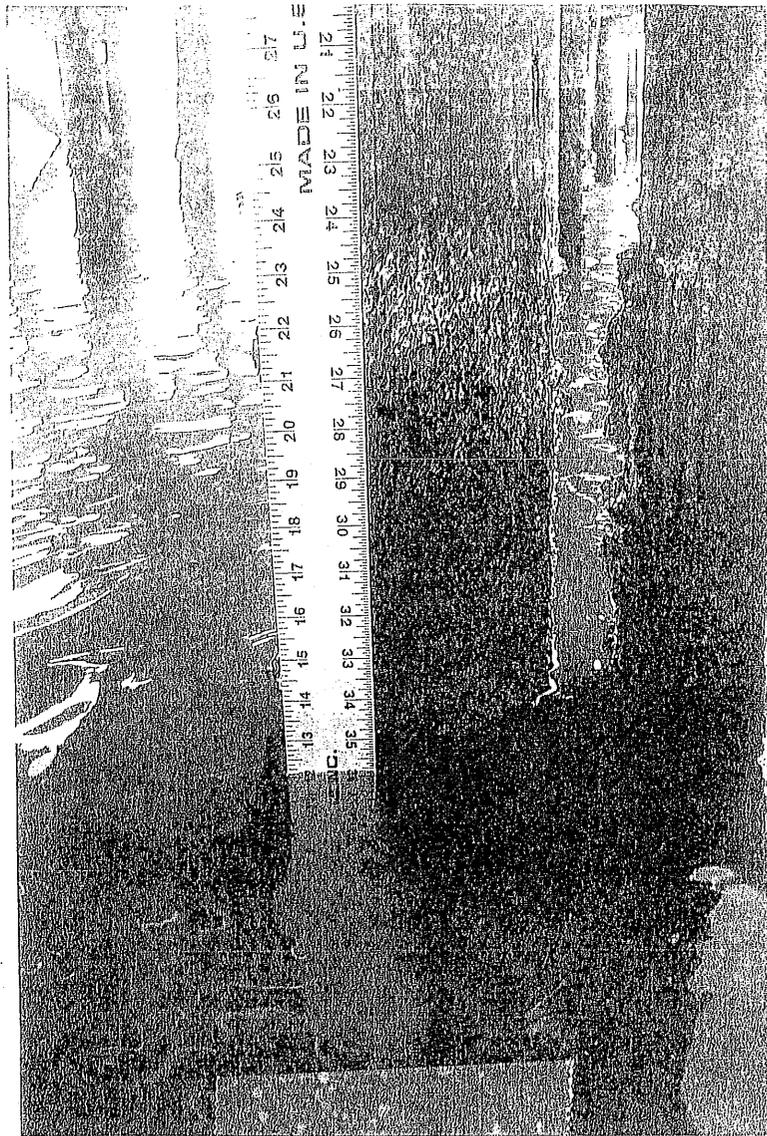


View from the end of my pier (300' out) looking toward shore.



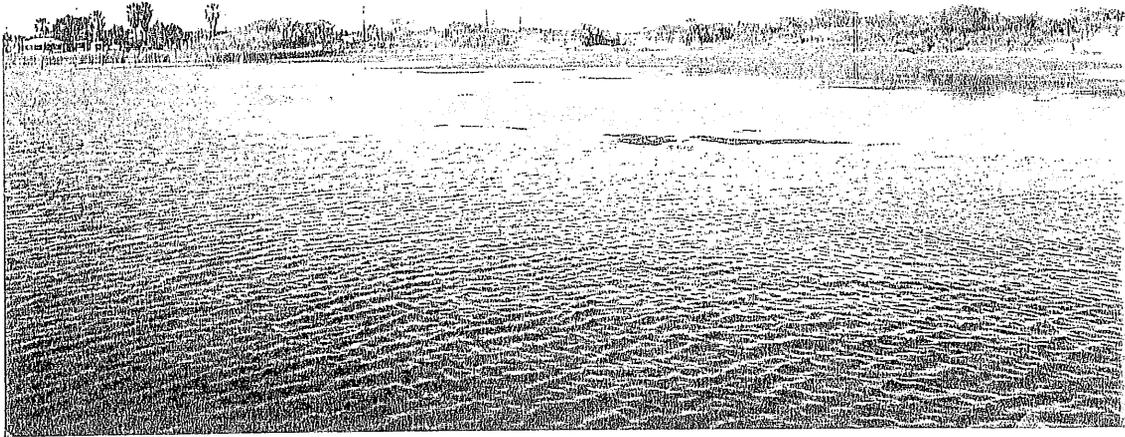
View from kayak moving 300' from shore towards the Falcon Point Ranch sewer outflow. Shallow mud and still water.

Falcon Point Photographs

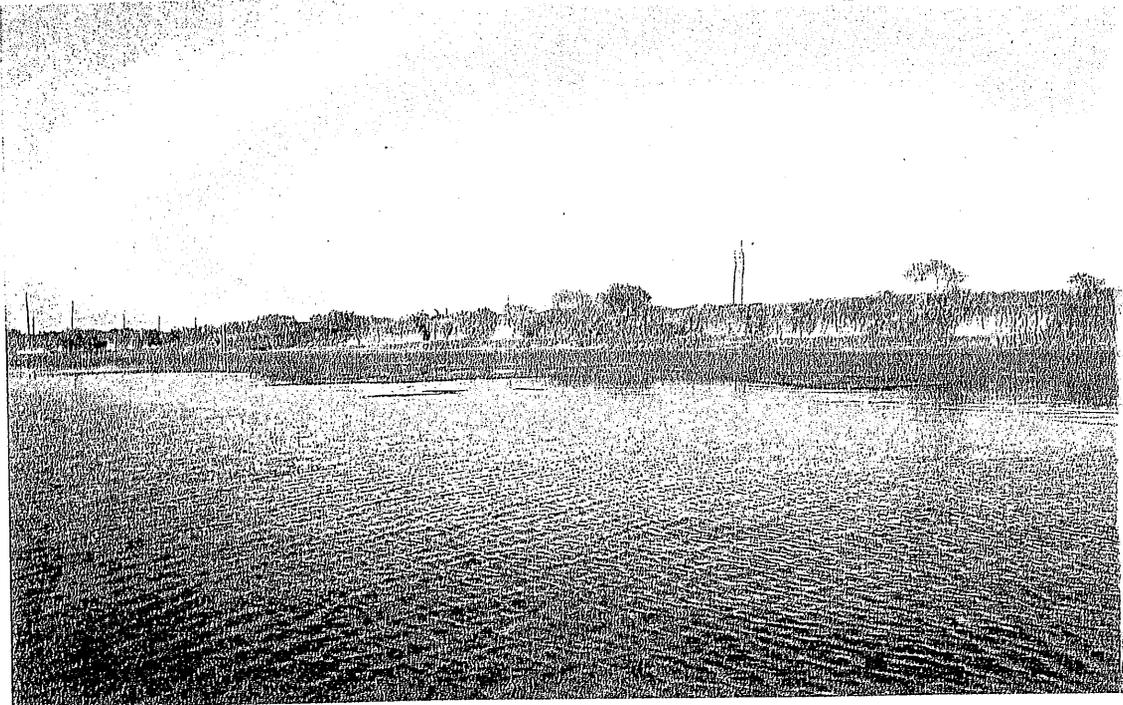


At the time these photos were taken, there was 12" of still water at the end of my pier.....that's 300' from the shoreline! This is NOT the lowest water level the bay attains either! Tell me again....."How is the effluent going to disperse?"

Falcon Point Photographs

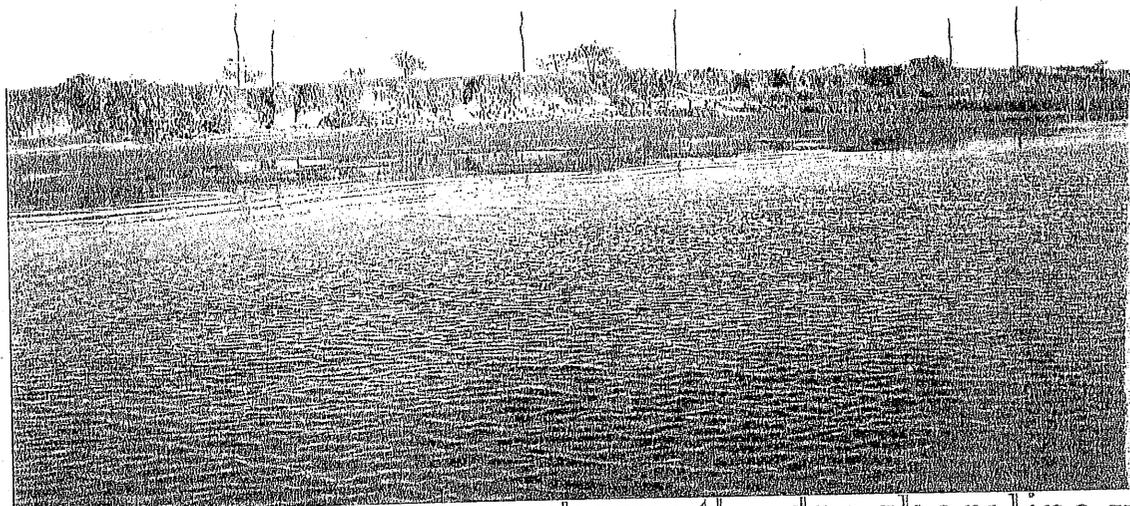


Moving towards the Falcon Point Ranch sewer ditch outflow site, it is evident the shoreline is void of any water for 100+ feet



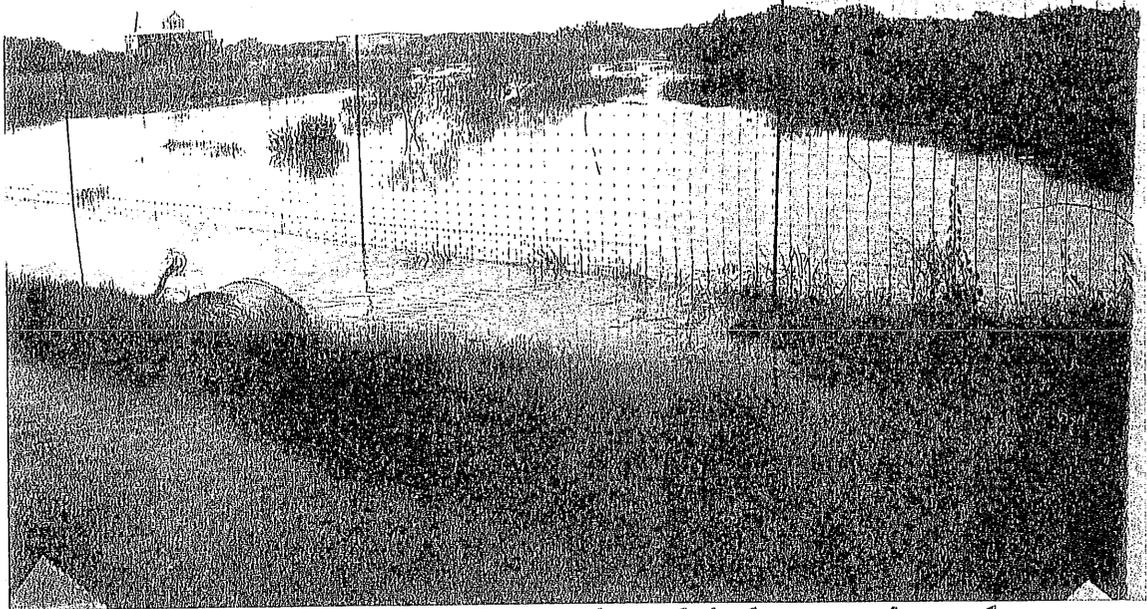
...and the water 300'+ out is very shallow and no mixing with 'normal' tidal action is evident....a stagnant mess in the making?

Falcon Point Photographs



A little closer view of the area shows the dry shoreline where the outflow will be located. Where is the effluent going to dissipate?

Falcon Point Photographs

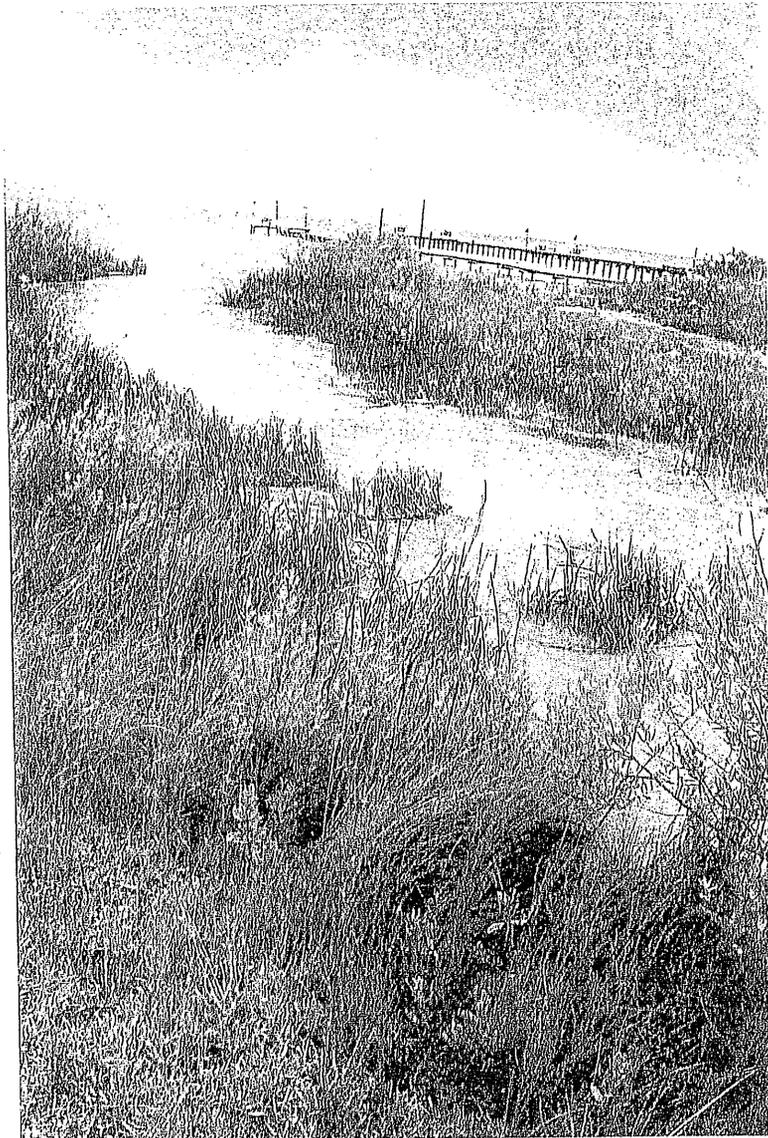


A view of the 'draw' on the Ranch which carries the wastewater to the bay. This series of photos were after a 'normal' rain.



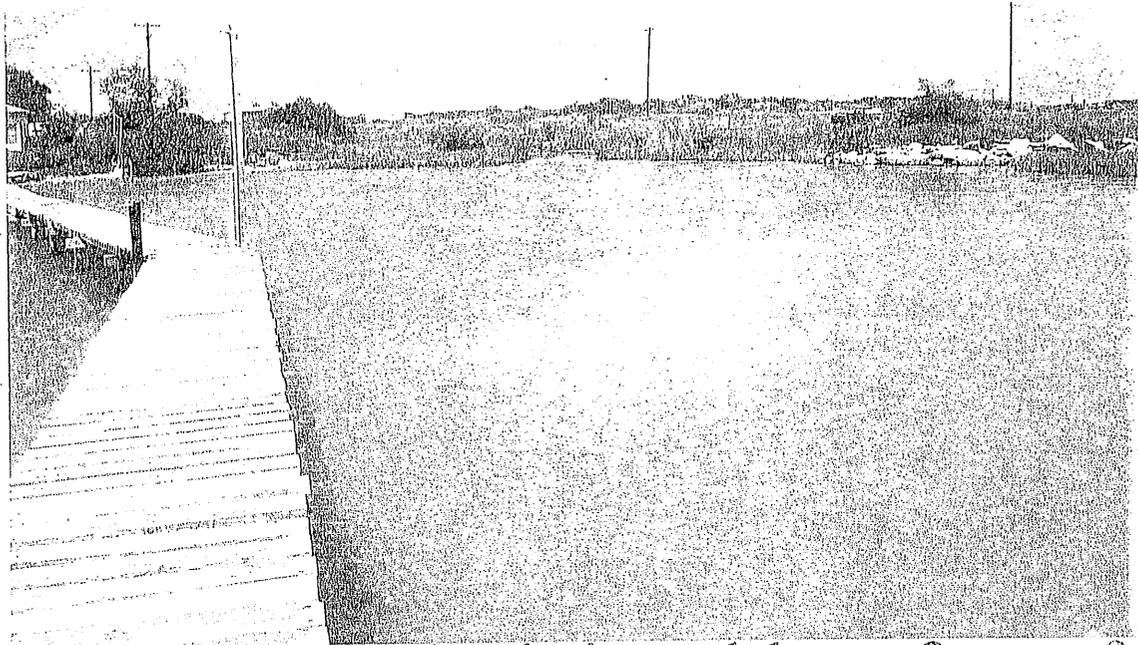
The deluge comes under the road, into a ditch on my property....

Falcon Point Photographs

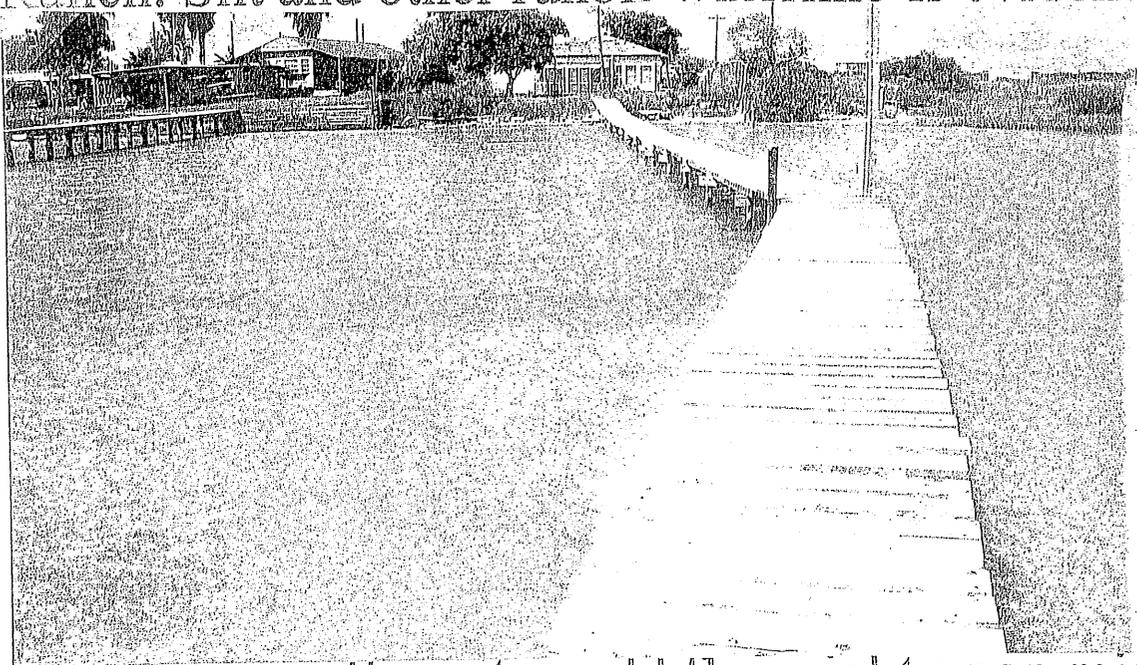


.....through the ditch on my property.....and into San Antonio Bay!

Falcon Point Photographs



Photos taken from my pier during a deluge of water from the Ranch. Silt and other runoff waterline is evident.



If this was sewer overflow, it would flow right upon mine & my neighbors' property. Silt buildup in the bay from Ranch runoff continues to be a problem as well.

SWAN POINT
&
FALCON POINT RANCH

TEXAS GENERAL LAND
OFFICE PRODUCED MAP
OF SEAGRASSES AND
RESOURCE
MANAGEMENT CODES
FOR THE
SAN ANTONIO BAY AREA

Resource Management Codes

Texas State-Owned Submerged Lands

Each submerged tract has been assigned one or more two-letter Resource Management Codes. These codes represent suggested guidelines for activities within the tracts, and are designed primarily to encourage the protection of sensitive natural resources by recommending precautionary measures which would minimize adverse impacts from exploration and development activities.

Definitions and Explanations of the Resource Management Codes

ACCESS

CA - Use existing channels only.

New dredging may not be authorized on this tract; however, maintenance dredging of pre-existing channels may be authorized if sensitive habitats are not impacted.

CC - Use one channel for production of tract. If no channel is present on the tract, the dredging of a single channel may be authorized to provide access for development.

To minimize destruction of valuable habitat on this tract, access should be limited to a single channel that leads to a central drilling location and avoids submerged grasses and other sensitive habitats.

CF - Vehicular access methods must be designed to avoid or minimize impacts on areas containing emergent marsh, submerged grassbeds or sand, mud, or algal flats.

Sensitive habitats within this tract are easily damaged. Best Management Practices must be used to avoid or minimize impacts to these sensitive habitats. Methods of access and operational plans may be required.



DREDGING AND DREDGED MATERIAL DISPOSAL**DA - No dredging on this tract.**

Water depths on this tract may be sufficient for access without dredging. Dredging may destroy or degrade sensitive estuarine habitats and reduce the productivity of the bay.

DB - No dredging in water less than 4 feet deep as measured from mean low water.

Protects shallow water areas of 4 feet or less which contain sensitive habitat.

DC - No dredging in water less than 6 feet deep as measured from mean low water.

Protects sensitive estuarine habitats, usually in clearer water where light penetration may reach 6 feet.

DD - No dredging to a depth exceeding 6 feet as measured from mean low water.

This tract is generally shallow and the creation of excessively deep pockets of water could alter current patterns, cause stagnation pools, and create traps for fish when tide levels drop.

**MISCELLANEOUS****MA - No special recommendations.**

The agency submitting this code has no specific concerns for this tract.

ME - Avoid marshes and other sensitive resource areas.

Sensitive marine habitats exist within this tract, but oil and gas exploration and production activities, construction and operation activities, access routes, rights-of-way, and other activities may be permissible if sensitive areas are left undisturbed.

MG - Avoid submerged aquatic vegetation.

Seagrass has been documented on this tract, but oil and gas exploration and production activities, construction and operation activities, access routes, rights-of-way, and other activities may be permissible if sensitive areas are left undisturbed. A survey may be required to locate any existing submerged aquatic vegetation.

MK - State Archeological Landmarks and/or other cultural resources protected by state law are known to be or may be located on this tract and should not be disturbed.

Prospective developers must obtain information about archeological survey requirements and avoidance of valuable historical artifacts on this tract from the Texas Historical Commission. Archeological survey, site avoidance, or other actions may be required. Known archeological sites or those discovered during surveys may require additional conditions for exploration and production activities.

ML - This tract contains private oyster leases.

Private oyster leases are present on this tract. Names and addresses of individuals holding private oyster leases and oyster lease rules are available from the Texas Parks and Wildlife Department.

MO - Work on this tract is subject to Endangered Species Act review.

Consult with the commenting agency for information.

MP - Work in this tract is subject to special recommendations, restrictions or special use permits from federal or state agencies.

Federal or state agencies may have specific requirements for this tract and should be consulted.

MR - Special methods may be necessary to reduce turbidity resulting from construction activities.

Reduce impacts of sedimentation on seagrass, marshes,

oyster reefs, or other sensitive estuarine habitats in this tract.



OIL AND GAS DEVELOPMENT

OA - No surface drilling locations on this tract. Directional drilling from adjacent areas may be necessary.

Important marine habitat exists within this tract, and drilling activity and dredging of access channels may significantly damage the marine ecosystem. Directional drilling from off-tract locations may be required for mineral development of this tract.

OH - Drill only from water deeper than 6 feet as measured from mean low water, or from land above mean high water.

This tract has both deep (greater than 6 feet) and shallow water areas and/or adjacent uplands. To protect sensitive habitats in the shallow water, confine drilling activities to the deep-water areas or adjacent uplands.

OM - Avoid dredging, dredged material disposal, geophysical surveying, drilling, and pipeline and platform construction on the top or slopes of reefs, banks, hard bottoms, artificial reefs, historic reefs, serpulid reefs, or constructed reefs on this tract.

These activities may be prohibited or restricted within 500 feet of reefs to avoid damage caused by accidental discharges of hazardous substances or oil, by sedimentation, or by physical impacts of reef material and to protect fish and other valuable marine organisms attracted to the area. A reef survey may be required.



RIGHTS-OF-WAY

RW - Navigational concerns such as navigational channels, dredged material placement areas, safety fairways, and anchorage areas exist within this tract.

To ensure compliance with federal regulations regarding navigation channels, anchorage areas, safety fairways, and other navigational concerns, contact the U.S. Army Corps of Engineers, Galveston District.



TIME LIMITATIONS

TA - No drilling within the two miles seaward of the Gulf shoreline in the area of Padre Island National Seashore. Drilling activity between two miles and three miles of this shoreline is also prohibited between March 15 and September 15.

Drilling activity within two miles of the Gulf shoreline in the area of Padre Island National Seashore is restricted to protect both the aesthetic and recreational values of the public beaches. Drilling is allowed within the area from two miles to three miles from shore during the tourist off-season (September 16 to March 14) but drilling activity in this strip must commence before January 15 to insure adequate completion time before the March 14 deadline. Access to minerals in the two-mile zone along the Gulf beach may be achieved by directional drilling from upland sites on Padre Island if authorized by the National Seashore, or from state tracts beyond the two-mile limit.

TB - Tract contains whooping crane critical habitat. No construction, dredging, or drilling between October 15 and April 15. No permanent structures higher than 15 feet above mean water.

All oil and gas exploration activity on this tract is restricted during the period from October 15 to April 15 to protect whooping cranes which winter in the Aransas National Wildlife Refuge area. All permanent structures on this tract must be 15 feet or less in height.

TC - Bird rookeries are located on or near this tract. No drilling, dredging, seismic exploration, construction activity, or watercraft landing within 1000 feet of a rookery during nesting season between February 15 and September 1.

Bird nesting islands must be left undisturbed. Any

development operations are prohibited within 1000 feet of the rookery areas during the peak nesting season from February 15 to September 1.

TD - Nesting sea turtles are located on or near this tract. No geophysical surveying within three miles of the Gulf shoreline and along the beachfront during sea turtle nesting between March 15 and September 15. No drilling, dredging, or other construction within 1000 feet of a sea turtle nesting beach between March 15 and September 15.

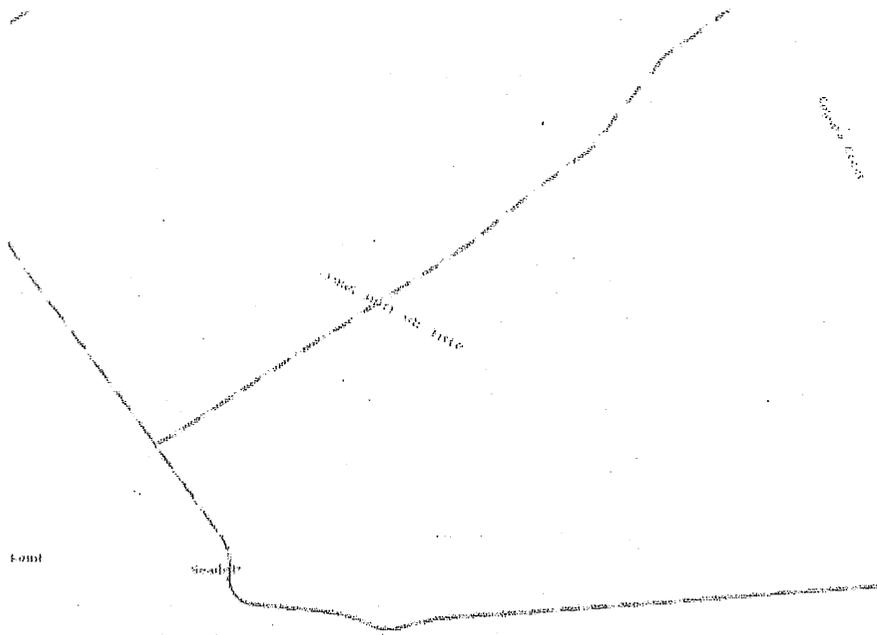
Sea turtles have been documented using the beachfront in or adjacent to this tract for nesting. Oil and gas exploration activity on this tract is restricted from March 15 to September 15 to protect nesting sea turtles.

TF - Tract contains habitat for wintering piping plovers. Oil and gas activities, dredging, construction projects, and surveying may be restricted between July 15 and May 15.

Oil and gas activities on this tract may be restricted during the period from July 15 to May 15 if U.S. Fish and Wildlife Service determines it is necessary to protect piping plovers which winter along the Gulf coast.



Water Body:	HYNES BAY	Tract:	133
County:	CALHOUN	Acres:	475
Part:	CITY OF SEADRIFT		
Control #:	02-014484		
ALL:	CF, DA, DB, MA, ME, MG, MR, OH, OM, TC	USFWS:	CF, DA, MG, MR, OM, TC
NMFS:	DB	TPWD:	DA, OH, OM, MG, ME
COE:	MA	THC:	MA



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Oct. 18, 2006

Virginia Cornta:
707 Wundrock Dr
Wundcrest, TX 78237-2628

OPA
H OCT 19 2006
BY W

OFFICE OF THE ATTORNEY GENERAL

Texas Commission on Environmental Quality
Re Proposed Permit # W.90014716001

MWD
54044

To Whom it May Concern:

I received your latest letter regarding a reversed permit application # as above. I have owned property on the water for 37 years (since 1969). As I stated in my previous letter to you. We never had 2 inches of water in the house until 2 ranches started dumping water (without our permission) into our creek and down the bar ditches from all directions. We have tried to have this remedied but the County Commissioner tells me he doesn't argue with a woman and does nothing to alleviate the problem he has. D.C. to her name.

It is bad enough that Mountain Landrig
has been dumping their water onto our
property. Now Duck Falcon Point Ranch
wants to dump sewage into ponds
near our property and which with
heavy rains overflows onto our property.
It is not good to face a future of
treated sewage coming into my
place.

The two ranches have never offered
enumeration of any kind for the damage
they are doing to our property or
stopping the deterioration of same.

The wind blows the water out
about several hundred yards into
the bay and our pier is left standing
in a sea of mud. What will happen
then to the sewage that will be
dumped into the same area? I have
wondered why Falcon Point Ranch did
not do this sewage dumping up
the bay above their property and have
come to the conclusion they didn't
want it near their ranch -

Thank you for informing me about
this matter and I hope you will
vote against it as I am not the
only property owner being hurt.

I remain Sincerely

Virginia Arnsperger

Sirs: A member of neighbors
would like to request a contested
hearing - Is this possible now?

WR0014716-001

OPA

Windcrest, TX
8-2-06

To whom it may concern: JW

Re: Sewer plant at Falcon Point

We have owned our house at or on Swans Point Rd since 1969. Paul Jager, loaned and cared for it. We are residents of Windcrest but have spent many days enjoying fishing, hunting and just relaxing there. It is not a mansion but we have always owned it free and clear.

A couple years ago Swans Point landing was created and we had no objections until a trench was dug through the middle of the Ranch, solely for the purpose of draining water off the Ranch. The County dug under the road put in a culvert, dug under the point of our property (without our permission) put a bar ditch along side of the or a road leading to Falcon Point and emptying into our creek. Falcon Ranch already had the County put in a culvert under the above mentioned road which at that time

SEARCHED INDEXED
SERIALIZED FILED
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FBI - WINDCREST

THOMAS
D.C.M.
W

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had no name, as one blk lane and the whole blk abutted over property. This was for the sole purpose of emptying excess water from this property into the above mentioned creek.

Falcon Point now begins to develop this property, putting in lakes, ponds and water front properties. This is the property which is now asking to build a sewer plant. If it rains long enough or hard enough, as it has been known to do Falcon Point's pond will overflow sending some water into air creek.

The last rain of a couple weeks ago caused a ft of water to go across the above mentioned rd and the culvert couldn't handle it and both emptied into our creek from the the Falcon Pt ranch.

For the first time since we owned our house (1969) we had 2 inches of water through out the whole house and garage - Not just the latest rain but the one before. It is bad enough that we are being flooded by 2 (two) ranches needing to dump excess water. But to use our property for such use without our permission is any.

consideration for what they were
damaging in the process.

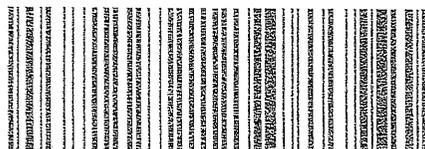
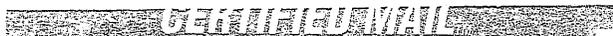
The Rane tried to be good neighbors
to all since 1969. The fact that
we are being forced out of our
property with just rain & water
damages from the ranches, w/out
having to deal with a sewer plant

The tried to find an attorney in
the vicinity to clear this up
only to find that anyone (engineers,
lawyers and etc) were either
related to or working for or in one
way or another connected to one
or the other of the projects. The
now have an Attorney in Victoria
with our San Antonio Attorney as
consulting attorney. He would be
happy to furnish you with the
name.

I hope you have read this very
carefully and can understand why
we are so opposed to the Falcon
Point Sewer Plant or at least its
location - I thank you, I remain

Sincerely,
Cyril Rane

V. Cervone
701 W. Underhill Dr
Grand Crest, TX
78239-2628



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RETURN RECEIPT
REQUESTED

CHIEF CLERK
2006 AUG 16 10 22

Office of Chief Clerk
MC 105, TCEQ
P.O. Box 13097
Austin, TX 78711-3097

RECEIVED

AUG 16 2006

TCEQ MAIL CENTER
5057 RB

Texas Commission on
Environmental Quality

7871143097-97 8012



To : Office of Chief Clerk TCEQ

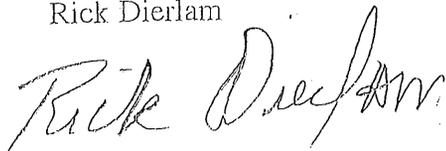
Reference : Proposed permit number WQ0014716001

OPA
SEP 25 2006
BY KA
MUD
54044 H

I am writing this in concern for the application for permit for a Texas Pollutant Discharge Elimination system being applied for by Seadrift Ranch Partners LTD. My name is Richard Dierlam and my the physical address is 1351 Swan Point, Seadrift, Texas 77983. My PO. Box where I get my mail is PO. Box 952 Seadrift, Tx. 77983 Phone number is 361- 550 -1092 (cell). The proposed location of this site is approximately 1 mile or maybe even closer based on where the actual discharge is to be made into the bay – all this based on the information you have sent me in your letter. My property is located approximately mid way of all the houses located on the shore line of Swan Point. I have been a life long resident of Seadrift and am very familiar with the land and waters of Swan Point.

I am not in favor and request a contested case hearing due to the fact that this discharge is going to affect the shoreline properties of Swan Point due to the inability of sewer discharge water to be carried away properly from this area. The result of this would be that the water would only linger on the shoreline of Swan Point due to lack of insufficient bay water egress and ingress and the prevailing south winds thus also disturbing the ecological water balance in the area. Swan Point water front properties are on somewhat of an extended curved shoreline that does not always get a direct flow of water in and out due to the layout of the shoreline. I personally have seen debris in the water in front of my house that does not move but up and down the shore line due to the winds and the way the tide water moves in and out of this area. Along with this would also be to mention the affecting smell of a sewer plant due to the prevailing south winds. This would definitely affect the water and air quality in the Swan Point area and conversely my property value and above all my quality of life. My recommendation would be that if they want to discharge somewhere would be away from existing subdivisions and further south if my directions are proper. To put it location wise, would be to have it located on the other side of their lodge and proposed development toward and dumping into the intercoastal canal so that if anything were to be affected they would also be subject to prevailing winds / smell and also effect of water discharge. Why did they opportunistically decide to put it in this proposed location? They have over 5000 acres to put this facility and putting such a facility this close to existing housing and Seadrift community does not make sense other than them knowing that their water front water and air quality would not be affected based on their future proposed development and already existing lodge. Another problem with this is that these systems when proposed start out small and then just get bigger and bigger based on future growth which is kind of a blind siding effect of the old strategy of “ lets just get it approved and we can always get larger if needed” which in this case bigger is not always better. In summary move it further away to discharge into the intracoastal canal on the so called welder flats side – plant , holding ponds and all -- for the betterment of all involved and to also handle future growth potential.

Thank you for your time,
Rick Dierlam



Your Tier 1 antidegradation review apparently did not extend to San Antonio Bay, Segment No. 2462. The stream reach assessed only included the detention/retention pond and the unnamed lake. The mission statement of the Texas Commission on Environmental Quality (TCEQ) states:

If the TCEQ rules and requirements (in conjunction with the goals and policies of the Texas Coastal Management Program (CMP) and in accordance with the regulations of the Coastal Coordination Council (CCC)) are developed to protect aquatic life, human health, and recreation use in accordance with the Texas Surface Water Quality Standards, then the antidegradation review and stream reach assessed should extend into San Antonio Bay because the Applicant clearly intends for the discharge to flow to San Antonio Bay. [Application Domestic Worksheet 2.0 - Receiving Waters item 4.d., Technical Report 1.0, TCEQ-10054 on page 9 of 30]

Applicant stated there are no oyster reefs in the vicinity of the discharge and also stated there are no Sea Grasses within the vicinity of the discharge. [Application Domestic Worksheet 2.0 - Receiving Waters item 2.b. and 2.c., Technical Report 1.0, TCEQ-10054 on page 8 of 30] Enclosed please find map clearly showing Sea Grasses along the shoreline of San Antonio Bay near the potential points of discharge from the Applicant's property. [map of Texas Beach & Bay Access Guide from the Texas Coastal Management Program of the General Land Office www.glo.state.tx.us]

Even though the Applicant is not required to submit an environmental study or impact statement, TCEQ, in accordance with its mission statement, should develop same in its antidegradation review all the way through the stream reach to Segment No. 2462, especially given that Segment No. 2462 is currently listed on the State's inventory of impaired and threatened waters.

Your Response 5 indicates: *" Though the Applicant's response in the application indicated that there are no oyster reefs or seagrasses in the vicinity of the propose discharge, the ED is aware of the presence of oyster reefs and seagrasses in San Antonio Bay. The proposed draft permit was developed to be protective of the oyster reefs and seagrasses. Specifically, the discharge constituents of primary concern for these aquatic uses are bacteria and nutrients (i.e., nitrogen and phosphorus compounds). The disinfection requirements in the proposed draft permit are intended to reduce bacteria concentrations in the discharge to insignificant levels. With respect to nutrient loading in San Antonio Bay, it is the opinion of the ED staff that the detention time provided by the detention/retention pond and the unnamed lake will substantially reduce nutrient levels in this relatively small discharge and therefore no significant negative impacts to seagrasses will occur. "*

Your response did not address the issue of the width of the receiving water at the outfall [Application Domestic Worksheet 2.0 - Receiving Waters item 2.a., Technical Report 1.0, TCEQ-10054 on page 8 of 30] The application is still administratively incomplete because it was not addressed in your letter dated May 19, 2006 and because such information was not provided by the applicant in its response to the letter dated May 19, 2006 or in any other supplements. The applicant's response dated June 5, 2006 brings the issue of the calculation of the average daily flow of 100 gallons per person per day for 108 lots with 2.2 people per lot, which equals 23,760 gallons per day and the

addition of the Falcon Point Lodge to be connected to the proposed wastewater treatment plant, but does not include a calculation of the average daily flow from the Falcon Point Lodge. The requested limit of 25,000 gallons per day and such design flow calculation would only allow for 12.4 people at the Lodge, not counting the possibility of additional lots or additional Lodge facilities. If the width of the receiving water is not established, there is no basis for calculating the extent of the discharge either in width or in volume nor the significance of the impact to oysters reefs or seagrasses.

Your Response 6 indicates: *"The ED is not aware of documented instances where wastewater discharges have significantly altered bay salinities. While extremely localized (i.e., in the immediate area where the discharge enters the bay via the drainage ditch) decreases in bay salinity could result from this relatively small proposed discharge, it is the opinion of ED staff that this potential effect would not negatively impact aquatic life or fishing in the area."*

The discharge of fresh water into San Antonio Bay near our property does detrimentally impact the vegetation along the shoreline and the salinity of the Bay. We have witnessed the effects for the last six years of owning our property. When there is rainfall in the area, it runs across our property (#17) off into the existing drainage ditch which the Applicant intends to use in its proposed drainage channel. The naturally occurring fresh water drainage from rainfall does effect the salinity around our pier (#136) and therefore, decreases the bait and fish around our pier. However, the naturally occurring processes of nature such as tides, winds, currents, etc. also return the salinity to our area after the rainfall drainage stops. It does not rain every day, but the proposed discharge will be daily, potentially resulting in flooding of our property. We purchased our property and rebuilt our pier after the hurricane in order to catch fish. The daily discharge of fresh water near our pier will make fishing from our pier a worthless effort and will significantly decrease the enjoyment and value of our property specifically. We will be adversely affected by the proposed facility in a manner not common to the general public. The GLO restricts human intervention which causes a disturbance of the oyster reefs and vegetation along the shoreline where our pier extends out into the bay. The same restrictions should apply to Applicant.

Your Response 8 states: *"Even though the Applicant indicates the facility is located above the 100-year frequency flood level, the proposed draft permit requires the Applicant to provide facilities for the protection of its wastewater treatment facilities from a 100-year flood (Other Requirements section of the permit).* The existing pond and San Antonio Bay would clearly be within the 100-year frequency flood level according to the referenced FEMA maps (FEMA Flood Insurance Rate Map Panels 480097 - 229, 265, Calhoun County). In Item 8. Supplemental Permit Information Form Item 11. on page 10 of the Administrative Report 1.0, Applicant states "The proposed construction will impact approximately 0.10 acre. Maximum depth of excavation for the proposed plant is 15 feet." and in Item 8. Supplemental Permit Information Form Item 12. on page 10 of the Administrative Report 1.0, Applicant states in response to describing the existing disturbances, vegetation & land use, "The proposed project is located in an existing pasture with grasses, shrubs and scattered trees.", but no protective measures are described to prevent the wastewater in the existing pond from spreading across our property during a 100-year flood.

In your Response 4, it is stated that "*the ED may recommend denial of an application if the proposed discharge would violate water quality standards.*" We respectfully request that such application be reconsidered and denied, thereby giving the Applicant the opportunity to file an administratively complete application and possibly adjust its point of discharge and evaluate other locations, which would reduce the potential for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effect on human health or welfare, animal life, vegetation, or property. Alternatively, we hereby request a Contested Case Hearing.

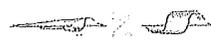
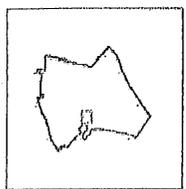
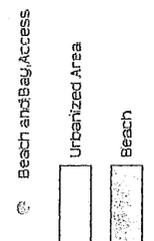
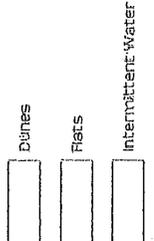
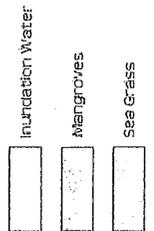
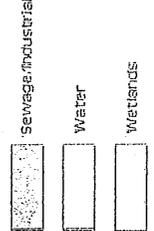
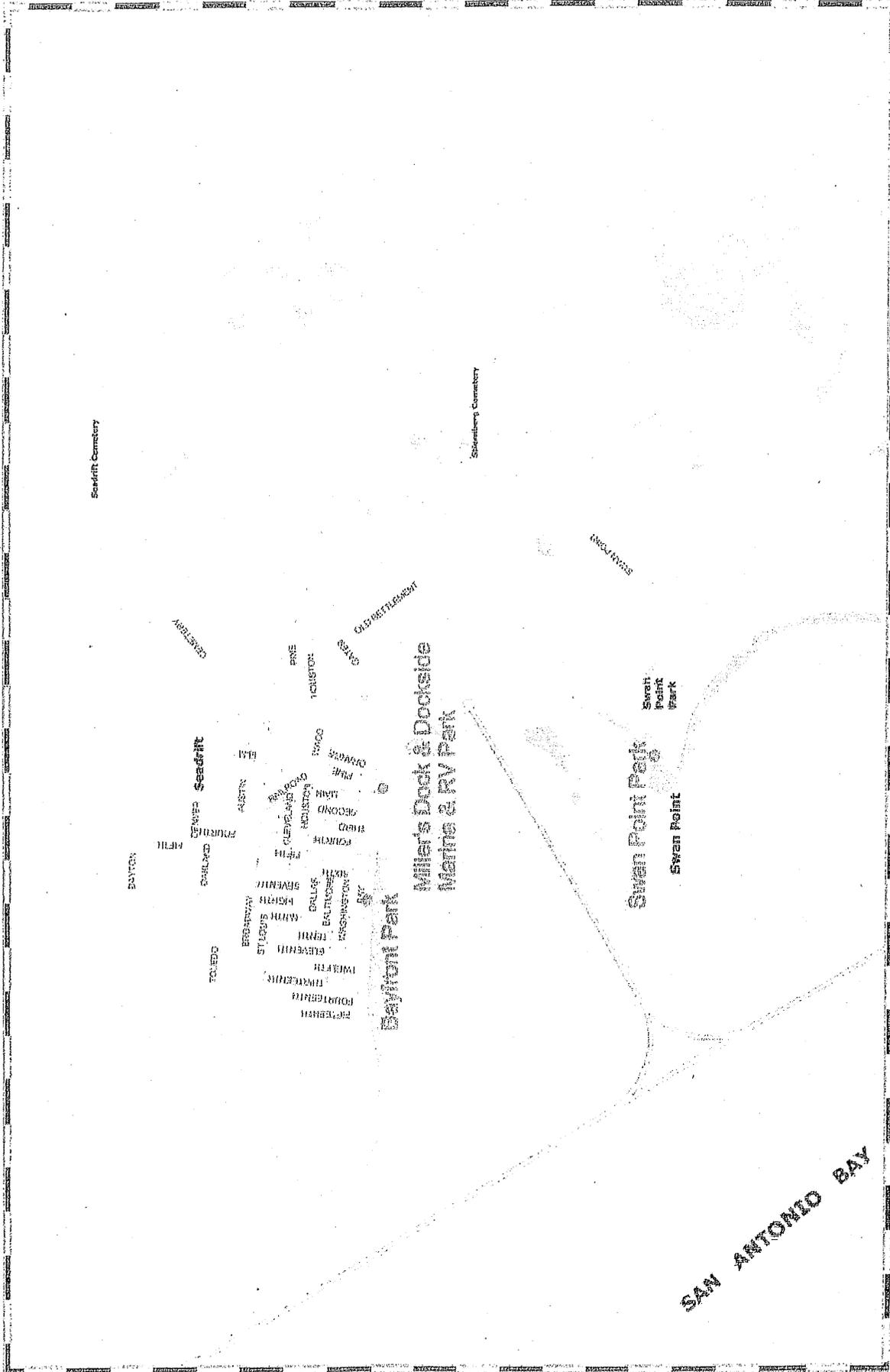
Sincerely,



Dudley W. Garrett



Patsy A. Garrett



CALIFORNIA - SEADRIFT

DUDLEY W. & PATSY A. GARRETT
508 Burt Street
Yoakum, Texas 77995
(361) 293-6713 or (361) 293-4100

August 14, 2006

Office of the Chief Clerk
MC 105
TCEQ
P O Box 13087
Austin, Texas 78711-3087

Re: Proposed Permit No. WQ0014716001
Applicant: Seadrift Ranch Partners, Ltd
Affected Landowner: #17 and #132
Dudley W. & Patsy A. Garrett

Dear Sir:

We hereby are submitting our comments and request a public meeting on this application.

We have copied all of the packet available at the Calhoun County Public Library in Port Lavaca, Texas and reviewed it extensively. Even though your Notice of Receipt of Application and Intent to Obtain Water Quality Permit indicates that "TCEQ's Executive Director has determined the application is administratively complete", there are significant items omitted from the packet at the Calhoun County Public Library in Port Lavaca, Texas:

1. Item 1.c. on page 5 of the Technical Report 1.1: There is no list and area map of wastewater treatment and/or collection systems located within three (3) miles of the areas to be serviced by the proposed facility. There is no correspondence with the owners/authorities of existing facilities within 3 miles of the existing/proposed facility concerning capacity to accept the volume of wastewater proposed in this application or concerning connection with their system or concerning analysis of expenditures required to connect to any existing wastewater collection systems located within 3 miles.

Comment: The City of Seadrift is located within 3 miles of the proposed facility with collection points across the road from the land owned by the Applicant, but no mention is made of capacity to accept such volume, of connection to their system or of the costs to connect to their system. Surely, Applicant looked at other options before submitting its application.

2. Item 5.a. and 5.b. on page 7 of the Technical Report 1.1: Application indicates that the proposed facilities will be located above the 100-year frequency flood level and refers to the source of such 100-year flood plain as FEMA Flood Insurance Rate Map Panels 480097 - 229, 265, Calhoun County. There is no indication of what level at which the proposed facilities will be located to determine the accuracy of such statement nor a copy of such FEMA Map attached.

Comment: In Item 5.b. on page 6 of the Administrative Report 1.0 and again in Item 8.

PM OPA

BY

[Signature]

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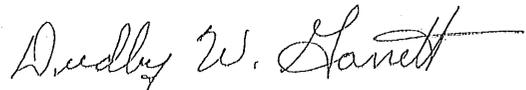
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Supplemental Permit Information Form Item 7. on page 10 of the Administrative Report 1.0, Applicant states "Effluent is discharged into a proposed pond thence to an existing pond thence to San Antonio Bay". The existing pond and San Antonio Bay would clearly be within the 100-year frequency flood level, but no protective measures are described. In Item 8. Supplemental Permit Information Form Item 11. on page 10 of the Administrative Report 1.0, Applicant states " The proposed construction will impact approximately 0.10 acre. Maximum depth of excavation for the proposed plant is 15 feet." Again, no protective measures are described. In Item 8. Supplemental Permit Information Form Item 12. on page 10 of the Administrative Report 1.0, Applicant states in response to describing the existing disturbances, vegetation & land use, "The proposed project is located in an existing pasture with grasses, shrubs and scattered trees." No impact statement is made concerning the existing pond and San Antonio Bay.

3. Item 2.a. and 2.b. and 2.c. on page 8 of the Technical Report 1.0: Application does not indicate the width of the receiving water at the outfall, states there are no oyster reefs in the vicinity of the discharge, and states there are no Sea Grasses within the vicinity of the point of discharge. *Comment: After reviewing the maps provided with the application, the outfall will clearly impact the oyster reefs in San Antonio Bay and the Sea Grasses in San Antonio Bay. The GLO restricts the disturbance of the vegetation along the shoreline where our pier extends out in the bay. The discharge of chlorinated fresh water into San Antonio Bay near our property will detrimentally impact the vegetation along the shoreline and the salinity of the Bay. When there is rainfall in the area, it runs off into the existing drainage ditch which the Applicant intends to use in its proposed drainage channel. The naturally occurring fresh water drainage from rainfall does effect the salinity around our pier and therefore, decreases the bait and fish around our pier. However, the naturally occurring processes of nature such as tides, winds, currents, etc. also return the salinity to our area after the rainfall drainage stops. It does not rain every day, but the proposed discharge will be daily. We purchased our property and rebuilt our pier after the hurricane in order to catch fish. The daily discharge of fresh water near our pier will make fishing from our pier a worthless effort and will significantly decrease the enjoyment and value of our property specifically.*

We respectfully request that such application be denied. Alternatively, we request a public meeting on this application.

Sincerely,



Dudley W. Garrett



Patsy A. Garrett

Carol J. Garriott
P.O. Box 28 / 606 West Baltimore
Seadrift, Texas 77983 / 361-785-6085

October 16, 2006

RE: TPDES Permit No. WQ0014716001, Seadrift Ranch Partners
Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin TX 78711-3087

*MWP
54044*

OPA
H OCT 19 2006
BY *OC*

OFFICE OF THE CHIEF CLERK
TCEQ
MC 105
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

Dear Sir or Madam:

I am submitting my comments and request a contested case hearing on this application.

I have been a full-time resident of Seadrift, Texas, for almost 8 years. I am the branch manager at the Seadrift Branch Library, and edit and publish a monthly publication, "Livin' on the Bay." I have come to understand that anything that happens to, or occurs on, San Antonio Bay, is of primary concern to all residents in the area. One of the reasons I moved to Seadrift was the availability of seafood, primarily oysters and shrimp, fresh and unfrozen direct from the harbor, and the health and beauty of the Bay.

It has come to my attention that Seadrift Ranch Partners has made application for wastewater discharge into San Antonio Bay. Upon reading the materials pertaining to the above permit request at the Calhoun County Public Library in Port Lavaca, Texas, I noticed some errors in the application. On page 8, see "2b: Are there oyster reefs in the vicinity of the discharge?" The answer "No" is checked. Next, see "2c: Are there any Sea Grasses within the vicinity of the point of discharge?" The answer "No" is checked.

Commercial oystermen in Seadrift tell me there ARE at least 4 oyster reefs in the immediate area of this proposed discharge point. As to sea grasses, page 90 of "Texas Beach & Bay Access Guide" published by the Texas Coastal Management Program, Texas General Land Office, and NOAA, has a map clearly showing sea grasses all along both sides of the Swan Point area and extending along and beyond the Falcon Point Ranch location. Other elements are already affecting oyster reefs in San Antonio Bay. It is important we not damage one single oyster reef.

Application has been made to an electric utility for 400 homes. The quantity of treated wastewater that will be coming into the Bay from this many homesites will seriously disrupt the salinity necessary for the health of nearby oysters and sea grasses.

Many residents feel another discharge point could be found, perhaps into the Victoria Barge Canal, or the Intracoastal Waterway. This would allow a better mix and dilution of discharge, especially considering the prevailing winds at Swan Point, which would inhibit dissipation out into the Bay.

This proposed discharge affects not only the property owners of Swan Point, but every resident of Seadrift itself. I would hope that Seadrift Ranch Partners (Falcon Point Ranch) will be agreeable to another discharge point, to the benefit of their project as well as everyone who fishes, shrimps, oysters, crabs, and enjoys San Antonio Bay.

Sincerely,

Carol J. Garriott

1103 Swan Point Rd.
Seadrift, Tx 77983
(361)785-4508
(361)655-6755

August 23, 2006

In regards to: TPDES Permit No. WQ0014716001

Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Tx 78711-3087

Handwritten: MWD 54044
Stamp: OPA 7000
Signature: g

CHIEF CLERK'S OFFICE

2006 Aug 23 PM 2:39

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Madam or Sir:

Subject: Public Comment opposing water treatment plant

We have made copies of the above stated application and would like to submit our concerns in this matter. This proposed water treatment plant would be located 600 feet from our back door. We are very upset and concerned about what this would do to our home. We have grass marshes to the left of our property and also to the right. There are at least 5 oyster reefs in this vicinity that would be affected. There is also an abundance of blue crabs & whooping cranes that call this area their home & we are positive that we would not see them again.

The salinity of the bay in this area will be destroyed and the excellent fishing of trout & redfish will disappear. The area that they are proposing to discharge the surplus is in a certain position that it will flow down to our seawall and settle there. It is a protected shoreline and the water is unable to move. We are not in an area where this would be washed out to sea. Since Falcon Point Ranch started construction, we have been the recipients of all the silt that the rain has washed off of their land. Falcon Point Ranch has already rerouted their storm drain to this same area.

Not only will this decrease the value of our home and property but, our three children, ages 14,11, & 8, who love to swim in the bay, will not be allowed to swim any longer because of their sewage discharge. We are already having problems with flooding because of the positions of their storm drains and we feel that this will only add to our problems. Jeffrey is a plumber for the Calhoun County School District and he is aware of how a sewage plant operates. The discharge during a flood would be more than this area could handle. We would also like to know their plans for hurricane preparedness. Not if, but when we get hit by another hurricane, the water and force of the winds will wash everything in the holding tanks out into our bay. We feel that they could build an irrigation system instead of discharging this into the bay and killing off the marine life that is so abundant here. We would like to request a contested case hearing on this matter.

Respectfully,

Jeffrey & Terri Kubena

Handwritten initials: MK

October 30, 2006

OF HR
NOV 15 2006
BY DM

1103 Swan Point Rd.
Seadrift, Tx 77983
(361)785-4508
(361)655-6755

In regards to: TPDES Permit No. WQ0014716001

Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Tx 78711-3087

MWD
54044

RECEIVED OFFICE
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OFFICE OF THE CHIEF CLERK

Dear Madam or Sir:

Subject: Public Comment opposing water treatment plant

We have made copies of the above stated application and would like to submit our concerns in this matter. This proposed water treatment plant would be located 600 feet from our back door. We are very upset and concerned about what this would do to our home. We have grass marshes to the left of our property and also to the right. There are at least 5 oyster reefs in this vicinity that would be affected. There is also an abundance of blue crabs & whooping cranes that call this area their home & we are positive that we would not see them again.

The salinity of the bay in this area will be destroyed and the excellent fishing of trout & redfish will disappear. The area that they are proposing to discharge the surplus is in a certain position that it will flow down to our seawall and settle there. The GLO has informed us that this area is what they refer to as an agromat area. It is a protected shoreline and the water is unable to move. We are not in an area where this would be washed out to sea. Since Falcon Point Ranch started construction, we have been the recipients of all the silt that the rain has washed off of their land. Falcon Point Ranch has already rerouted their storm drain to this same area.

Not only will this decrease the value of our home and property but, our three children, ages 14, 11, & 8, who love to swim in the bay, will not be allowed to swim any longer because of their sewage discharge. We are already having problems with flooding because of the positions of their storm drains and we feel that this will only add to our problems. The discharge during a flood would be more than this area could handle. We would also like to know their plans for hurricane preparedness. Not if, but when we get hit by another hurricane, the water and force of the winds will wash everything in the holding tanks out into our bay. We feel that they could build an irrigation system instead of discharging this into the bay and killing off the marine life that is so abundant here. We would like to request a contested case hearing on this matter.

Respectfully,

Jeffrey & Terri Kubena

.....

HR 50A

5

Request for a Contested Case Hearing

TPDES PERMIT # WD 0014716001 EPA # TX 828805

BY HT

Franklin Pierce 111 Fairview Round Rock TX.
Phone # 512-255-7943 OFF. 512-759-1026

SEADIFT HOUSE 1397 SWAN POINT RD.
DISTANCE FROM DISCHARGE 3/8 MILE
LOTS 33 & 34 JACK FIELDS SUBDIVISION,

TO THE OFFICE OF THE CHIEF CLERK

I, FRANKLIN PIERCE WISH TO REQUEST
A CONTESTED CASE HEARING ON THIS
PERMITE. I, FEEL THIS WOULD DECREASE
THE VALUE OF MY HOUSE AND MAKE THE
WATER UNSAFE FOR WATER SPORTS.

THOMAS
5/20/16

Franklin Pierce

11:18 AM
COMMUNICATIONS
ON ENVIRONMENTAL
MAY 19 5 11:18 AM '16
CHIEF CLERK'S OFFICE

JM

June 27, 2007

Aquatic life in San Antonio bay depends on the brackish water of the area. Fish stocks are especially affected by decreases in bay salinity from fresh water inflows. Our family has utilized the property at 1295 Swan Point for swimming and fishing for over forty years. In that time, it has become apparent that, when fresh water inflows to the bay increase significantly, the concentration of speckled trout, red drum, and other fish decrease as fresh water forces them out of the bay. On several occasions, concentrations of fresh water have grown so high that harmful bacterial levels formed in San Antonio Bay, making the waters unsafe for swimming and devoid of fish. Over the lengthy time we have used this property for fishing and swimming we have also learned the prevailing winds and tides in the area of San Antonio Bay immediately surrounding our property.

Based upon our assessment of the prevailing winds and tides in our area of San Antonio Bay, and the location of the proposed treated wastewater discharge outfall from the water treatment facility at issue in TD PES Permit No. WQ0014716001, it is our belief that, if the permit is granted and this wastewater treatment facility is built, the fresh water discharged from the facility will settle in the vicinity of our property. Accordingly, the localized decrease in bay salinity that the ED admits could be caused by this wastewater treatment facility in response to public comment number 6 would be concentrated in the area surrounding our property at 1295 Swan Point.

The right and ability to swim and fish at this property is what gives it the personal, economic and recreational value our family has enjoyed for more than forty years. It is our contention that a localized decrease in bay salinity caused by fresh water outflows from the proposed facility and exacerbated by prevailing winds and tides may drive fish stocks from the vicinity of our property and may contribute to a localized spike in bacteria making the water surrounding our property unsuitable for fishing and unsafe for swimming. Such a consequence would clearly infringe on our quiet enjoyment of our property, decrease the economic value of the property, and deprive our family of the privilege of continued fishing and swimming in the waters surrounding Swan Point. We are of the steadfast opinion that TD PES Permit No. WQ0014716001 should not be granted based upon the presently proposed location of the wastewater discharge outfall, its proximity to our property, and the likelihood that prevailing winds and tides could lead to harmful localized decreased in bay salinity in the vicinity of our property.

We can be contacted at the address and telephone number above regarding this request.

Sincerely,



Christie K. Waida

Greg A. and Christie K. Waida

Antonio Bay locations. This increase is apparent to the untrained eye.

2) The non-inclusion and mis-representation of Falcon Point Ranch Lodge in the amount of water usage run through the proposed "residential treatment system". In final pages of the 60 plus page document submitted for public review, the Seadrift Ranch Partners, LTD indicate that the current wastewater treatment system at the "Lodge" will be shut down and the "Lodge" sewage waters will be treated through this proposed residential treatment site. That would become commercial use of a residential sewage system. It would also significantly increase the amounts of effluent discharge run through the residential system. Those estimates are not included in the document submitted by the Seadrift Ranch Partners.

3) The effluent discharge into a quiet, shallow bay area where property owners' children and families swim, play, fish and enjoy shallow salt water recreational opportunities endangers the quality and salinity of the bay waters. The prevailing winds and tides would carry the effluent, chemically treated sewage water into these residential portions of the bay which do not have significant water movement out to deeper bay environments. Potential increase of **waterborne bacteria harmful to man** is known in the research when the salinity of the local bay waters are altered by prolonged rainfall, and become deadly to man and sea creatures. Proposed sewage discharges on a

daily basis would endanger the water quality in this area of the bay front.

4)

This sewage treatment facility would emit large quantities of chemically treated, effluent discharge into a quiet, shallow bay area and likely would change the salinity of the water, **alter the water environment** for small fish, shrimp and blue crabs, as well as plankton, algae and other microscopic creatures. Ultimately **the delicate food chain** balance would be interrupted and creatures like the protected Whooping Crane who feed on the blue crabs in San Antonio Bay could be further endangered, as well as other lesser known birds, animals and fish.

5)

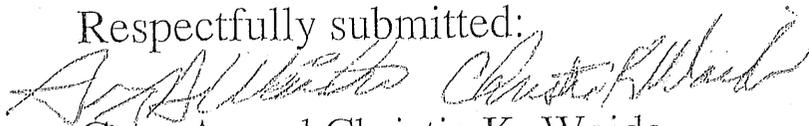
The map of the Seadrift Ranch Partners indicate several thousands of feet of bay frontage included in their property where discharge might more effectively and safely be **routed to the deeper waters** of the inter-coastal canal. However, owner choice for this "safe sewage treatment" proposal is located at the very edge of their own property line with impact on many neighboring individual properties along the half mile of Swan Point bay front, and across the street from the bay front. **This location could reduce spoilage of Seadrift Ranch Partners' investment while damaging their neighbors' properties.** This location would seem to indicate the concerns of the Seadrift Ranch Partners that this sewage plant facility will indeed damage their own properties with disregard for their neighbors.

6)

The minimal, if not insufficient, engineering design of the sewage plant project does not appear to meet the standards for water protection set by the Texas Department of Health and imposed on individual home owners along the bay front. Sewage disposal and water wells are tightly and rigorously restricted and controlled in an effort to protect the bays and the resident humans from contamination and environmental damage.

The above concerns were determined after reading the entire and extensive public document submitted for review. While we are not scientists or wildlife management specialists, we have been living on the San Antonio Bay and respecting the water and water creatures for 35 years. We respect and follow the extensive codes and rules related to these recreational waters of the San Antonio Bay and expect local businesses to adhere to the same standard of extensive restrictions and protections. We appreciate your review of this letter, and anticipate a positive decision protecting the San Antonio Bay waters and recreational areas which bring pleasure and improved revenues into Calhoun county and the state of Texas.

Respectfully submitted:



Greg A. and Christie K. Waida

P O Box 4581

Victoria, TX 77903-4581

We do wish to be notified of further applications submitted by this development group, Seabright Ranch Partners, Ltd. 5000 South Road on Ridge

