

September 17, 2007

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

HR OPA

SEP 18 2007

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BY

[Signature]

CHIEF CLERKS OFFICE

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. WQ0004800000

Ms. Castanuela:

The group listed below 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.

Our concerns are:

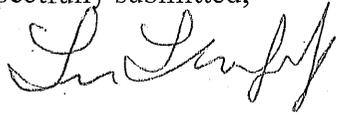
- 1) Tri-B Industrial Partners L.P. has failed to maintain their property for proper runoff in the past. The storm water runoff from their dirt lot above the evaporation pond could possible cause an overflow of the pond into the arroyo. At this time Tri-B has no means of controlling storm water runoff which is evident by the crevasses 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.

mwj

- 4) Water from the evaporation pond would contain unknown contaminants 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 our property.

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

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
12324 Mankato Road ✓
Clint, Texas 79836 ✓
(915) 851-0735

Debbie Stowell
12308 Mankato Road ✓
Clint, Texas 79836 ✓
(915) 525-1775

Todd Peterson
12284 Mankato Road ✓
Clint, Texas 79836 ✓
(915) 479-1071

Nikki Boutwell
12308 Mankato Road
Clint, Texas 79836 ✓
(915) 525-6100

Ed Chavez
12317 Mankato Road ✓
Clint, Texas 79836 ✓
(915) 851-3359

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

*LWO
534/6*

*CHIEF CLERK'S OFFICE
12/18/06
12/18/06*

December 1, 2006

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

OPA

DEC 18 2006

BY *Jr*

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.

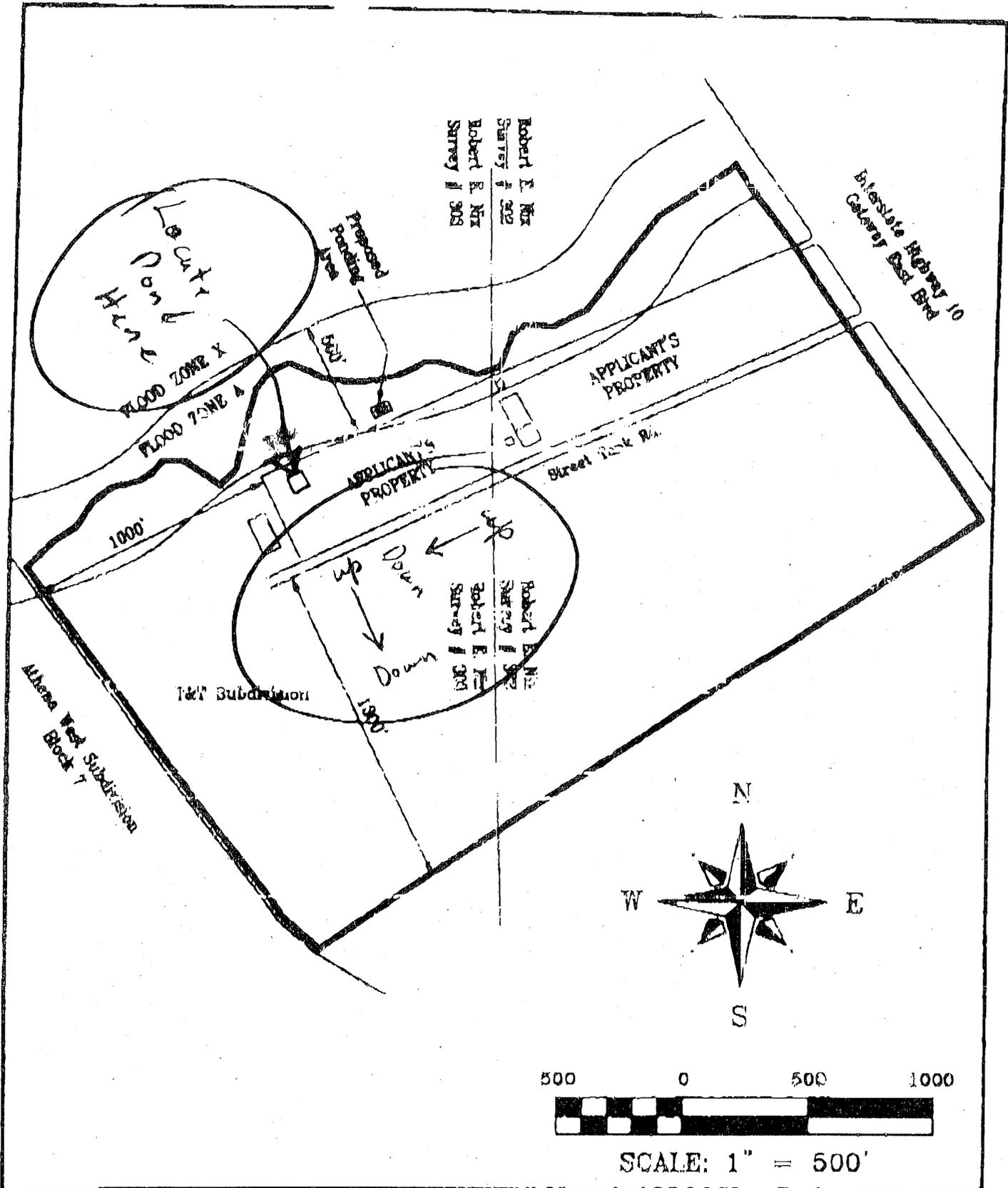
Lee

Day time office phone

915-593-5338

915 591-2228 Fax

MW



Tri-B Industrial Partners, L.P.
El Paso
El Paso Co., Texas

Affected Landowners Map
Figure No. 2

ENVIRO-AG
EAE
ENGINEERING, PC
Enviro-Ag Engineering, Inc.
1700 W. GULF CREEK DRIVE
AMARILLO, TEXAS 79101
TEL: (806) 338-6126 FAX: (806) 338-4118

