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CHIEF CLERKS OFFICE

January 15, 2008

Office of Chief Clerk
ATTN: Agenda Docket Clerk,
Mail Code 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

To: Persons on the Attached Mailing List

From: Attached Interested Parties List

RE: Docket No. 2007-152 -IWD
Tri-B Industrial Partners L.P.
Request(s) filed on Permit No. WQ0004800000

We come before the Commission and formally request reconsideration of granting Tri-B Industrial Partners L.P. the above requested permit.

We, all residents of Athena West Subdivision in El Paso County, residing directly below the proposed evaporation pond, explicitly object to the placement of the pond. As land owners and residents of the County of El Paso, our concerns are valid and remain the same. As far back as the year 2000, Mr. Lee Thompson has written numerous times to the TNRCC/TCEQ regarding the application Tri-B Industrial Partners L.P. is applying for. It was only in 2003 that it became apparent that anything that is built above us has the potential of becoming a threat to the lower elevation properties.

Due to rain in past years we have experienced various situations that cause us great concern about the placement of the evaporation pond. Our land is designated and used for agriculture and all individuals listed in this group are or could be affected by the placement of this pond. Our objection is not to the operation of the pond but to the placement of such. We feel there are better placement options within the boundaries of Tri-B Industrial Partners L.P. property lines.

We again request that Tri-B Industrial Partners L.P. be required to have a current topographical study so as the Commission has a distinct and clear understanding of the proposed area of the pond placement. Our observations are:

- 1) Tri-B has already built the pond and is in use
- 2) The ever changing course of the arroyo (see pictures enclosed)
- 3) The current direction of the arroyo is headed directly for the pond (see pictures enclosed)
- 4) The depth of arroyo just below the pond (picture enclosed)

- 5) The arroyo area is 99.9% sand
- 6) There are other locations for the pond on Tri-B's property that would have less chance of causing damage to the properties located below
- 7) Flood waters empty into the Mesa Drain that eventually flows to the Rio Grande. Erosion from runoff down the arroyo could under mind the pond causing adverse effects on the agricultural land and community.
- 8) Who will monitor the ecological responsibilities and regulation and maintenance of the pond
- 9) The State has an Agriculture Code for the protection and preservation of agricultural operations (Title 8)

We have enclosed copies of letters regarding our/the ongoing concerns before you. We have also enclosed a picture showing the pond that was being used in 2002 which was obviously not being maintained or even in compliance with any regulations. We realize the natural growth and economic development of El Paso County is to the East. We ask that the TCEQ uphold their ecological responsibilities and recognize the impact on the potential future agricultural development of our surrounding area.

In closing we ask that the Commission do a complete study of the run-off potential; the changing course and condition of the arroyo and the consideration of a new site on Tri-B Industrial Partners, L.P. property that would have less chance of causing damage to the properties located below.

Respectfully submitted,

Lee Thompson, Jr.
12255 Mankato Road
Clint, Texas 79836
(915) 851-5658
(915) 591-2228 Fax

Don Peterson
12284 Mankato Road
Clint, Texas 79836
(915) 851-3461

Ira J. Sullivan
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Debbie Stowell
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Ed Chavez
12317 Mankato Road
Clint, Texas 79836
(915) 851-3359

Enclosures

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ROBERT E NIX SURV 302
16.4787 AC OUT OF TR 2

School District :

PropType : C

TDC : 69

City District

BOS-BOUMA INVESTMENTS LTD

479430000



2005





2007

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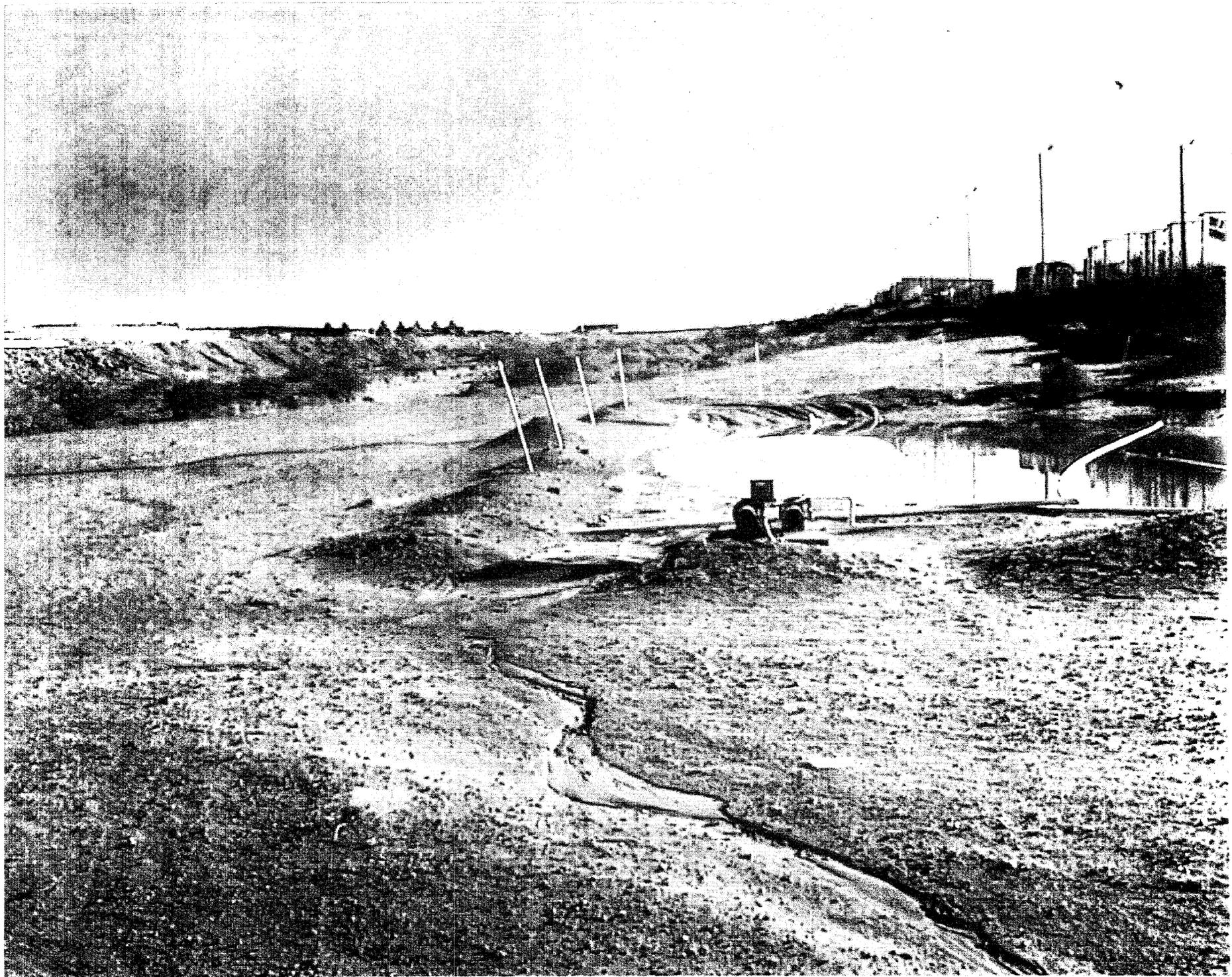
Google

Pointer: 31°37'08.64" N 106°13'07.90" W elev. 3708 ft Streaming ||||| 100%

Eye alt: 9239 ft



Jan. 2008



2000

Lee Thompson, Jr.
12255 Mankato Rd.
Clint, Texas 79836
(915) 851-5658

July 11, 2002

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

Reference: Water Quality Permit 04491

Gentlemen:

My property is south and downstream of the T & T Subdivision that is making an application for a Wastewater Evaporation Pond. The arroyo on the west side of this property also goes thru my property and from there goes into the Mesa Irrigation Drain, then returns to the Rio Grande River.

When the T & T Subdivision was created in early 2000, I had and still have no problem with the use of this land. Upon completion of a truck lot at the bottom most or south end, I discovered the way the water would runoff. I became very concerned, because the reservoir may not hold the runoff.

I contacted the engineering firm that designed the project and the owner of this property with my concerns. In August 2000, Jim Gorman, an employee of the property owner, met with me and I showed him the concerns I had, he told me he would have the problem corrected so that water from the 3 or 4 acre parking lot would be contained and not run on to my property. To this date, nothing has been done.

On June 28th, 2000 and again on July 8th, 2000, we had rains that washed over 500 yards of dirt into my Alfalfa field below. This water and dirt came from the property lot I have had concerns about. The July 8th rains also over filled the temporary wastewater pond. This pond is located on the westside of this property and right on the edge of the arroyo. This water overflowed and ran into the arroyo.

With all of this in mind, and the fact that I have owned this property for 30 years and I have seen what can happen when it rains, I would like to make my suggestion of where this wastewater disposal pond should be located.

This property has a natural low area that could contain all of the water that could runoff this property. The area should be used as secondary or safety containment pond if the wastewater pond should overflow.

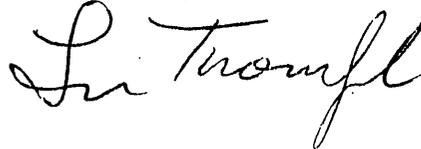
Lee Thompson, Jr.
12255 Mankato Road
Clint, Texas 79936
(915) 851-5658

Page 2

I feel that any type of wastewater, or other type of water control, should not be located near the edge of the arroyo or anyplace where the water could runoff of the owner's property.

Thank you for informing me of this project. I hope this will help make a good decision of where to locate this project.

Lee Thompson, Jr.

A handwritten signature in cursive script that reads "Lee Thompson, Jr." The signature is written in dark ink and is positioned below the typed name.

Lee Thompson, Jr.
12255 Mankato Rd.
Clint, Texas 79836
(915) 851-5658

December 1, 2006

TCEQ
Office of the Chief Clerk
MC 148
P. O. Box 13087
Austin, Texas 78711-3087

Reference: Water Quality Permit WQ0004800000
Final Copy

Melinda Luxemburg,

Thank you for the maps and information you sent me.

This Permit appears to be the same request made in 2002. In 2002, I did not agree with the evaporation pond to be placed next to the arroyo and in the flood zone on the westside of this property. The map also shows the pond is not even on the applicants property.

Enclosed is a letter I sent to TNRCC in 2002. This letter refers to the same pond that Tri-B is now applying for a new permit. The damage to my property was not the evaporation pond, but a reservoir to contain runoff. This letter, is to show you that Tri B does not take an interest in maintaining their properties. I notified the Owner over a year prior to that flood, but was ignored.

The cause of that flood was the Wind Eroded the sand sides and blew the sand into and filled the reservoir built to contain the water runoff. I had to sue Tri-B for the \$3000 + Dollars damaged. That was what I paid to clean up the damage. I had to pay lawyer's cost and more.

Maybe if the map showing the elevation of the area, it would show what I am in reference to.

We have also had severe flooding in the El Paso Area this year. This Arroyo flooded two times and eroded the side extensively. Who knows what will happen in the future.

Lee

Day time office phone

915-593-5338

915 591-2228 Fax

12-7-06

September 17, 2007

Lee Thompson, Jr.
12255 Mankato Rd.
Clint, Texas 79836

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

RE: Tri-B Industrial Partners L.P.
Permit No. WQ000480000

Ms. Castanuela:

The group listed on the attached sheet is requesting a contested case hearing for the above mentioned permit number.

All individuals listed in the group are or could be affected by the placement of the proposed evaporation pond.

- 1) Tri-B Industrial Partners L.P. has failed to maintain their property for proper runoff in the past. The storm water runoff from their asphalt above the evaporation pond would possible cause an overflow of the pond into the arroyo. At this time Tri-B has no means of controlling storm water runoff which is evident by the gravisi made into the side of the property by the runoff from the 2006 rain storms. This runoff then ran into the main arroyo.
- 2) Any accidental runoff from the evaporation pond, either water or sand will contaminate the arroyo and the properties below. We have experienced massive flooding and property damage in recent years from storm runoff flowing down the arroyo. Along with the water came sand and debris from the arroyo.
- 3) The course of the arroyo, which runs in the 100 year flood plain, will be changed by natural erosion with time and will come closer to the edge of the evaporation pond creating the potential risk/hazard of waste water running into the arroyo. The storm runoff that flows down this arroyo runs in excess of 5 feet deep and a berm around the evaporation pond would be useless.

- 4) Water from the evaporation pond would contain unknown containments which would be hazardous and detrimental to our crops, livestock and personal property. All individuals in this group own property down stream from the proposed evaporation pond and are greatly concerned that a rain storm in the future would cause damage to the pond if located in the proposed location and then cause sever damage to their property.

We feel that there are other locations on Tri-B Industrial Partners, L.P. property that would have less chance of cause damage to the properties located below and asked that a new site be considered.

Respectfully submitted,

Lee Thompson, Jr.
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Clint, Texas 79836
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