

Comment 3.

Although the permit application indicates that the point of discharge will be located on the applicant's property, it is unclear from the information we have been provided, that Icet Gully extends as far as the applicant's property. Ms. Neese has not granted Gray Utility Service permission to either enter her property or to place a pipe across her property in order to access Icet Gully.

Comment 4.

The Executive Director responds that the applicant identified three wastewater treatment facilities within three miles from the proposed site. At least one of the facilities did not respond to the applicant's request whether it could accept the volume of wastewater that the applicant was proposing, and therefore avoid the construction of a new wastewater treatment plant. The State policy identified in Texas Water Code 26.081 promotes the development and use of regional and area wide waste collection. Accordingly, this issue remains in dispute.

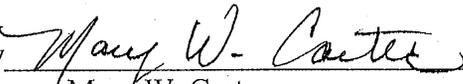
Comment 5.

The applicant has failed to demonstrate that the proposed discharge will not have a negative impact on water quality or existing uses, and will not degrade water quality in Icet Gully and Old River, Trinity Bay (discharge route).

Ms. Neese is an affected person based on the proximity of her property to the proposed facility. Accordingly, we respectfully request the opportunity to address these issues in a contested case hearing.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Mary W. Carter

c. Ms. Lin Neese
5150 Hidalgo #604
Houston, Texas 77056

Via First Class U.S. Mail

Gindi Vincent, Senior Associate
Pillsbury Winthrop Shaw Pittman, L.P.
2 Houston Center
909 Fannin, Ste. 2000
Houston, Texas 77010

Via Facsimile: (281) 582-6456

Aug-22-07 2:35

From-BLACKBURN & IRVINE

+7135245165

T-036 P.02/03 F-458

BLACKBURN CARTER

A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Charles W. Irvine

AWD
54251

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

HR OPA

August 22, 2007

AUG 22 2007

BY *Joe*

CHIEF CLERKS OFFICE

AUG 22 PM 12:26

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Via Facsimile: (512) 239-3311
and Federal Express*

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality, MC-105
12100 Park 35 Circle
Austin, Texas 78711-3087

Re: Application by Gray Utility Service, L.L.C. for a proposed TPDES Permit No. WQ0014728001

Dear Ms. Castañuela:

This letter is being submitted on behalf of Ms. Lin Neese, 5150 Hidalgo #604, Houston, Texas 77056. We are writing to request a contested case hearing on the Gray Utility Service, L.L.C., Application for TPDES Permit No. WQ 0014728001.

If approved, the permit would authorize the applicant, Gray Utility Service, L.L.C., to discharge treated domestic wastewater at a daily average flow initially of 99,000 gallons per day. According to the Executive Director's response to public comment, the treated effluent would be discharged to unnamed tributary (Icet Bayou), thence to Old River; thence to Old River Lake; thence to Old River; thence to Trinity Bay in segment no. 2422 of the bays and estuaries. The facility would be located approximately 2,500 west of Farm to Market Road 565 and approximately 3,500 feet north of Interstate Highway 10 in Chambers County, Texas.

Ms. Neese owns approximately 65 acres located at 7734 FM 565 less than 50 yards downstream of the proposed facility. Her family home is also located on this property. The unnamed tributary identified at Icet Bayou is known locally as Icet Gully. Ms. Neese owns Icet Gully where it flows through her property and the wastewater therefore, would discharge through and across Ms. Neese's property. Icet Gully is an extremely narrow gully with fallen trees and debris within the gully. No permission has been granted to Gray Utility Service or the developer to enter her property to clear the gully or to use the gully for any purpose.

The following disputed issues are material and relevant to the Commission's decision and were submitted in comments to the TCEQ by letter dated February 22, 2007.

Comment 2.

The proposed discharge will flow through Ms. Neese's property and no permission has been granted to Gray Utility Service to access this discharge route. No property rights have been granted to the applicant.

mw

Ms. LaDonna Castanuela
August 22, 2007
Page 2

Comment 3.

Although the permit application indicates that the point of discharge will be located on the applicant's property, it is unclear from the information we have been provided, that Icet Gully extends as far as the applicant's property. Ms. Neese has not granted Gray Utility Service permission to either enter her property or to place a pipe across her property in order to access Icet Gully.

Comment 4.

The Executive Director responds that the applicant identified three wastewater treatment facilities within three miles from the proposed site. At least one of the facilities did not respond to the applicant's request whether it could accept the volume of wastewater that the applicant was proposing, and therefore avoid the construction of a new wastewater treatment plant. The State policy identified in Texas Water Code 26.081 promotes the development and use of regional and area wide waste collection. Accordingly, this issue remains in dispute.

Comment 5.

The applicant has failed to demonstrate that the proposed discharge will not have a negative impact on water quality or existing uses, and will not degrade water quality in Icet Gully and Old River, Trinity Bay (discharge route).

Ms. Neese is an affected person based on the proximity of her property to the proposed facility. Accordingly, we respectfully request the opportunity to address these issues in a contested case hearing.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c. Ms. Lin Neese
5150 Hidalgo #604
Houston, Texas 77056

Gindi Vincent, Senior Associate
Pillsbury Winthrop Shaw Pittman, L.P.
2 Houston Center
909 Fannin, Ste. 2000
Houston, Texas 77010

Via First Class U.S. Mail

Via Facsimile: (281) 582-6456

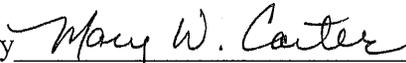
Ms. LaDonna Castanuela
February 22, 2007
Page 2

In addition to the issue of regionalization, we are concerned about water quality within Icet Gully being negatively impacted by this discharge, and we are concerned that the discharge will impact existing water uses and degrade water quality in violation of 30 T.A.C. §§ 307.5, 307.4 and 307.7. We are also concerned that because Icet Gully is narrow with fallen trees and debris, any discharge by this proposed wastewater treatment plant will flow out of the banks and onto Ms. Neese's other property or contribute to erosion of the meandering quality of the gully. Ms. Neese's other property is pristine with wildlife and birds. Any discharge though or onto her property could have a negative impact on this pristine environment. No other discharges are permitted into Icet Gully.

We hereby request the opportunity for a public meeting and contested case hearing.

Sincerely,

BLACKBURN CARTER, P.C.

by 

Mary W. Carter

c. Ms. Lin Neese
5150 Hidalgo #604
Houston, Texas 77056

James B. Blackburn, Jr.
Mary W. Carter
Charles W. Irvine

MWD
54251

BLACKBURN CARTER
A Professional Corporation
Lawyers

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

February 22, 2007

*Via Facsimile: (512) 239-3311
and First Class Mail*

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

OPA PM
FEB 22 2007
BY js

CLERKS OFFICE
2 M 9:44

Re: Proposed Permit No. WQ0014728001; Application by Gray Utility Service, L.L.C. for a proposed TPDES Permit

Dear Ms. Castañuela:

This letter is being written on behalf of Ms. Lin Neese, 5150 Hidalgo #604, Houston, Texas 77056. We are writing to submit comments in opposition to the Proposed Permit No. WQ0014728001 by Gray Utility Service, L.L.C., P.O. Box 2099, Mont Belvieu, Texas 77580-2099.

According to the Notice of Application and Preliminary Decision dated January 25, 2007, Gray Utility Service, L.L.C. has applied for a proposed TPDES Permit to authorize discharge of treated domestic wastewater at a daily average flow not to exceed 99,000 gallons per day.

The facility is proposed to be located approximately 2,500 feet west of FM 565 and approximately 3,500 feet north of Interstate 10 in Chambers, County, Texas. Ms. Neese owns approximately 65 acres located at 7734 FM 565 less than 50 yards downstream of the proposed facility.

The Notice of Application and Preliminary Decision for this permit indicates that the treated effluent will be discharge to an unnamed tributary (Icet Bayou); thence to Old River; thence to Old River Lake; thence to Old River; thence to Trinity Bay. We note first that there is no such tributary known as Icet Bayou, at best it is a gully and known locally as "Icet Gully." Ms. Neese owns Icet Gully where it flows through her property, and no permission has been granted to Gray Utility Service, L.L.C. to convey wastewater through this discharge route. We understand Gray Utility Service, L.L.C. needs to place a pipe across Ms. Neese's property to reach Icet Gully and no permission has been granted. Indeed, Ms. Neese has not given permission to anyone from Gray Utility Service, L.L.C. or the developer to enter her property at any time. Icet Gully is an extremely narrow gully with fallen trees and debris within the gully. Additionally, this gully meanders across Ms. Neese's property. It is not a "straight shot."

We are also concerned that this proposed wastewater treatment facility is contrary to the state policy "to encourage and promote the development and use of regional and area wide waste collection, treatment and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state." Texas Water Code § 26.081.

MWD

Ms. LaDonna Castanuela
February 22, 2007
Page 2

In addition to the issue of regionalization, we are concerned about water quality within Icet Gully being negatively impacted by this discharge, and we are concerned that the discharge will impact existing water uses and degrade water quality in violation of 30 T.A.C. §§ 307.5, 307.4 and 307.7. We are also concerned that because Icet Gully is narrow with fallen trees and debris, any discharge by this proposed wastewater treatment plant will flow out of the banks and onto Ms. Neese's other property or contribute to erosion of the meandering quality of the gully. Ms. Neese's other property is pristine with wildlife and birds. Any discharge though or onto her property could have a negative impact on this pristine environment. No other discharges are permitted into Icet Gully.

We hereby request the opportunity for a public meeting and contested case hearing.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c. Ms. Lin Neese
5150 Hidalgo #604
Houston, Texas 77056

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

September 15, 2006

*Via Facsimile: (512) 239-3311
and First Class Mail*

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

*TS/MS
Carter*

H OPA
SEP 18 2006

BY *MW*

SEP 15 11:43
CHIEF CLERK'S OFFICE

Re: Proposed Permit No. WQ0014728001, Application by Gray Utility Service,
L.L.C. for a proposed TPDES Permit

Dear Ms. Castañuela.

Pursuant to our letter of August 31, 2006, we hereby request a contested case hearing on the above referenced application. Ms. Neese owns approximately 65 acres adjacent to the proposed facility. Icet Bayou identified as part of the discharge route flows across this property. The official address of the property is 7734 FM 565 North, Baytown, Texas 77020.

Although we understand that the application is in technical review at this time, we want to be on record as requesting a contested case hearing.

Sincerely,

BLACKBURN CARTER, P.C.

by *Mary W. Carter*
Mary W. Carter

c: Ms. Lin Neese
5150 Hidalgo #604
Houston, Texas 77056

MW