

are not aware. However, no effort was made by Interstate to contact us regarding damages nor did we even receive a "neighborly apology." On numerous occasions we made contact with officials at Interstate regarding the situation, and we were always given the "run around." The next thing that I knew, we were receiving notices from Interstate regarding their bankruptcy state. I do not believe that their "hiding behind bankruptcy" was even applicable due to the timing of the occurrence of the accident(s).

After the "spill" which occurred was reported to the TCEQ on February 5, 2005, a clean up crew spent several weeks trying to restore our property. I believe that Interstate was cited with a fine of \$500.00 but you would have to confirm that with TCEQ. There is an Investigation Report #350756 which was produced by the TCEQ which will offer further details regarding the situation.

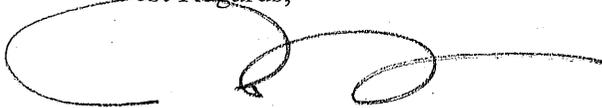
Interstate's history of compliance and responsibility is not stellar. Rumor has it that there have been other accidents and "spills" which have caused considerable damage for which Interstate has assumed some responsibility with financial compensation.

After we received the recent notice for Interstate to obtain a water quality permit and amendment we made numerous trips to the Navasota Public Library to view the application which was supposedly "posted" for public viewing. The application was never there-----only the notice. We were later told that Interstate did not even understand what it was they there were required to "post." After 4 attempts, and my calling the TCEQ Office of Public Assistance each time after I went to the library and there was no such application posted, Interstate finally complied with the posting of the application for the permit.

Our concerns are that continued abuse of the property is going to lower the value of our land due to environmental hazards as well as to make the appearance of the land and the creek unattractive. It raises concerns for the health of the cattle who are drinking from the creek and grazing on the grass. Besides affecting only our property, this "waste" flows from Sandy Creek directly into the Brazos River. I would think that it would create environmental concerns for others as well.

In light of our past association with Interstate, we are requesting a "contested case hearing" regarding their application for Permit No. WQ0004073000.

Best Regards,

A handwritten signature in black ink, appearing to read "Benjamin F. Swank, III". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke extending to the right.

Benjamin F. Swank, III
Sharon Swank Backhus

November 22, 2005

OPA

IP+

NOV 29 2005

Benjamin F. Swank, III
16934 CR 323
Navasota, Texas 77868

BY *AS*

CHIEF CLERK'S OFFICE
NOV 29 2005

 1WD
50538

Mr. John Gillen
Texas Commission on Environmental Water Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Gillen:

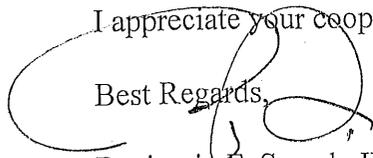
First of all I want to thank you for your responsiveness and for your help in my response to the notice I received from Interstate Southwest, Ltd. otherwise known as Citation. I attempted to respond to the "Notice of Receipt of Application and Intent To Obtain A Water Quality Permit Amendment" for Permit No. WQ0004073000 several times.

As you well know due to my phone calls to you I have gone to the Navasota Public Library four times in the last two to three weeks to view the above mentioned permit. Each time I went to the library, the permit could not be found, and the librarian had no knowledge of such a permit. Each time after I called you to notify you that there was no such permit at the library, you in turn contacted Interstate to remind them of their responsibilities. It wasn't until today that Mr. Ken Morris finally complied and posted the permit on the bulletin board at the Navasota Public Library. I don't know if it was due to irresponsibility or ineptness that this action was not taken sooner. However, I found it to be very frustrating and very troubling.

After several incidents of "dumping waste" on my property, I have found Interstate Southwest to be very unresponsive and to exhibit a poor neighborly attitude. Their presence has contributed to lowering the value of my property and creating a menace for the cattle operation on my property. Consequently, I most definitely want my name added to the Grimes County-wide permanent mailing list, to the list for this specific application, and to the permanent mailing list for the applicant Interstate Southwest, Ltd. otherwise known as Citation.

I appreciate your cooperation and assistance in this matter.

Best Regards,


Benjamin F. Swank, III

AS

November 22, 2005

Benjamin F. Swank, III
16934 CR 323
Navasota, Texas 77868

1WD
50538

IP+

OPA

NOV 29 2005

BY ll

GRIMES COUNTY OFFICE
16934 CR 323
NAVASOTA, TEXAS 77868

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

To the Office of the Chief Clerk:

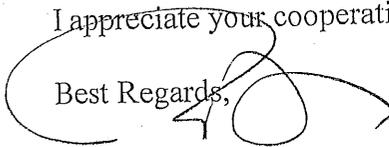
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I appreciate your cooperation and assistance in this matter.

Best Regards,


Benjamin F. Swank, III

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TCEQ Public Meeting Form

Tuesday, March 27, 2007

Interstate Southwest, Ltd

Proposed Water Quality TPDES Major Amendment

No. WQ0004073000

CHIEF CLERK'S OFFICE

2:00 PM - 2:51 PM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: BENJAMIN F. SWANK III

Address: 16934 CR 323

City/State: NAVASOTA TEXAS Zip: 77868

Phone: (936) 870 3061

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted any time during the meeting)

Please give this to the person at the information table. Thank you.

ms