

TCEQ Public Meeting Form
Tuesday, April 17, 2007

7

17.45

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:43

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: W. H. Giesenschlag
Address: 9201 FM 2039
City/State: Somerville TX 77879 Zip: _____
Phone: (979) 272-7013

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.

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

H

OPA RECEIVED
APR 17 2007
AT PUBLIC MEETING

2:57 APR 19 PM 2:43

My name is W. H. Giesenschlag. My address is 9201 Farm Road 2039,
CHIEF CLERKS OFFICE
Somerville, Texas. I have lived in southeast Burleson County all my life and am very familiar with the land and streams in this part of the county.

The site for the proposed waste disposal facility is on low ground that is susceptible to flooding whenever the Brazos River overflows. I would call your attention to the photo provided by Mrs. Killgore, of the last Brazos River flood of December, 1991. The site was completely inundated by river water.

This was not even a major Brazos River overflow. In the flooding that occurred in the Spring of 1957, the flood crest was about five feet higher than that of 1991, and water covered the entire bottom in eastern Burleson County from hillside to hillside in the subject area. This water must go somewhere, and would have carried any pollutants from a waste facility it overran into the Brazos River when the waters subsided.

Some may claim that dams and reservoirs upstream will control any river flooding in the future. Existing reservoirs were inadequate, and failed to provide this protection in 1991. This was because excessive rainfall far upstream had already filled these reservoirs, and they were being forced to release water into the lower Brazos River, even as rains continued to fall. Thus, these upstream dams and lakes contributed to the flooding rather than prevented it.

I would ask your Commission to review the history of the disastrous Brazos River Floods of 1921, and 1913, which caused massive property damage and significant loss of life in this area, before acting on this request for a permit.

If current information relating to global climate change can be believed, we may well

W.H.G.

see more examples of extreme weather events in our future: prolonged dry spells punctuated by brief periods of very heavy rains, also more and increasingly destructive tropical storms.

I would ask you to remember that the Brazos River flood of September, 1921, was caused by a hurricane that entered South Texas from the Gulf of Mexico. This storm caused flooding that devastated downtown San Antonio, produced 38 inches of rainfall in 24 hours at Thrall, Texas, drowned over 200 victims in Williamson County, and caused a surprise flood here that survivors remembered all their lives. They called it the "DRY FLOOD." It covered the river bottom without ever raining here in Burleson County. Such events can, of course, still happen.

The site of this proposed waste facility is also susceptible to flooding from locally heavy rains that are unrelated to the Brazos River. In October, 1994, a local weather system produced about 17 inches of rain over southeastern Burleson County in about four hours one afternoon. This grew to 30 inches as it moved eastward into Grimes and Montgomery counties. The proposed site was inundated simply because it is on relatively flat ground that impedes runoff.

I would ask you to grant a contested hearing in this case. Putting a facility such as this into an area with a weather history, and stream runoff characteristics such as exist here, is too important a matter to let pass without exploring all environmental issues.

Thank you.

TCEQ Public Meeting Form

Tuesday, April 17, 2007

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620

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:41

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: Camilla Godfrey
Address: 17302 CR 438
City/State: Somerville Tx Zip: 77579
Phone: (979) 272-3678

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.

mlc

OPA RECEIVED

APR 17 2007

FRIENDLY PUBLIC MEETING

I want to thank everyone that came tonight. I appreciate the support and the friendly faces. This is one of those positives about Burleson County; we stick together. I am Camilla Godfrey, I live on family land that is within a mile of the proposed plant. My family has owned land and lived in Burleson County for over 150 years. I have raised my three children on this land, and now my three grandchildren are growing up on the land. There are three generations living there at this time. I was raised to understand that the land owns us as much as we own it, and that we are really caretakers of the land. We must preserve it and improve it for the generations that will follow us.

The plan to place the proposed plant on Kountz Bayou is a travesty. I do now know how approval can be allowed. The Bayou was built by the landowners in the fifties for flood control because this location is in the flood plane. This is a well-documented fact. When it floods and over flows the water covers my land right below my house. This plant will allow human waste to overflow and spread out on our acreage just as the water does.

My cattle graze on that land. My children, grandchildren, and I walk on that land. We love the land, we play, ride four wheelers, bike, picnic, or whatever we please on that land. Kountz Bayou rises and falls so abruptly and violently that it is not possible to have a bridge over it. There are times that it spills over so quickly and without warning that my cattle are trapped on the other side, which means that I then swim the Bayou in order to check my cattle or work out problems of cows and calves being separate. I do not want to swim in water that has been contaminated by human shit. Since my home is so very close to the proposed operation when there is a south wind, which is a great deal of the time the odor will be horrible. There are other families living on and near the Bayou and in Clay which is directly in its path and affected frequently by the Bayou overflowing.

Many of us are trying to protect Burleson County and preserve its rural heritage and natural beauty, while sharing it with others. I understand that it is not easy to make a living on the land, and that some of us must work off the land or try new ideas with the land, but this is not a good idea of the use of the land. These people have owned the land for several years and should be aware of how often it is flooded. There are other risks for waste to contaminate the area. It will be hauled by eighteen-wheelers from other counties, down highway 50, which is already a narrow, dangerous stretch of road through the bottom. It is traveled by farmers and slow moving farm equipment as well as trailers transporting animals to market, eighteen-wheelers from the grass place and oil well equipment. Many of the residents of the Bottom must travel it into town to their places of work on a daily basis. The fact that it is the Bottom and low-lying land means that intense fog is prevalent during certain periods of the year. The number of accidents on this narrow, crowded road is again well documented; we do not need more trucks loaded with shit to negotiate around.

In today's world we are all well aware of the dangerous of ecoli and the risk of contamination. For that reason there are strict restrictions on putting in a septic tank on your own land. I own 800 acres and still have to have inspectors and approval on

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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something as small as a septic system for one house. With this in mind how can something like this in this low-lying, flood prone area be legal and considered safe. I think these people just want to take advantage of our rural area for their own purpose of making a buck, they are not from here, the shit is not from here and they do not care about us or our property. I am afraid that this will just be the first of many others that may decide Burleson County is a good place for dumping. Those of us that are trying to make a difference know that we must accept responsibility and protect our area if we want to preserve the quality of life that we are working toward.

We love having company to share the beauty and tranquility of our area. My grown children are all involved in school systems and from time to time they have some of their students out to hike and explore the property; this is a treat for these kids and a pleasure for us as we see the sights through the eyes of the children. We can sit and watch many birds come and go, the raccoons, opossums, deer, and the cattle walking and grazing. We have llamas, donkeys, geese, ducks, turkeys and other fowl, these animals add to the joy of the land. Our trees are producing oxygen and help to keep the air quality in Burleson County pure, please do not allow sewage from other areas to pollute our area.

This is a paradise, a place in tune with nature, somewhere many come to relax and rejuvenate, areas such as this are being swallowed up by progress, contaminated by trash, and maybe doomed to become a thing of the past.

MWD
34156

OPA
MAY 15 2007

RESOLUTION OF
BURLESON COUNTY COMMISSIONERS COURT

RECEIVED
MAY 15 2007
CHIEF CLERK'S OFFICE

Request for Contested Hearing RE: Proposed Permit No. WQ0014725001

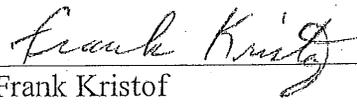
"BE IT RESOLVED that the Burleson County Texas Commissioners Court recognizes the potential danger to the health and safety of residents and landowners, health of livestock, crops, native wildlife and the natural environment from the proposed wastewater treatment plant to be located in the very volatile flood plain of the Brazos River in Burleson County.

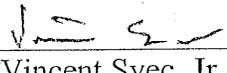
BE IT FURTHER RESOLVED that the Burleson County Texas Commissioners Court hereby requests the Texas Commission on Environment Quality to grant the request by the directly effected property owners for a contested hearing regarding Application of TCB Rental, Inc. for Discharge of Treated Domestic Wastewater TPDES Proposed Permit No. WQ0014725001."

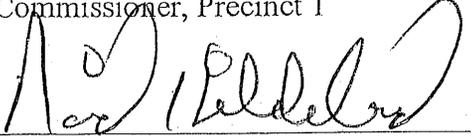
ADOPTED the 14th day of May, 2007.

SIGNED AND ENTERED ON THE ABOVE DATE BY:


✓ Mike Sutherland, County Judge

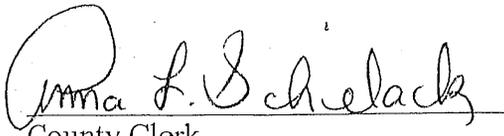

✓ Frank Kristof
Commissioner, Precinct 1


✓ Vincent Svec, Jr.
Commissioner, Precinct 2


✓ David Hildebrand
Commissioner, Precinct 3


✓ John Landolt
Commissioner, Precinct 4

ATTEST:


Anna L. Schelack
County Clerk



7/4

MWD
54156

HR OPA
MAY 14 2007
BY *[Signature]*

RESOLUTION OF
BURLESON COUNTY COMMISSIONERS COURT

Request for Contested Hearing RE: Proposed Permit No. WQ0014725001

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ADOPTED the 14th day of May, 2007.

SIGNED AND ENTERED ON THE ABOVE DATE BY:

[Signature]
Mike Sutherland, County Judge

[Signature]
✓ Frank Kristof
Commissioner, Precinct 1

[Signature]
✓ Vincent Svec, Jr.
Commissioner, Precinct 2

[Signature]
✓ David Hildebrand
Commissioner, Precinct 3

[Signature]
✓ John Landolt
Commissioner, Precinct 4

ATTEST:

[Signature]
Anna L. Schielack
County Clerk



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAY 14 11:10:20
CHIEF CLERKS OFFICE

MWD

MIKE SUTHERLAND
COUNTY JUDGE
BURLESON COUNTY

100 WEST BUCK ST., SUITE 306
CALDWELL, TEXAS 77836
PHONE: (979) 567-2333
FAX: (979) 567-2372



FAX TRANSMITTAL

DATE: 5-14-07

TO: Ladonna Castanuela

FROM: Mike Sutherland

FAX NO. OF RECIPIENT: 512-239-3311

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

MESSAGE: Request for Contested Hearing

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAY 14 AM 10:20
CHIEF CLERKS OFFICE

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (979) 567-2333.

TCEQ Public Meeting Form

Tuesday, April 17, 2007

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:43

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: HENRY HILTON LYDIA HILTON

Address: 4978 AFTON OAKS DRIVE

City/State: COLLEGE STATION TX Zip: 77845

Phone: (979) 774-7049

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.

REFERENCE: PROPOSED WASTEWATER PERMIT
NUMBER WQ 0014725001

OUR NAMES ARE HENRY HILTON AND LYDIA HILTON.
SINCE 1975 WE OWN 206 ACRES OF FARM LAND
ON BOTH SIDES OF KOONTZ BAYOU, ABOUT
300 YARDS NORTH OF THE PROPOSED SITE
OF THE FACILITY.

RECENT FLOODING OF KOONTZ BAYOU IS A
FACT THAT CAN BE CORROBORATED BY THE
ADJACENT LANDOWNERS. SINCE WE ARE
NO LONGER PHYSICALLY ABLE TO FARM, WE
LEASE THE PROPERTY FOR THE PRODUCTION
OF FEED CROPS.

WE ARE VERY CONCERNED THAT OVERFLOW
FROM THE PLANT DURING FLOODING WOULD
CONTAMINATE OUR LAND, AFFECTING THE
QUALITY OF THE CROPS.

IT IS OUR OPINION THAT THIS FACILITY
SHOULD BE LOCATED IN AREAS WHERE MORE
RAPID RUNOFF OF RAINFALL WOULD PRECLUDE
POSSIBLE CONTAMINATION OF FARM LAND.

Henry Hilton Lydia Hilton

4978 AFTON OAKS DRIVE
COLLEGE STATION, TEXAS
TEL. 979-774-7049

OPA RECEIVED

APR 17 2007

AT PUBLIC MEETING

CHIEF CLERKS OFFICE

207 APR 19 PM 2:43

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

mw

TCEQ Public Meeting Form

Tuesday, April 17, 2007

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12:28

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:41

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

→ *Spoke*

PLEASE PRINT:

Name: Charles & Mary Kay Janner
Address: 1787 Ca Rd. 444
City/State: Somerville TEXAS Zip: 72879
Phone: (979) 272-8088

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.

mw

MWD
34156

Douglas Kettler
10409 St. Peters School Road, Brenham, Texas 77833-0602
Phone 979-836-1104 Cell 979-277-4260

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 MAY 23 AM 10:18

May 22, 2007

OPA

H MAY 23 2007

CHIEF CLERKS OFFICE

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

BY *DL*

RE: TCB Rental, Inc. Proposed Permit No. WQ0014725001

Dear Chief Clerk:

I respectfully request a contested case hearing. I have property that borders the proposed wastewater treatment site. The ditch TCB plans to dump into drains through my property. I grow grain crops that I feed to my dairy cows on this property.

My concern is that the wastewater could contain harmful chemicals that spill over onto my field in times of a flood (flood happen about twice a year). Other concerns are the increase truck traffic on a small FM road, hauling waste over a long distance is burning up more fuel and harming the environment.

The business is located in Washington County (benefiting Washington County) while the dump is in Burleson County (an unsightly environmentally hazard).

These concerns could be solved by treating the waste at the site it becomes waste. It could also be put in Washington County. TCB owners have land on a major State Highway in Washington County.

Therefore, I request a contested hearing regarding this proposed permit.

Sincerely,

Douglas M. Kettler

Douglas Kettler

MW

TCEQ Public Meeting Form

Tuesday, April 17, 2007

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TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

217 APR 19 PM 2:43

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Made formal oral comments

PLEASE PRINT:

Name: Douglas R. Kettler & Theresa Kettler
Address: 10409 St. Peters School Rd.
City/State: Brenham TX Zip: 77833
Phone: (979) 836-1104

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)

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MK

Koontz Bayou/Old River Landowners/Lesseees Group:

(More signatures to come)

Helen M. Landry

1518 Hartwick
Houston, TX 77093

Kenneth A. Landry

1524 CR 112
Caldwell, TX 77836

(Ag Lessee)

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2017 AUG -9 PM 3:35
CHIEF CLERKS OFFICE

Camilla J. Befuy

17302 CR 438
Somerville, TX 77879

Henry W. & Lydia R. Hilton
(by Jean Kellone)
4978 Afton Oaks Drive
Bayou, TX 77845

BS
[Handwritten mark]

Photo #1

Looking East by Northeast from Killgore Property toward FM 50

Early Spring

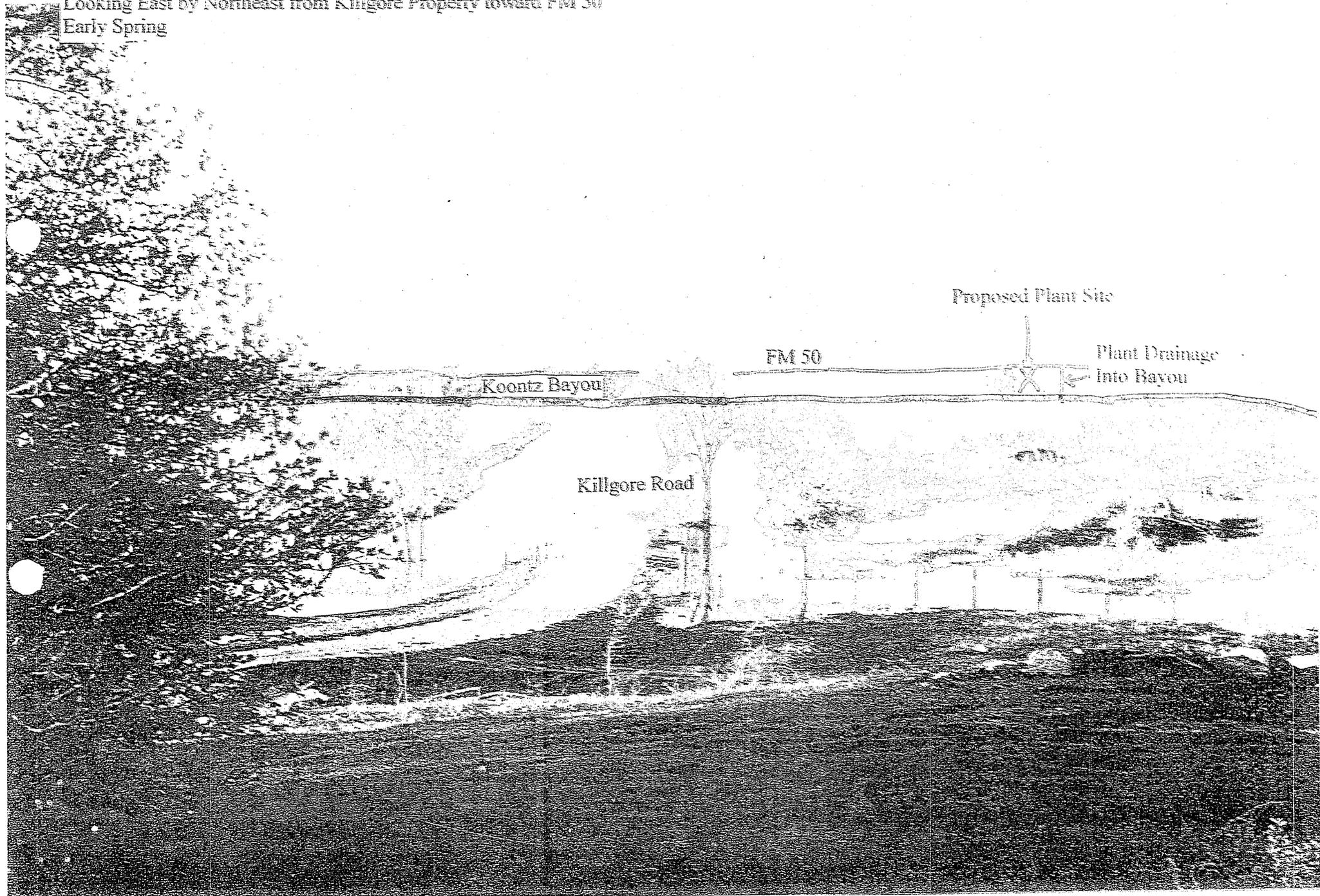


Photo #2 Taken from same location as Photo #1
Looking East by Northeast from Killgore Property toward FM 50
Fall

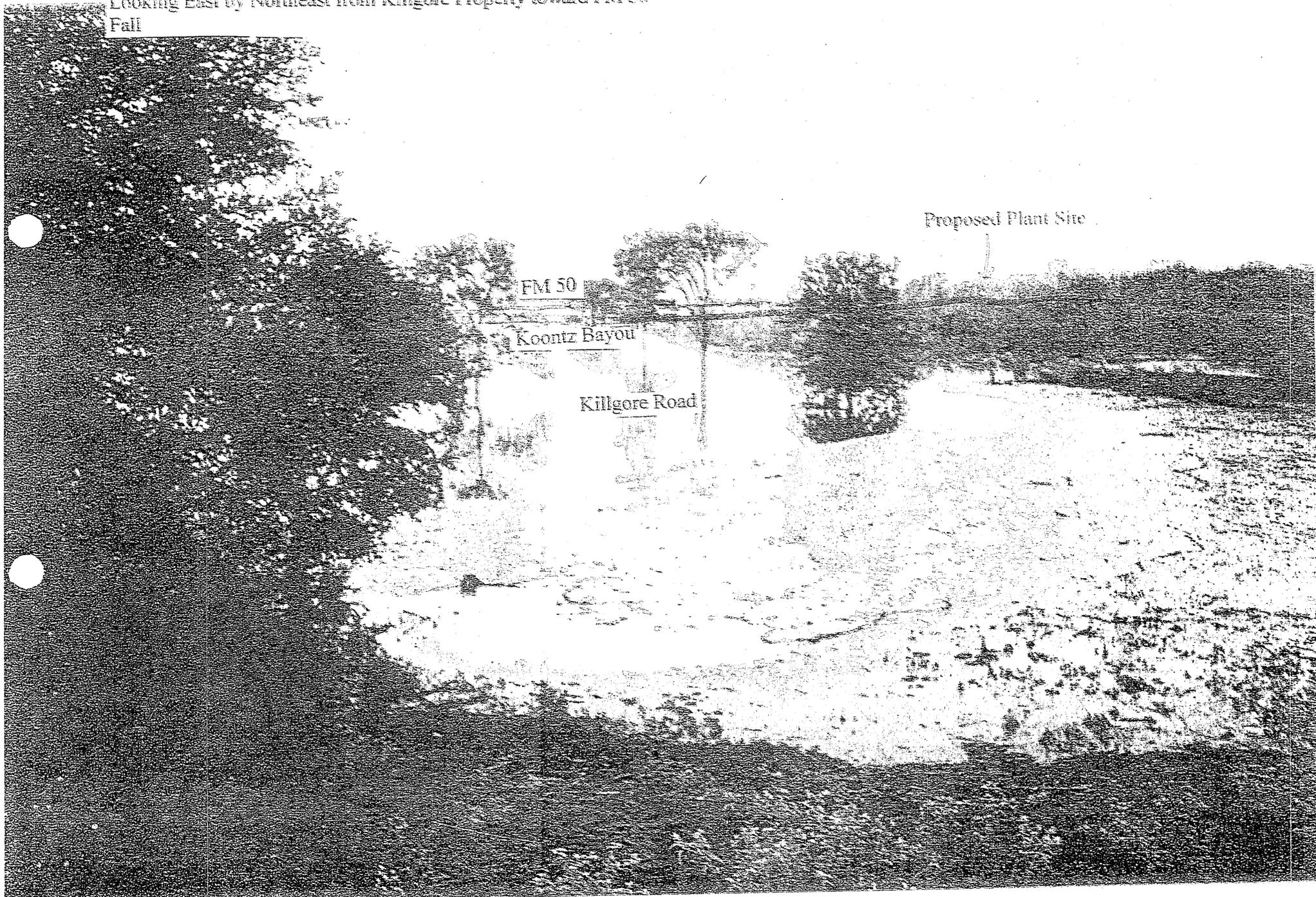
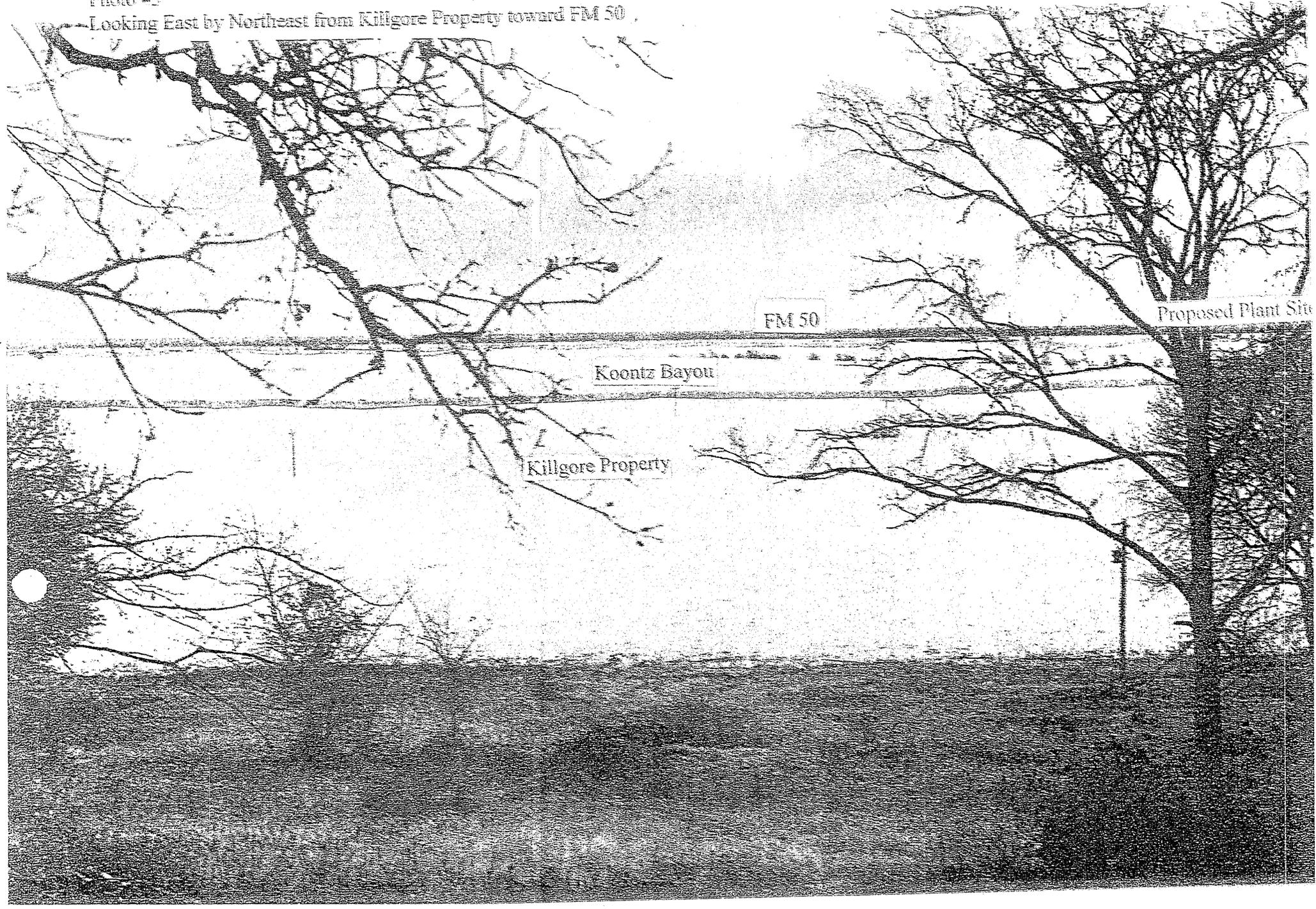


Photo #3

Looking East by Northeast from Killgore Property toward FM 50



FM 50

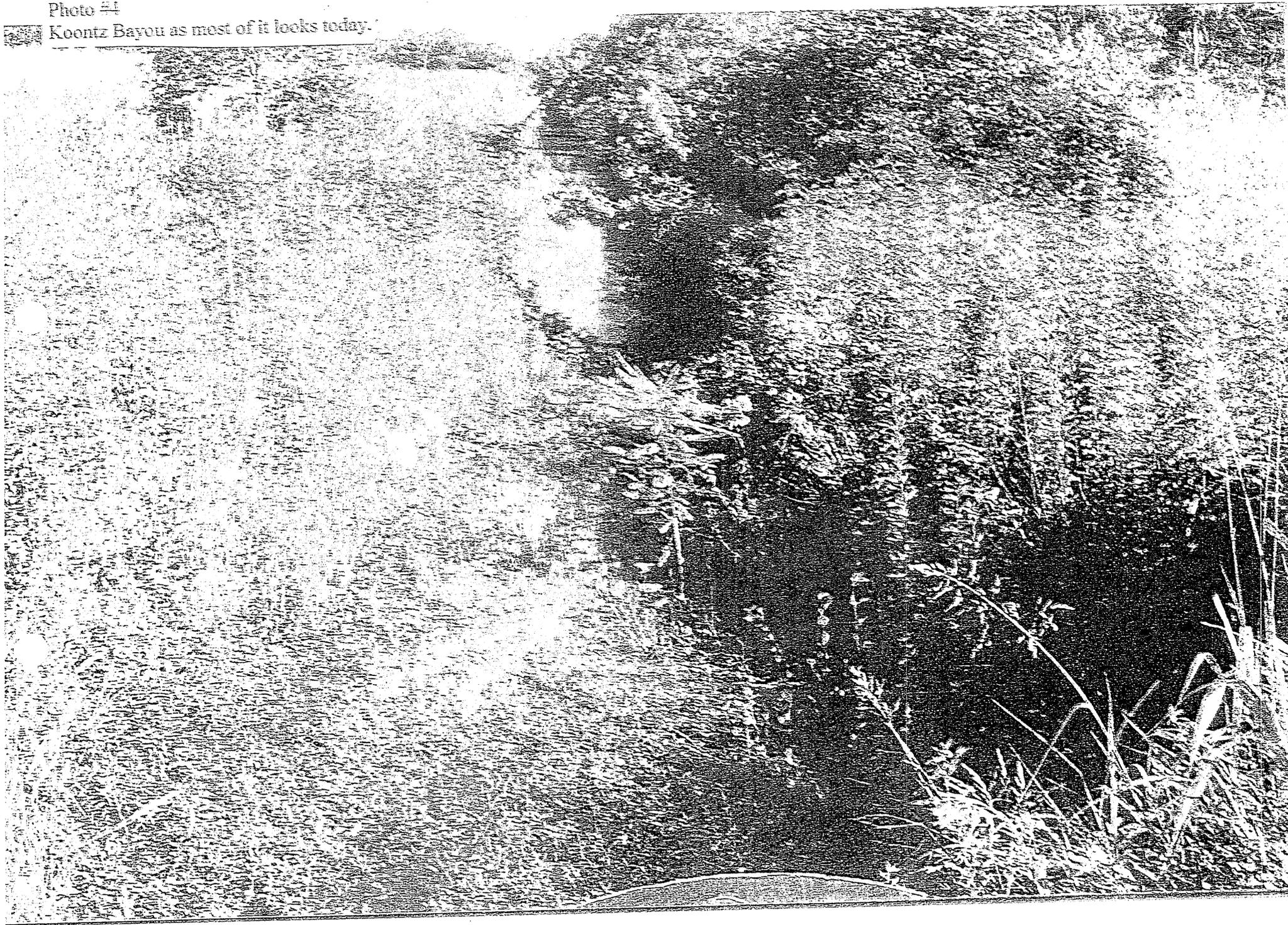
Proposed Plant Site

Koontz Bayou

Killgore Property

Photo #1

Koontz Bayou as most of it looks today.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The Tribune
Aug. 3, 2006



**NOTICE OF RECEIPT OF APPLICATION AND
INTENT TO OBTAIN WATER QUALITY PERMIT**

PROPOSED PERMIT NO. WQ0014725001

APPLICATION. TCB Rental, Inc., P.O. Box 1593, Brenham, Texas 77834, has applied to the Texas Commission on Environmental Quality (TCEQ) for a proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014725001 (EPA I.D. No. TX0128899) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 25,000 gallons per day. The proposed domestic wastewater treatment facility is located on the west side of Farm-to-Market Road 50, approximately 1.5 miles south of the intersection of Farm-to-Market Road 50 and Farm-to-Market Road 1361 in Burleson County, Texas. The discharge route is from the plant site to an unnamed drainage ditch; thence to Koontz Bayou; thence to Old River; thence to the Brazos River. TCEQ received this application on June 29, 2006. The permit application is available for viewing and copying at the Harrie P. Woodson Memorial Library, 704 Highway 21, Caldwell, Texas.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. If you need more information about this permit application or the permitting process, please call TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may be obtained from TCB Rental, Inc. at the address stated above or by calling Shelley Young, P.E., WaterEngineers, Inc., at (281) 373-0500.

Photo #1

Looking East by Northeast from Killgore Property toward FM 50

Early Spring

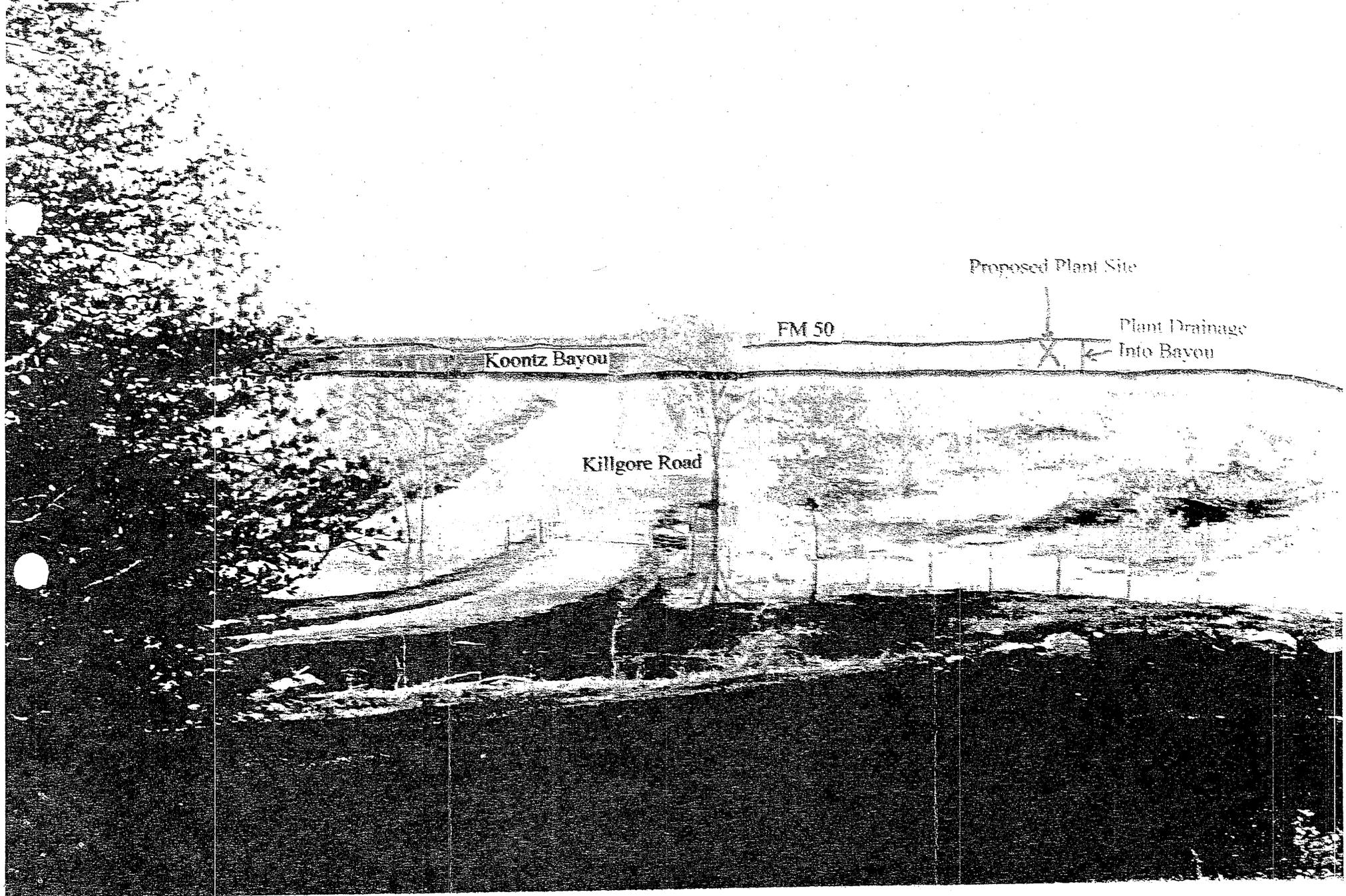


Photo #2 Taken from same location as Photo #1
Looking East by Northeast from Killgore Property toward FM 50
Fall

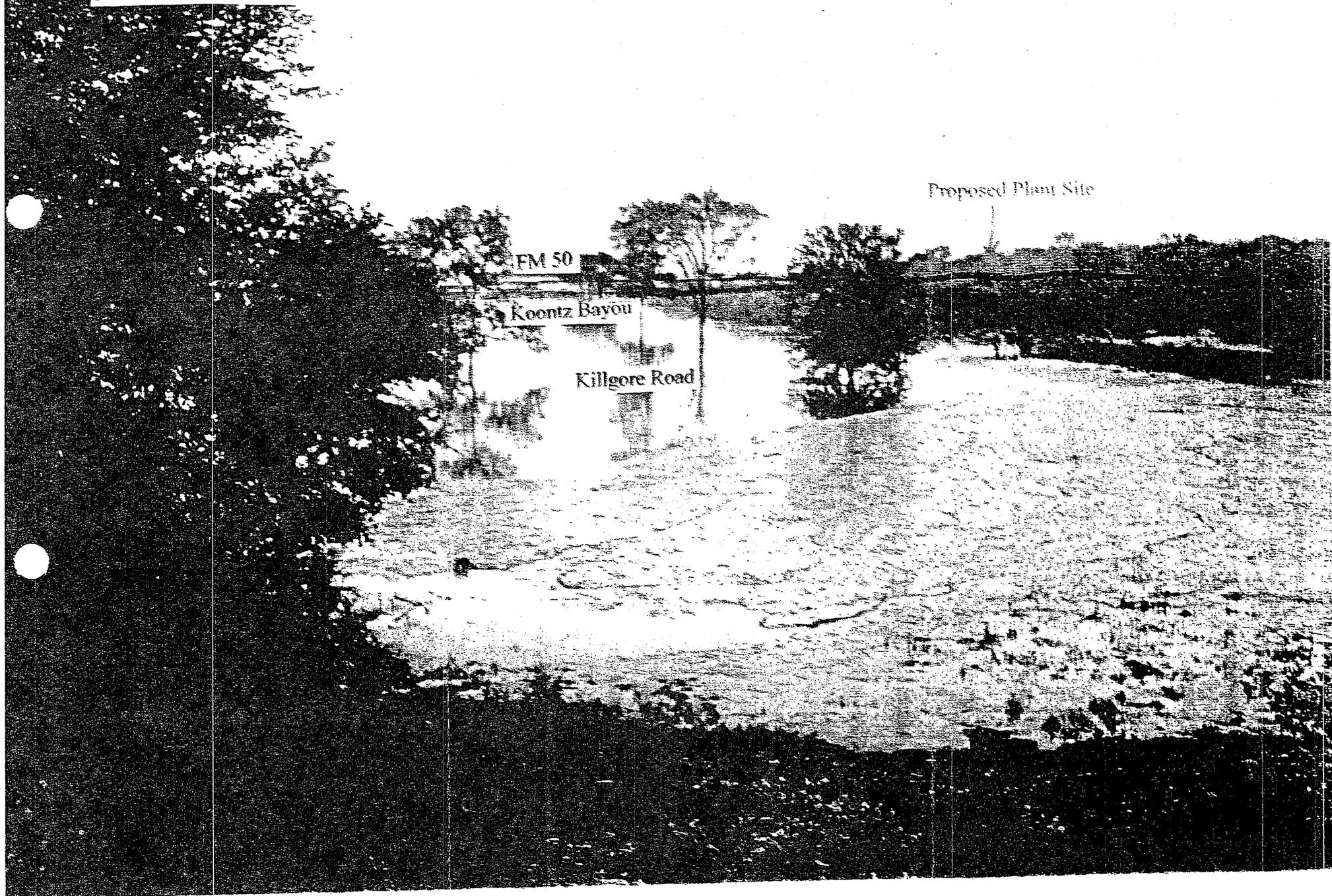
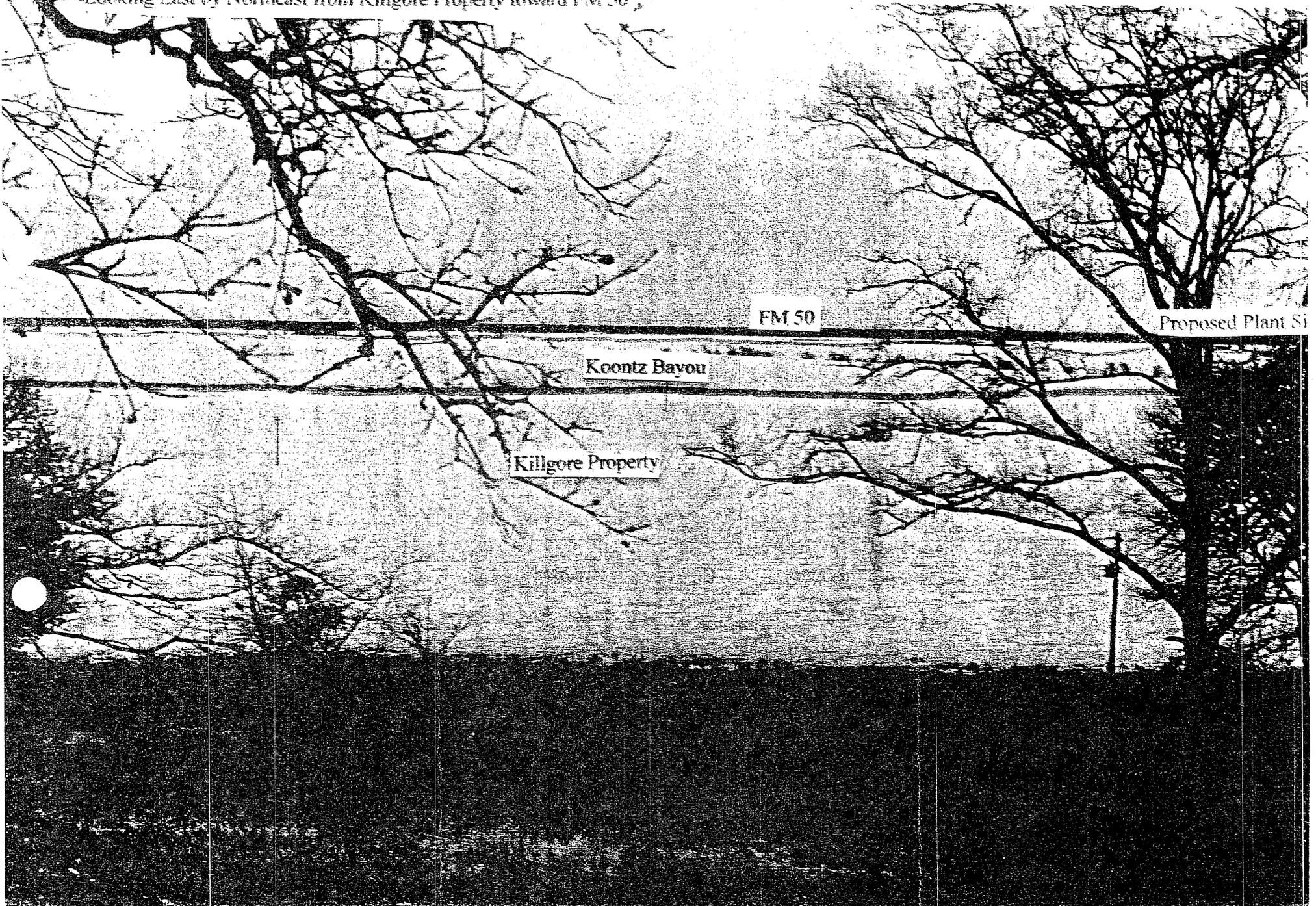


Photo #3

Looking East by Northeast from Killgore Property toward FM 50



FM 50

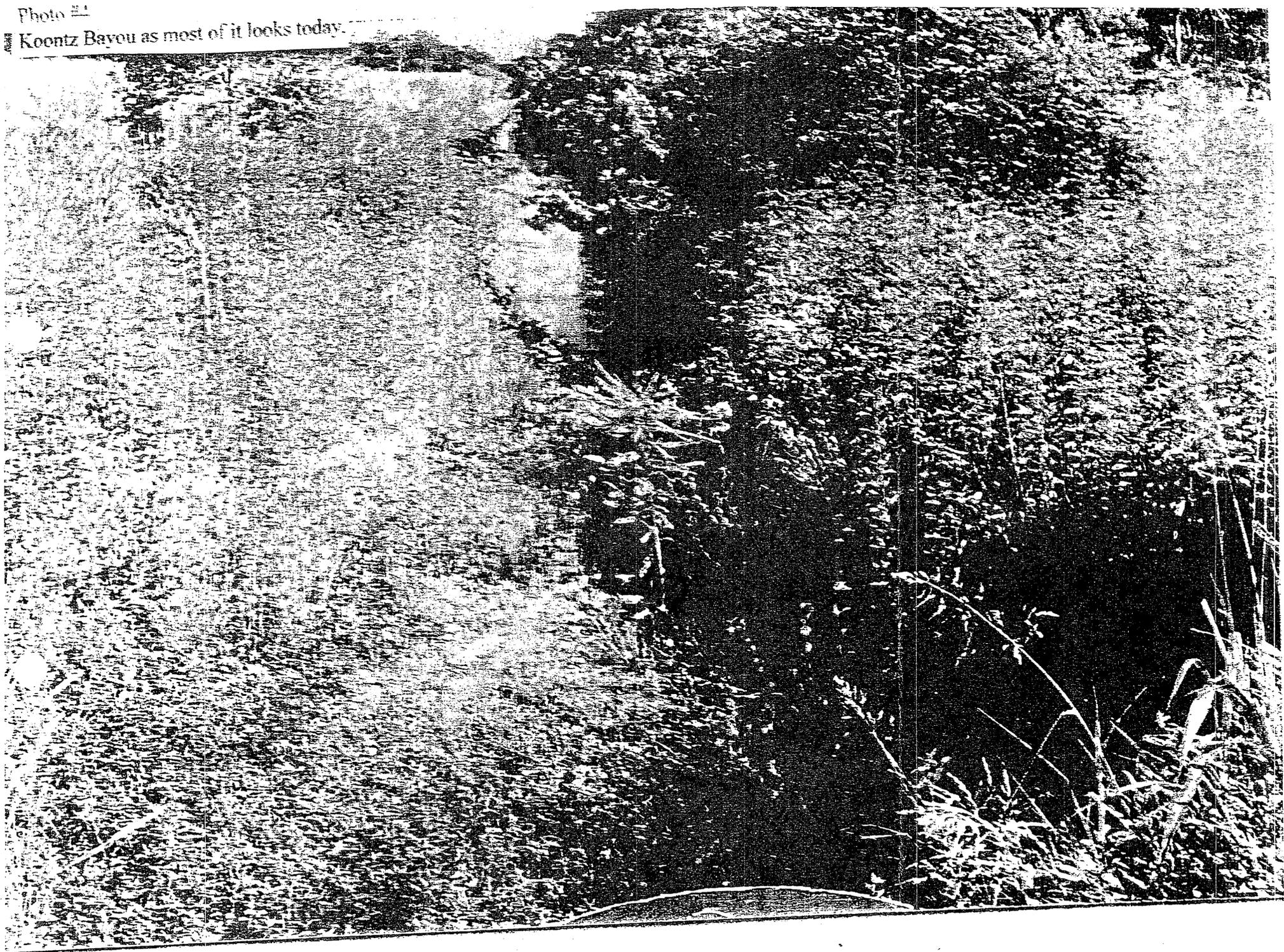
Proposed Plant Site

Keontz Bayou

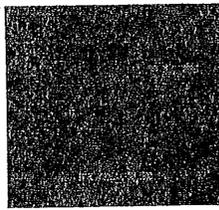
Killgore Property

Photo #4

Koontz Bayou as most of it looks today.



The Tribune
Aug. 3, 2006



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PROPOSED PERMIT NO. WQ0014725001

APPLICATION. TCB Rental, Inc., P.O. Box 1593, Brenham, Texas 77834, has applied to the Texas Commission on Environmental Quality (TCEQ) for a proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014725001 (EPA I.D. No. TXQ128899) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 25,000 gallons per day. The proposed domestic wastewater treatment facility is located on the west side of Farm-to-Market Road 50, approximately 1.5 miles south of the intersection of Farm-to-Market Road 50 and Farm-to-Market Road 1361 in Burleson County, Texas. The discharge route is from the plant site to an unnamed drainage ditch; thence to Koontz Bayou; thence to Old River; thence to the Brazos River. TCEQ received this application on June 29, 2006. The permit application is available for viewing and copying at the Harrie P. Woodson Memorial Library, 704 Highway 21, Caldwell, Texas.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing.** A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future

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Jean and Leonard Killgore
P.O. Box 625, Somerville, TX 77879
979-272-8727 Cell 979-229-5590 Fax 979-272-9181

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 18 PM 2:41
CHIEF CLERKS OFFICE

October 17, 2007

OPA

OCT 19 2007

BY *[Signature]*

LaDonna Castanuela, Chief Clerk
TCEQ, MC 105
P.O. Box 13082
Austin, TX 78711-3087 RE: TCB Rental, Inc. TPDES Permit No. WQ0014725001

Dear Ms. Castanuela:

We respectfully request an extension to the deadline for the request for a contested case hearing regarding the above referenced wastewater treatment plant permit. We need more time to research information regarding TCEQ responses to our questions at the April 17th Public Hearing which we received on October 4, 2007.

Please extend the deadline to November 30, 2007, so that we may research and submit supplemental information to our request for a contested case hearing.

We appreciate your consideration of this request and look forward to your reply.

Sincerely,

Jean & Leonard Killgore

Jean and Leonard Killgore
Individual Affected Landowners
And Jean Killgore as Representative
Of the Koontz Bayou/Old River Group

MWD

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Jean and Leonard Killgore

Mailing address: P.O. Box 625, Somerville, TX 77879

Physical address: 17752 FM 50, Burleson County

979-272-8727; Fax 979-272-9181 jeanick@texasbb.com

Please put us on the list to receive notices or any information regarding this application

CHIEF CLERKS OFFICE

Comments by Jean Killgore for TCEQ Public Meeting, April 17, 2007

RE: Proposed Permit # WQ0014725001

OPA RECEIVED

APR 17 2007

AT PUBLIC MEETING

My husband, Leonard, and I are fulltime residents and our home is on the ridge overlooking the Koontz Bayou and the proposed location for the wastewater treatment plant. My husband's family has farmed and ranched in the area for four generations. Members of his mother's family were instrumental in the construction of Koontz Bayou drainage ditch in the 1940's. We own about 150 acres and raise cattle to sell, a cow/calf operation. I am active in community organizations and serve on the Burleson County Crime Stoppers Board, the county Appraisal Review Board, and as a Director of the Brazos River Authority.

The proposed site for the sewage treatment plant is in the floodplain. We not only observe the flooding in the Koontz Bayou basin, we have to drive or boat through it to get to and from our home. Our lower pastures are often flooded because it doesn't take much rain for the bayou to backup and overflow its banks. We are very concerned about the health and safety of our family, our cattle, and the local environment should the proposed wastewater treatment plant be constructed at this location. We don't understand how a sewage treatment plant and its drainage ditch can be protected from the floods we experience continually.

Our family includes six children and 20 grandchildren and extended family members who visit frequently. Our children, grandchildren and I take walks along our road, explore along Koontz Bayou, and hunt and fish on our property. We fly kites and model airplanes and go exploring in our lower pastures when they are dry. We all enjoy observing the wildlife including the migrating water fowl in the very field where it is proposed to build the sewage treatment plant. We have seen Canada Geese in the past as well as other water fowl each year. Our cattle graze on our lower pastures in the basin and some of them wind up on someone's dinner table every year.

Our driveway/road goes over Koontz Bayou and passes about two hundred yards from the proposed wastewater treatment plant site so we observe what happens there daily. Koontz Bayou and the proposed facility site are in a basin, a big bowl essentially, and the flooding gets worse as the years pass. The basin is surrounded on three sides by a high ridge from Wilcox to Clay, and the river bottom is on the fourth side. This whole basin is very low.

In December 1991 and January 1992, the flood waters were of historic proportion. Our lower pastures, our road, Koontz Bayou, FM 50 and the Buckner's proposed sewage treatment plant site were completely under water for more than a week (see attached photos). FM 50 was impassable during the Christmas/New Year holidays and our family had to park our cars almost a mile away on a county road and come and go by boat from our home (see newspaper articles).

The water was well above the fences, we motored right over them. We had to make sure our cattle were safe on high ground. Our neighbor who leased the adjoining property at the time was also out in a boat looking for his cattle. When the water finally went down, my husband measured the marks left by the water on the trees along our road. The water was nine feet deep in one location close to where the proposed plant site is located.

MW

Page two

Comments by Jean Killgore

April 27, 2007, Public Meeting

Re: Proposed Permit # WQ0014725001

In October 1994, we had 16 inches of rain locally and the flood waters were of the same historic proportion as those in 1991/1992. Again, our lower pastures, our road, FM 50, Koontz Bayou, and the Buckner's proposed plant site were completely under water for more than a week (see attached photos). During this flood, my husband and I stayed at home for over a week before we were able to get out by going across a neighbor's property. We lost electricity, the boat motor wouldn't start, and we remember eating a lot of canned tuna that week.

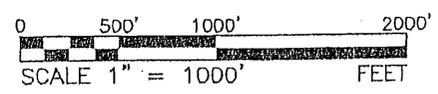
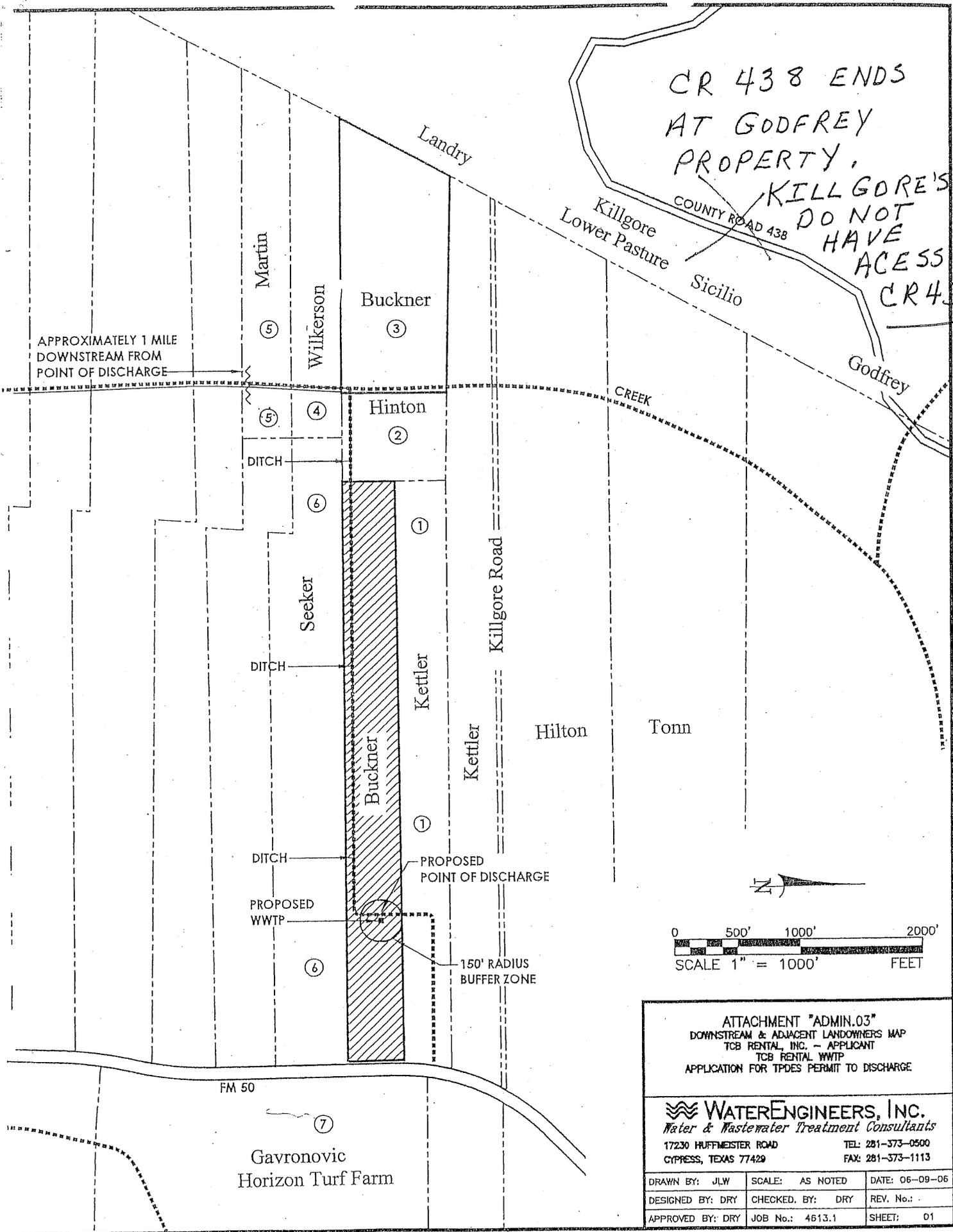
In the years since 1994, we have experienced flooding a couple times a year where the water is backed up out of Koontz Bayou, over our road and lower pastures, and over the proposed plant site and the unnamed drainage ditch. You can see from the photo driving on our road October 20, 2006, and the aerial photos taken March 15, 2007, how it floods with just four inches of rain locally. There have been other floods not included in this short comment period in an effort to be considerate of other's time.

Koontz Bayou has silted in over the years. There are several new low water crossings, and one bridge that does not span the complete width of the bayou and acts more as a dam. Also, debris and vegetation growth continue to add to the slowing of drainage. Today it only takes a few inches of rain locally; it doesn't have to be area wide, for Koontz Bayou to back up onto our lower pastures, our road, and the proposed facility's unnamed drainage ditch. If we were to have a flood of historic proportion today, the flooding would only be worse than it has been in the past.

The applicants Mr. and Mrs. Buckner and their engineer, Shelley Young of Water Engineers, live and work outside of our county, do not observe, and don't understand the flooding problem in Koontz Bayou basin. It may be dry one minute, but after several hours of rain it will be completely flooded and the water won't drain off for days, sometimes weeks. One has to observe over time to know the true nature of these floods.

We just don't see how you can protect a wastewater treatment plant under these flood conditions. We see real danger for our family's health and safety, to the health of our beef cattle, to the native wildlife and natural environment if such a facility were damaged by flooding. This is the wrong location for a wastewater treatment plant.

CR 438 ENDS AT GODFREY PROPERTY. KILLGORE'S DO NOT HAVE ACCESS TO CR 438.



ATTACHMENT "ADMIN.03"
 DOWNSTREAM & ADJACENT LANDOWNERS MAP
 TCB RENTAL, INC. - APPLICANT
 TCB RENTAL WWTP
 APPLICATION FOR TPDES PERMIT TO DISCHARGE

WATERENGINEERS, INC.
Water & Wastewater Treatment Consultants
 17230 HUFFMEISTER ROAD TEL: 281-373-0500
 CYPRESS, TEXAS 77429 FAX: 281-373-1113

DRAWN BY: JLW	SCALE: AS NOTED	DATE: 06-09-06
DESIGNED BY: DRY	CHECKED BY: DRY	REV. No.:
APPROVED BY: DRY	JOB No.: 4613.1	SHEET: 01

Photo # 1 December 26, 1991

Looking east by northeast from Killgore home toward FM 50. Proposed plant site is at right side of photo underwater. FM 50, Koontz Bayou, Killgore road and the plant site were still underwater more than a week later. See newspaper articles.

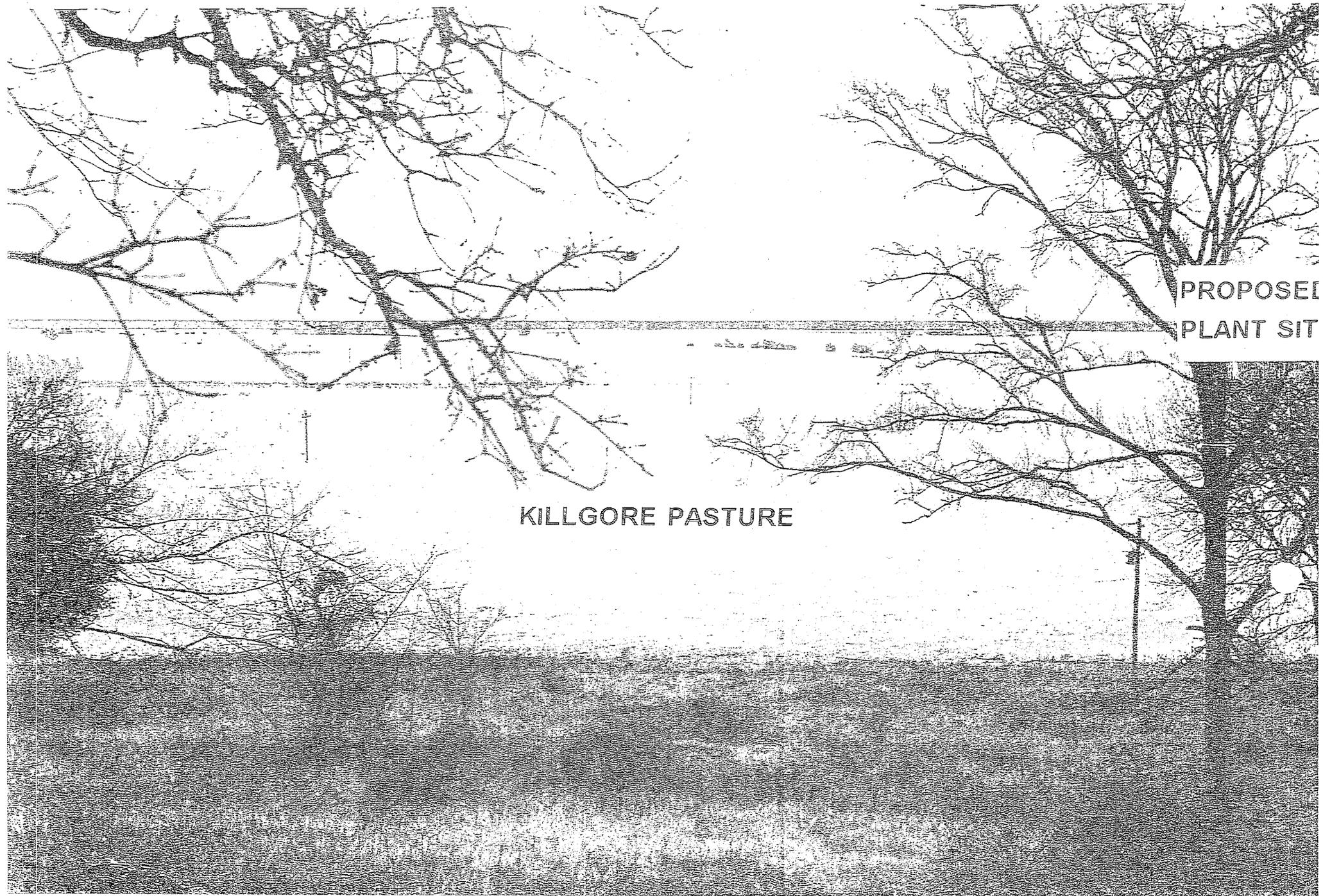


Photo #2 March 1993

Looking east by northeast at Killgore road out toward FM 50 with two inches of rain, before most trees leafed out. Proposed plant site right side.

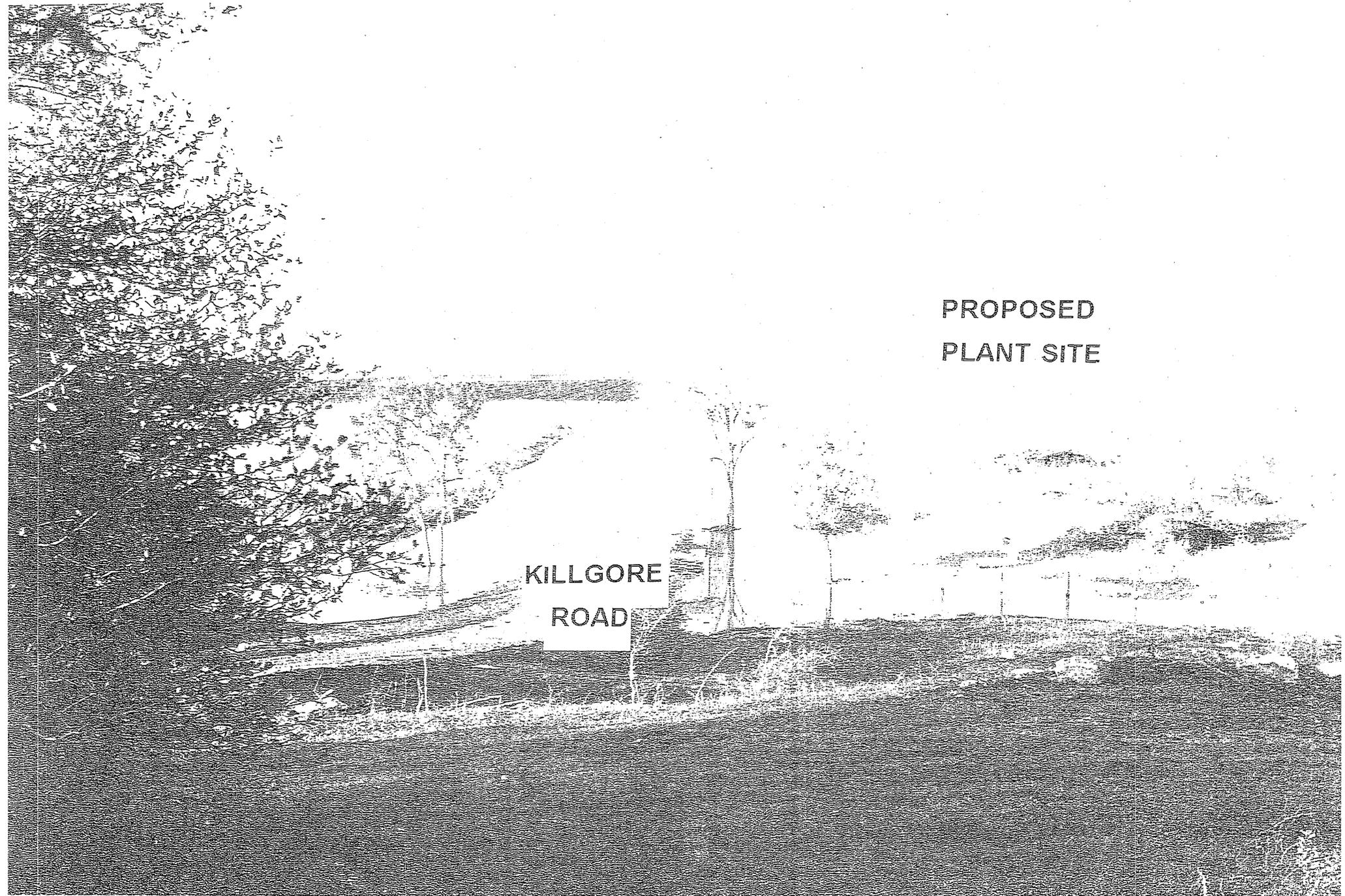
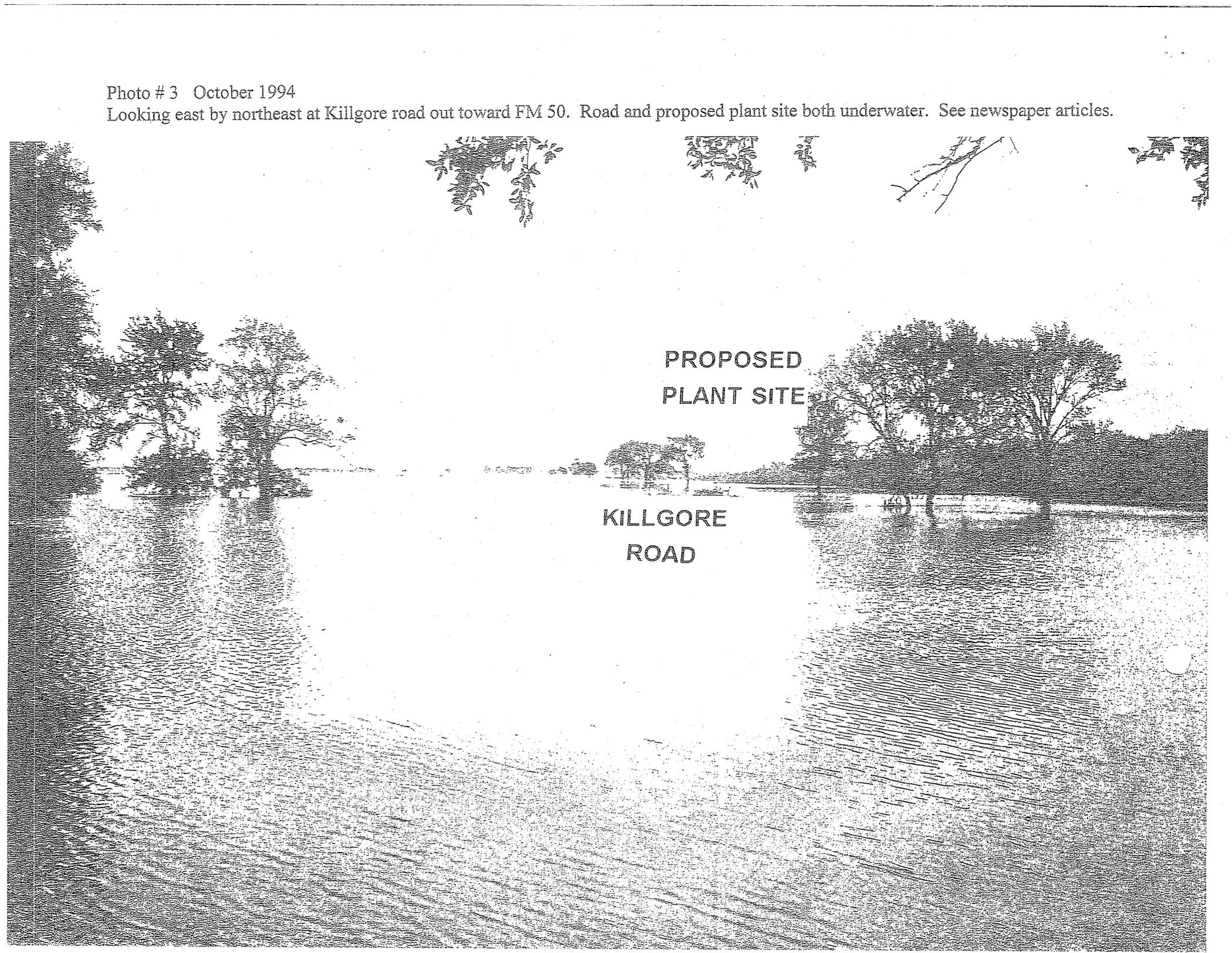


Photo # 3 October 1994

Looking east by northeast at Killgore road out toward FM 50. Road and proposed plant site both underwater. See newspaper articles.



PROPOSED
PLANT SITE

KILLGORE
ROAD

Christmas Brings Heavy Rains, Flooding To County, State-Clay Cut Off By Water

Hosp Lead Of 19

Texas got too much of a good thing last week as torrential rains caused flooding throughout the state.

Rain began again Christmas Day and is expected to continue throughout Thursday, adding to the already overburdened waterways throughout the state.

Torrential rains which began Wednesday, December 18, and continued through Sunday, December 22, sent many rivers throughout the state out of their banks. Locally, farmers, ranchers and homeowners were driven from their land as the Brazos river flooded much of the Snook and Clay areas. Roads in Snook and Clay still remained closed Thursday, December 26, after the Brazos and Little Brazos Rivers met earlier this week.

Although no deaths in Burleson County have been attributed to flooding; statewide, 15 people were killed, and two remained missing. Record flooding throughout Texas contributed to the deaths, and so far, two counties, Bastrop and Travis, have been declared disaster areas by Governor Ann Richards.

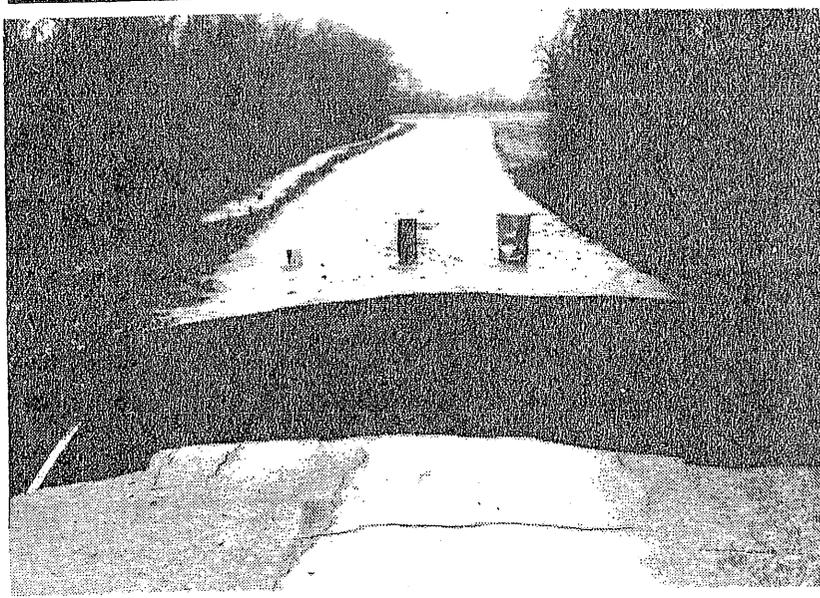
Locally, floods kept much of Burleson County isolated throughout the weekend. At least 14 roads were closed during the weekend.

County roads throughout the county experienced flooding and damage caused by swelling creeks. Two culverts along County Road 333 and 334 left residents isolated for most of Monday. One culvert was temporarily repaired with the help of local residents, but the other remained closed Thursday.

Some roads still remained closed Thursday. In Burleson County, FM 50 from Texas 21 to south of FM 60 was closed; FM 60 from Snook to the Brazos River was closed; and County Road 166 from Tunis to Snook was closed.

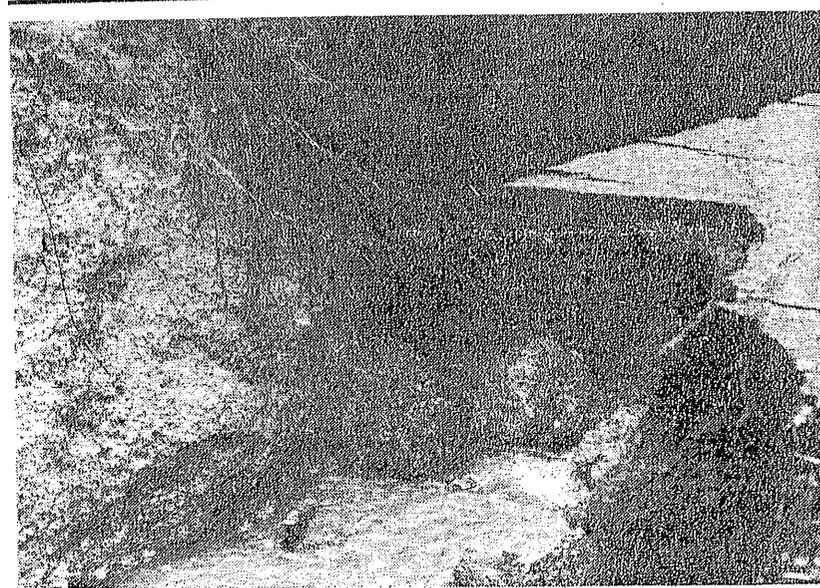
Somerville Lake had also cleared flood stage as of Monday. Continued rains throughout the week could add to the water problems.

Locally, several shelters have been open for families who evacuated their



DEEP AND WIDE. Culverts on County Roads throughout the area blew out as rains swept into the county Wednesday, December 18, and didn't leave until Sunday, December 22. This culvert, located on County Road 333, blew out early Saturday, December 21, leaving residents confined to their houses. The culvert also left a gaping hole about 15 feet wide and 20 feet deep.

Photo by Kay Colley



SWIRLING WATERS at the bottom of a blown out culvert run both ways Saturday, December 21. Repairs have begun on most of the damaged culverts in the area.

Photo by Kay Colley

No single event had a greater impact on life in Burleson County than the re-opening of Burleson Memorial Hospital. The community was surrounded by the re-opening of \$500,000 of contributions and donations made toward the hospital's operational and viable health care for the entire county. That goal was achieved when the hospital opened on October 4, 1991, one year after it had been forced to close.

Other top stories included Caldwell's first fatal shooting, the county's inclusion in the state's savings and loan crisis, the death of ball legend Tom Landry, the appointment of a new sheriff, and the retirement of Sheriff A.G. Wilhelm, the election of the first female sheriff in Burleson.

The effort to re-open the hospital saw the board appoint a new medical director, Dr. James Alexander; the passage of a \$1.5 million bond issue; the re-finance of the hospital's debt; the defeat of a law suit aimed at the hospital's closure. A myriad of public and private donations brought in \$400,000 in actual cash donations and set potential cash flow dollars.

In other medical news, Dr. Cochran retired from Burleson Memorial Hospital in October while Physician's Assistant W. Young returned to full-time duty at Burleson Memorial Clinic.

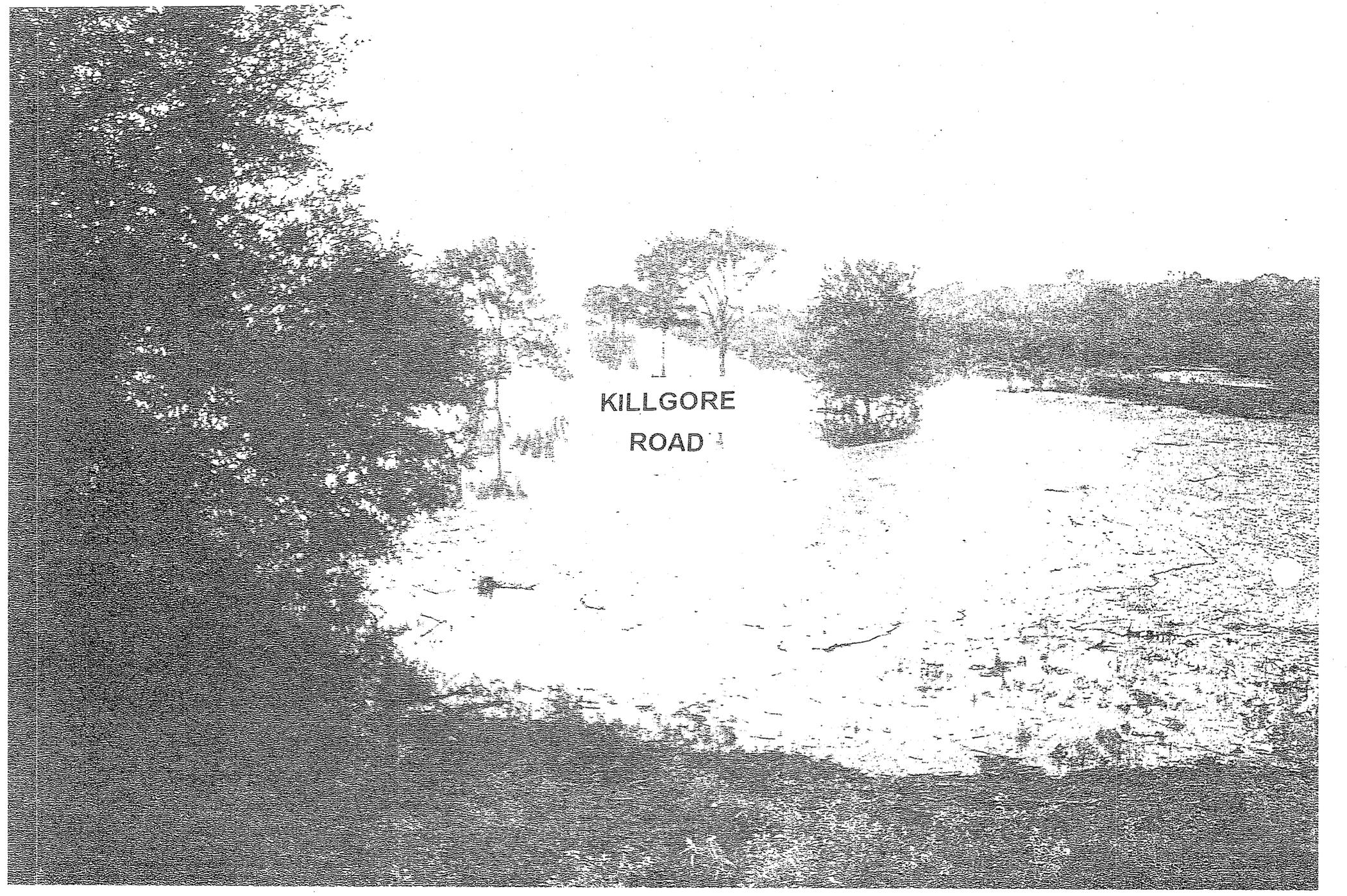
In the political arena, the voters defeated a rollback in county taxes by a few pennies. The measure failed 56% to 44%.

County Commissioner Ron Urbanovsky was re-elected on March 7; Urbanovsky was the recommendation of the voters. A.G. Wilhelm, the former health officer for 18 years and a World War II veteran, was re-elected to his second term.

Commissioners bro

Photo # 4 October 1994

Looking east by northeast from exact spot where photo #2 was taken in March 1993. FM 50, Killgore road and the proposed plant site were underwater. Several days later Killgore road, FM 50, and proposed plant site were still underwater.



KILLGORE
ROAD

Photo #5 October 1994

Looking east by northeast from Killgore home toward FM 50. About a week later the water started to recede from FM 50, Killgore road and proposed plant site.



Nov Oct 26, 1994

Up to 16 inches of rain produces flooding in county

Somerville hardest hit by rising water in homes and businesses

Up to 16 inches of heavy rain in a 3-day period starting last weekend in Burleson County produced flooding of streets, highways and even homes and businesses as creeks ran out of their banks and the saturated ground couldn't absorb the runoff.

Somerville was hit the hardest as rising water flooded the streets and eventually into stores and houses, forcing cars off the roads.

Nearly fifty people took refuge in Dairy Queen in Somerville where they stayed the night until about 7:30 in the morning when the water in the streets had finally gone down.

Houses in low parts of Bear Creek were completely submerged in water while other houses and stores were sustaining 3-4 inches of water on the floor.

One business owner said that he and his wife spent Sunday night damming up the bottom of the doors with towels and dipping the water off of the grocery store floor.

"I dipped out 45 - five gallon buckets of water until late Sunday night while the water seeped through the wet towels. We decided to go home when we got the most of the water off the floor, but when we opened the store this morning (6:30) we found four inches on the floor," said the Somerville store owner.

Almost every road in the county was blocked off at one time or another except for SH 21.

A dam at the Cade Estates Lake off of Farm Road 908, several miles west of Caldwell, broke in the early morning hours of Monday morning sending a flood of water down the roads and into fields.

The Burleson County Sheriff's Department, Caldwell and Somerville Fire and Rescue were busy rescuing people from stalled vehicles from about midnight on Sunday.

"We came across people who were stranded and standing on top of their stalled-out cars," said local law enforcement officers.

About six feet of road was washed out completely on County Road 116 leaving about a five foot drop off from the road.

Somerville City Council approves purchase of fire department pumper

The Somerville City Council approved the purchase of a new pumper for the volunteer fire department at the monthly meeting Tuesday, Oct. 11. It will aid in lowering insurance rates and help in fire responses said City Administrator Lloyd Behm.

The council also approved the authorization of the city administrator to prepare an ordinance to establish a "no parking zone" and a "right turn only" lane for southbound traffic on Avenue B (Hwy 36) at 8th Street.

One person from Somerville reported that an apartment complex in the town had 22 inches of water along with many fire ants and snakes.

Snook had their fair share of flooding over Sunday and Monday with the Justice of the Peace office having a reported three to four inches of water inside. Roads in and around the town were also closed.

Buffalo Street in Caldwell, next to Strickland Funeral Home, was reportedly washed out during the heavy rains.

Caldwell, Somerville, Snook as well as other surrounding towns canceled school Monday, but resumed on Tuesday.

In other business, a resident of Somerville, Ms. Gonzales, recommended that the city put in a light at the 2nd St. and Avenue J. The board decided to stay with the current policy of installing lights at intersections in the order that was planned in the past.

The Ex-Student Association applied for a parade permit for the annual homecoming parade, which will be held at 11 a.m. Saturday, Oct. 22, starting at the Yegua Football Stadium and looping around on 7th and 8th streets in Somerville. It was approved.



STALLED VEHICLES - Several vehicles were overtaken by flooded roads Sunday night and early Monday morning as waters rose to over five feet on roads. Stranded motorists were rescued by the Somerville Vol. Fire Department. This car stalled out on the Cade Lake Estates road several miles west of Caldwell on FM 908, when the dam on the lake broke. Up to 16 inches of rain were reported in parts of the county. - Tribune Photo by Sam Preuss

County Commissioners Adopt \$.47 tax rate

The Burleson County Commissioners Court met in special session Monday to adopt a tax rate of .47.

Union Pacific Resources Co. to relocate from Deanville to Bryan

Union Pacific Resources Co. will be moving its 38 workers in Deanville and 12 employees in College Station to Bryan as early as next month, said UPRC operations superintendent Jeffrey Stahley.

The major oil exploration and production company will sell the

900 people and operates three production offices and two gas plants in five Texas counties. It has a total of 56 rigs and earned \$309 million on revenues of \$1.3 billion in 1993.

Quality communication services and its data links are some of the

THE TRIBUNE

CALDWELL NEWS - SOMERVILLE TRIBUNE *Thurs., Jan. 2, 1992*

VOL. 107 NO. 17 WEEKLY ONE SECTION 50¢

County Flood Damage Will Top \$2 Million

County Judge Woods A. Caperton said Monday that the work of volunteer fire fighters from around Burleson County was one of the major contributing factors to the fact that the county suffered no

drowning fatalities during heavy rains and flooding in the Brazos River valley.

"I really do appreciate their work. We are grateful for what the volunteer fire department members did from Snook

and Somerville and Cooks Point, and, to a lesser extent, Caldwell. They did a tireless job manning the barricades, keeping people from entering flooded areas. Their work is one of the major reasons we

had no fatalities. We owe them a debt of gratitude. They put in a lot of hours," said Caperton.

A lot of hours have also gone into the assessment of damage from the worst

flooding in the Brazos bottom in over 35 years. The county's Flash Report, an initial assessment of damage turned in to the governor's office, reported a "low" estimate of \$2 million in damage.

ASCS official Ruth Sefcik reported that the Flash Report noted that some 30,000 acres of farm and ranch land was damaged including 2,000 acres of wheat; 4,500 acres of oats and 10,000 acres of pasture land. Over \$250,000 of hay was reported washed down the Brazos.

Also listed in the initial assessment were 20 farm homes and service buildings and well over 50 miles of barbed wire fences. The only good news from the initial reports is that the loss of livestock is believed to be minimal in the county. Originally over 150 head of cattle were believed drowned, but Sefcik said that estimate may be very high. Sefcik said a large number of cattle reported missing, more than 100 head, was found on high ground.

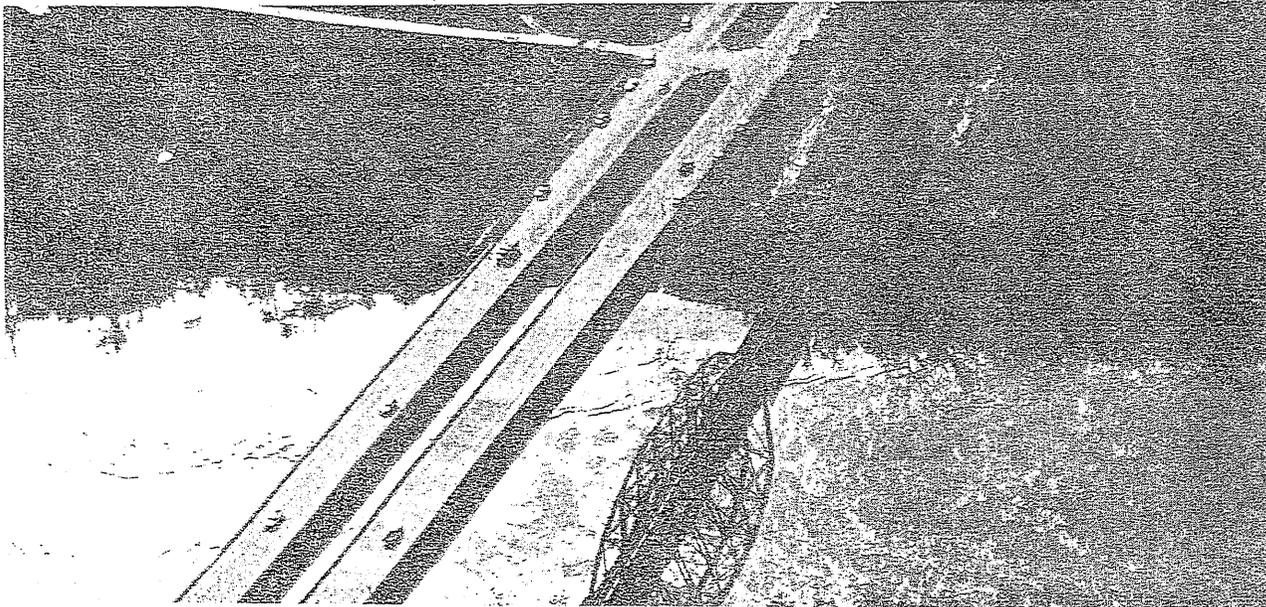
Other losses include tractors and other vehicles, irrigation motors, butane

tanks, and fertilizer and chemicals washed down stream.

Judge Caperton said that he has yet to receive a response from the governor's office on his petition to have the county declared a disaster area. He said that he expects a reply daily and is hearing from county residents about their losses.

Caperton said County Agent David Reue has worked with the ASCS on the assessment of agricultural damage, while County Emergency Management Officer Doug Beavers has looked at the losses in homes and businesses.

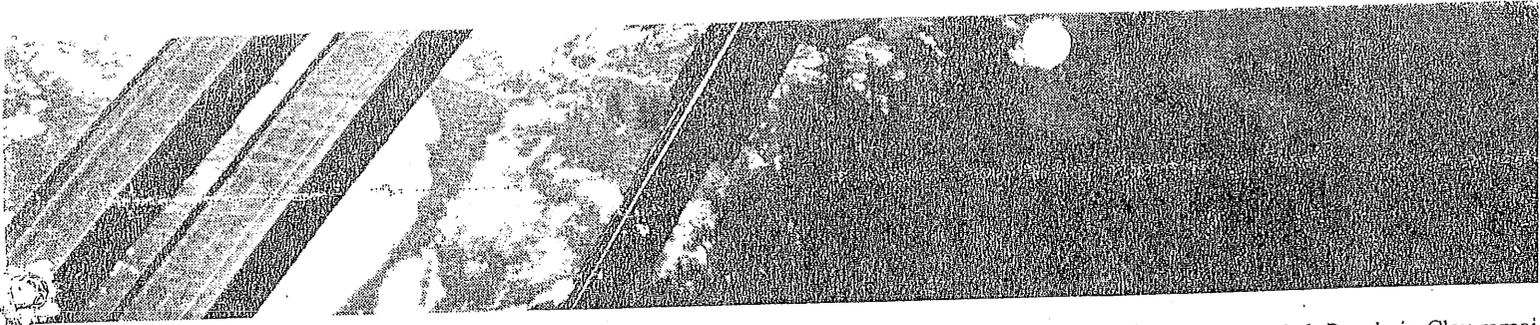
Many miles of county roads have been damaged along with the state highways through the bottom. Caperton said that several miles of county roads are actually still underwater and that dollar figures on needed repairs are just beginning to be estimated. "The actual dollar assessment may take a while. We have received damage to roads and bridges, mainly in precincts two and four. Roads in the Clay and Wilcox areas are still flooded," said Caperton.



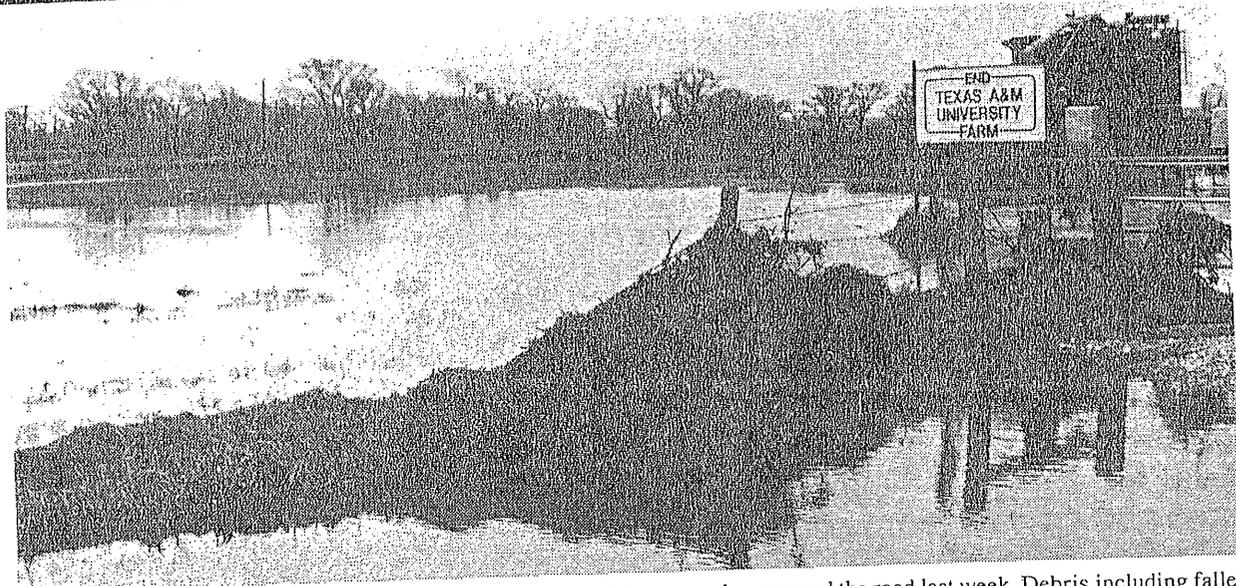
Flood Aid Toll Free Number Established

The Federal Emergency Manage-

"They can also take the information



RAGING RIVER. The Brazos River raged out of its banks last week when torrential rains brought massive flooding throughout the state. Flood waters throughout the county left many people temporarily stranded. People in Clay remain throughout the weekend. Aerial photo by Randal



AFTERMATH. The fences along FM 50 remind sightseers of the water that covered the road last week. Debris including fallen fences and barbed wire lay strewn across fields and in ditches. Photo by Kay Colley

Robber's Office

An individual or group broke into Snook school last night or early Friday morning and stole \$88 of tax money from the school.

According to Snook school principal Tim Juneke, an individual or group of people broke into the gymnasium room in Snook High School. The robber then came down the stairs leading to Snook school and used two metal doors using a crowbar. The doors lead into a lobby area. A window to the tax office was broken.

Caldwell Chamber Receives Dual Benefit With Office Furniture

The Caldwell Chamber of Commerce had a unique opportunity to help children in need by purchasing discount office furniture for the chamber's new office on Buck Street. After a check of local suppliers who could not supply what the chamber needed, the chamber was informed by a member about The Benefit Store.

The Benefit Store is a non-profit organization that accepts donations of used, good condition office furniture.

The furniture is sold through the store at discounted prices which allows the store to aid its number one charity, the Children's Medical Center of Dallas.

To date, The Benefit Store has raised over \$400,000 for Children's Medical Center in 1991. The Caldwell Chamber was able to purchase 28 chairs, a desk, two credenzas and a small table for \$1800. The retail value of the quality furniture is over \$8,000.

As The Benefit Store volunteers say, they provide a triple benefit in the work they do. First the donating companies and individuals can take a tax write off on the donations, and they do not have to hassle with the disposal of the furniture. The buyers receive quality furniture at greatly reduced prices while knowing that their purchases are going to aid children's medical needs.

Finally, and most importantly, children, who may not otherwise have had the opportunity, receive needed medical care at the Children's Medical Center of Dallas.

The Benefit Store will be conducting the office furniture sale through March at the Inwood Trade Center warehouse at 1130 Inwood Road, just two blocks south of I-35 in Dallas. The store is open daily, except Sunday, from 9:30 a.m. until 5:30 p.m. The telephone number is 214-373-1235. The Executive Director is Scott Philcox and the Volunteer Chairman is

Commod

Recertification will be required for those receiving commodity benefits in Burtleson County. A new application form will be filled out each January.

In order to recertify for commodity benefits, recipients must provide proof of income, such as a driver's license, utility bills, telephone bills, proof of residence, and proof of benefits, A.F.D.C., Food Stamps, or SSI.

Anyone signing up for commodity benefits must bring a note from the local office with their full identification.

Recertification will be held in Clay, Snook and Somersville on Monday, January 9 from 9 a.m. until 12 noon. Recertification in Caldwell County will take place on Friday, January 12 from 9 a.m. until 12 noon. Recertification will take place at the following sites.

If recipients do not appear for recertification, they will not be eligible to receive commodity benefits in 1992 until they are recertified.

Commodity distribution will take place at the regular site. Recertification will take place at the regular site.

Help-A Neighbor Brightens Christmas

The eighth annual Help-A-Neighbor Christmas Day Dinner was again a huge success. Coordinator Joseph Reynolds reported that over 450 people attended the traditional turkey dinner served at St. Ann's Recreation Center in

attended the dinner received a toy from Santa Claus. The toys were provided through Radio MASH in College Station. Reynolds said that Help-A-Neighbor is grateful to all of the contributors and volunteers who gave up time on Christmas Eve.

Photo # 6 October 20, 2006

Jean Killgore driving on Killgore road toward FM 50 to go to the grocery store. Only three inches of rain locally that week.

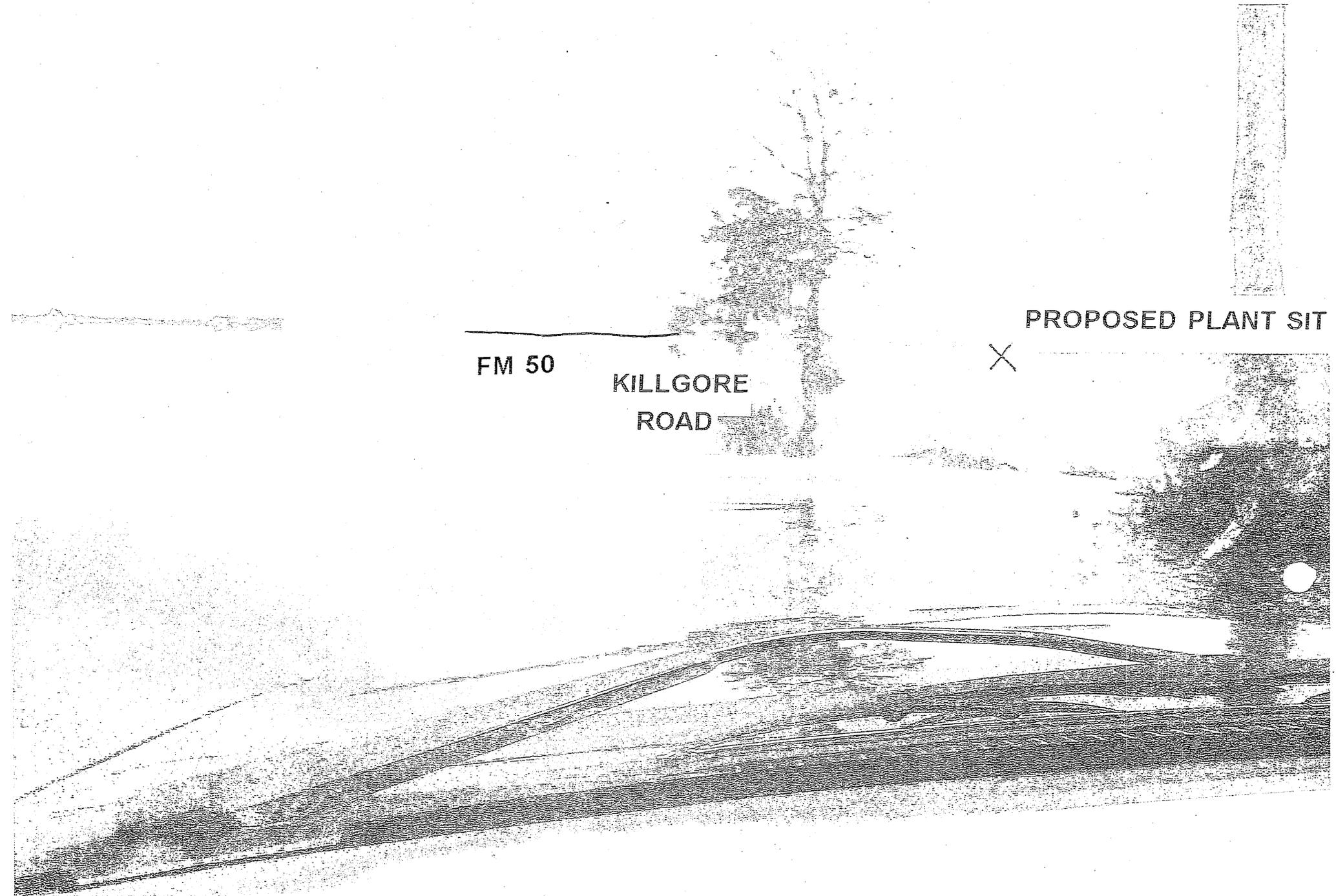


Photo # 7 March 15, 2007

Aerial photo taken by Leonard Killgore southeast down Koontz Bayou. Portions of Killgore road underwater and pastures flooded with only four inches of rain locally. Proposed plant drainage ditch to Koontz Bayou underwater and backed up.

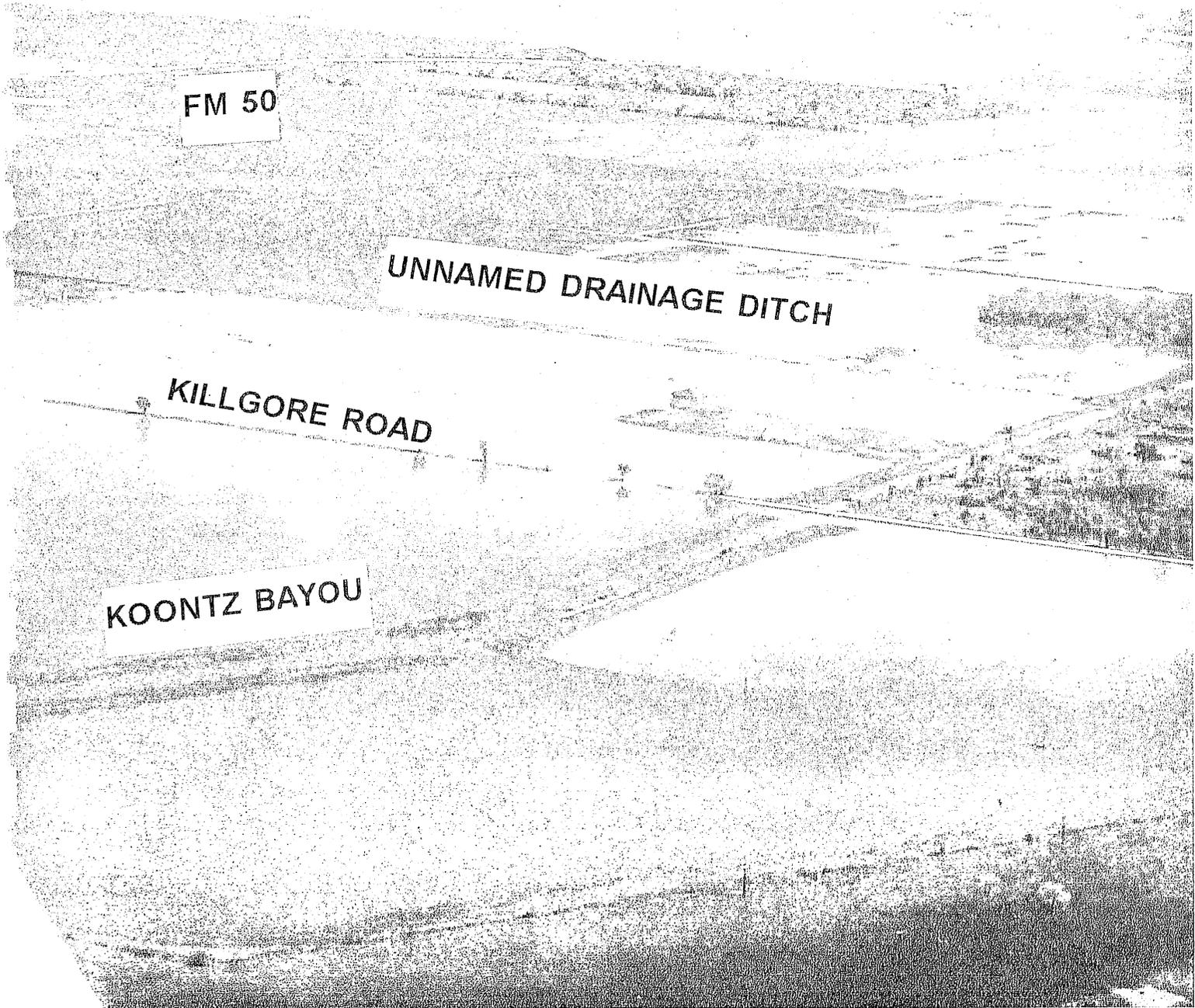


Photo #8 Fall 2006

Koontz Bayou – Over the years the bayou has silted in, bridges and low water crossings have been constructed, debris has built up and vegetation has grown to make flooding much worse in the event of a historical flood.



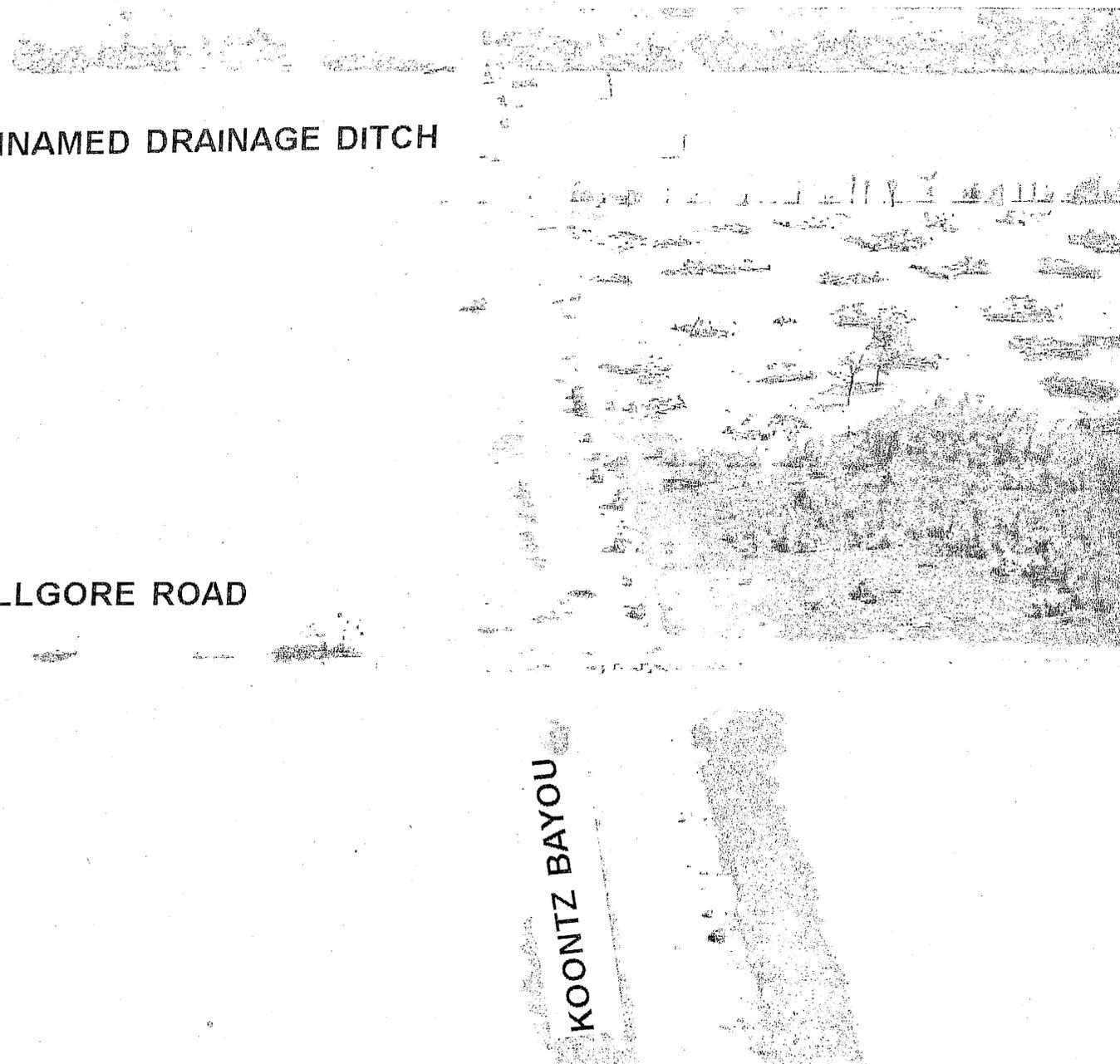
Photo # 9 March 15, 2007

Aerial photo taken by Leonard Killgore looking southeast down Koontz Bayou.
Proposed plant drainage ditch and Koontz Bayou with only four inches of rain.

UNNAMED DRAINAGE DITCH

KILLGORE ROAD

KOONTZ BAYOU



*MWD
54156*

Jean and Leonard Killgore
P.O. Box 625, Somerville, TX 77879
979-272-8727 Cell 979-229-5590 Fax 979-272-9181

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 17 AM 10:28
CHIEF CLERK'S OFFICE

October 17, 2007

OPA

OCT 17 2007

BY *[Signature]*

LaDonna Castanuela, Chief Clerk
TCEQ, MC 105
P.O. Box 13082
Austin, TX 78711-3087 RE: TCB Rental, Inc. TPDES Permit No. WQ0014725001

Dear Ms. Castanuela:

We respectfully request an extension to the deadline for the request for a contested case hearing regarding the above referenced wastewater treatment plant permit. We need more time to research information regarding TCEQ responses to our questions at the April 17th Public Hearing which we received on October 4, 2007.

Please extend the deadline to November 30, 2007, so that we may research and submit supplemental information to our request for a contested case hearing.

We appreciate your consideration of this request and look forward to your reply.

Sincerely,

Jean & Leonard Killgore

Jean and Leonard Killgore
Individual Affected Landowners
And Jean Killgore as Representative
Of the Koontz Bayou/Old River Group

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MLWT
54156

Jean and Leonard Killgore

P. O. Box 625, Somerville, TX 77879
979-272-8727 Cell 979-229-5590 Fax 979-272-9181

OPA

OCT 17 2007

BY JL

October 14, 2007

LaDonna Castanuela, Chief Clerk

TCEQ, MC-105

P.O. Box 13087

Austin, TX 78711-3087 RE: TCB Rental, Inc. TPDES Permit No. WQ0014725001

Dear Ms. Castanuela:

We respectfully request an extension to the deadline for receipt of our request for a contested case hearing regarding the above referenced wastewater treatment plant permit. The deadline is October 30, 2007. We received the Decision of the Executive Director on October 4, 2007, and due to our daughter's wedding October 6th and my husband's hospitalization this last week, I have just had the opportunity today to read the decision and requirements for requesting a contested case hearing. We request the deadline be extended to November 30th.

I have also received calls from the other members or our Koontz Bayou/Old River Group expressing the need for more time to prepare their requests. Unfortunately, all together the members of our group cannot afford the \$30 to \$40k fees that environmental plaintiffs' lawyers have said it will cost for their services and the services of expert scientists. We are ordinary citizens, many of us on fixed incomes under the national poverty level and most have fulltime jobs to supplement incomes from agriculture production.

There are obvious responses by the Executive Director of TCEQ that can be disputed and we need more time to research the disputed issues without the assistance of legal and scientific counsel. We respectfully request TCEQ extend the deadline of October 30th to November 30th so that as laymen we may prepare effective requests for a contested case hearing.

We sincerely appreciate your consideration of our request and look forward to your reply.

Sincerely,

Jean and Leonard Killgore

Jean and Leonard Killgore

Individual Affected Landowners

And Jean Killgore as Representative

of the Koontz Bayou/Old River Group

mw

MWD
54156

Jean and Leonard Killgore
P. O. Box 625, Somerville, TX 77879
979-272-8727 Cell 979-229-5590 Fax 979-272-9181

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 15 AM 9:37
CHIEF CLERK'S OFFICE

October 14, 2007

OPA

OCT 15 2007

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

BY 

RE: TCB Rental, Inc. TPDES Permit No. WQ0014725001

Dear Ms. Castanuela:

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Sincerely,



Jean and Leonard Killgore
Individual Affected Landowners
And Jean Killgore as Representative
of the Koontz Bayou/Old River Group

MW

TCEQ Public Meeting Form

Tuesday, April 17, 2007

1

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:40

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: JEAN KILGORE
Address: P.O. BOX ~~600~~ 625
City/State: SOMERVILLE, TX Zip: 77842
Phone: (979) 272-8727

Please add me to the mailing list.

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

If yes, which one? KOONTZ BAY/WOLD RIVER

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.

MW

April 17, 2007

T.C.E.O.
12100 PARK 35 Circle
Austin Texas 78753

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RECEIVED

APR 17 2007

AT PUBLIC MEETING

2007 APR 19 PM 2:42

CLERK'S OFFICE 25001

T.C.E.O.,

We own land that Koontz Bayou Floods on. This land has been in the family for over 70 years. Where Mr. Buckner wants to put the waste water treatment plant is a flood plane which floods often over a large area. This land located off Co. Rd. 434 Hwy. 50

- ① Can be adequately protected against the raw sewage and chemicals in the open pits not to flood over all the land.
- ② This flood water that contains raw sewage and "chemicals" floods our hay meadow. This hay is fed to cattle which ends up in our food chain on dinner tables.
- ③ Who will be responsible for cleaning the land up after a flood leaves chemicals and sewage on the land.
- ④ The Brazos River backs ~~the~~ old River up on to our property. Even with out back water flood water from Koontz and old River gets very high and on receding leaves residue on land. Cattle also drink this water. Koontz flows into old River
- ⑤ off of Co. Rd. 434 we own 92 Acres
end of Co. Rd 444 we own 975 Acres

Charles & Mary Kay Janner
1787 Co. Rd. 444
Somerville Tx 77879

Charles Janner
Mary Kay Janner
MJK

TCEQ Public Meeting Form

Tuesday, April 17, 2007

1

510

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERK'S OFFICE

2007 APR 19 PM 2:40

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: JEAN KILGORE
Address: P.O. BOX ~~635~~ 625
City/State: SOMERVILLE, TX Zip: 77842
Phone: (979) 272-8727

Please add me to the mailing list.

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

If yes, which one? KOONTZ BAYOU/OLD RIVER

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.

MW

MWD
54156

Jean Killgore
Koontz Bayou/Old River Group
P.O. Box 625, Somerville, TX 77879
979-272-8727 jeaniek@texasbb.com

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
MAY 11 11 10 AM '07
CHIEF CLERKS OFFICE

March 30, 2007

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

FAXED a copy: 512-239-3311 March 30, 2007 3:10PM OPA

MAY 11 11 10 AM '07
BY KM

Dear Sir/Madam: **RE: Proposed Permit No. WQ0014725001**

This morning, March 30, 2007, I went to the Harrie P. Woodson Memorial Library, 704 Highway 21, Caldwell, TX, to view and copy the TCEQ Executive Director's preliminary decision regarding above referenced application by TCB Rental, Inc. The staff of the library and I searched for the copy, it was not to be found. Your letter of March 9, 2007, which did not reach me until March 21, 2007, said the preliminary decision and draft permit could be viewed at the library.

The Public Meeting has been scheduled for April 17, 2007, and I will not be able to prepare comments for the meeting without knowing what is in the Executive Director's preliminary decision and in the draft permit.

I request that the meeting be postponed until we have the necessary information to prepare our comments. Please advise me by telephone 979-272-8727 as soon as possible as how I may obtain a copy of the Executive Director's preliminary decision and draft permit.

Thank you for your assistance. I am writing this letter upon the recommendation of your staff member who took my call from the library this morning. The original with my signature will be put in the mail tomorrow.

Sincerely,



Jean Killgore
KBOR Representative

Cc: Senator Steve Ogden

MWD

OPA

BY KY

MWD
54156

Jean Killgore
Koontz Bayou/Old River Group
P.O. Box 625, Somerville, TX 77879
979-272-8727 jeaniek@texasbb.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERK'S OFFICE

March 30, 2007

Chief Clerk **FAXED: 512-239-3311**
TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir/Madam: **RE: Proposed Permit No. WQ0014725001**

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Sincerely,



Jean Killgore
KBOR Representative

MWD

MWD
54156

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Jean Killgore
Koontz Bayou/Old River Group
P.O. Box 625, Somerville, TX 77879
979-272-8727 jeaniek@texasbb.com

2007 MAR 30 PM 2:42

March 30, 2007

CHIEF CLERKS OFFICE

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

FAXED: 512-239-3311 March 30, 2007 3:10PM

OPA

MAR 30 2007

BY

Dear Sir/Madam: **RE: Proposed Permit No. WQ0014725001**

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Thank you for your assistance. I am writing this letter upon the recommendation of your staff member who took my call from the library this morning. The original with my signature will be put in the mail tomorrow.

Sincerely,

Jean Killgore
KBOR Representative

Cc: Senator Steve Ogden

MWD

Jean Killgore
P.O. Box 625, Somerville, TX 77879
979-272-8727 Fax 979-272-9181 Email jeaniek@texasbb.com

August 8, 2006

Hon. Susan Combs
Commissioner of Agriculture

NC OPA
AUG 21 2006
BY

Dear Commissioner Combs:

Please find the enclosed information regarding our "Request for a Contested Hearing" before the Texas Commission on Environmental Quality. TCB Rentals of Brenham has applied for a permit to build a wastewater treatment plant in this area that has had flooding of historical proportions along Koontz Bayou and Old River three times in the last 14 years. The actual proposed site location was underneath six feet of water twice.

The proposed wastewater treatment plant would have an adverse impact on agriculture along the Koontz Bayou and Old River in this area and on the health and safety of residents who live nearby. When there is significant rain in the area and the Brazos River is up water does not flow downstream in the Old River and Koontz Bayou; it backs up and does not drain for days – sometimes weeks. Drainage is critical to farmers and ranchers in this area. Any additional discharge into the Bayou would have an adverse impact.

We are a group of landowners and Ag lessees who have requested a contested hearing before the TCEQ and would sincerely appreciate your help or input so that we may be granted a hearing. We would appreciate any assistance you may give us in this matter.

Sincerely,



Jean and Leonard Killgore
Representatives for the
Koontz Bayou/Old River Landowners and Ag Lessees

Enclosures

COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERK'S OFFICE

The interests of KBOR and the primary purpose of the organization is to protect these individuals' land for use as ranching and farming property and this purpose directly coincides with the position of the group and the interests they are attempting to protect in this request. As a collective unit, this group is able to assert claims and interests seeking relief that do not require the participation of the individual members.

Affected Person Status

To be considered an "affected person" and therefore obtain party status in this matter, the KBOR must have a "personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application." 30 Texas Administrative Code ("TAC") §§ 55.3 and 55.103. Without limitation, and subject to revision after more facts are known, the property owners that constitute KBOR have a legal right to use and enjoyment of their property. These property owners are farmers and ranchers that utilize this land for their personal enjoyment and economic benefit. Many of these property owners are struggling at or below poverty level and this land supplies the only basis for their income. They each have an economic interest in the use of their property that will be directly affected by the proposed plant. The discharge proposed for this plant is likely to cause flooding of the neighboring properties, including those owned by KBOR members. Even slight increases in rainfall cause the creeks and drainage channels in this area to overflow. To authorize a continuous increase in the discharges to these creeks and drainage channels under the volumes under consideration ensures that flooding will occur. This flooding will not be something that the public in general will experience; rather it is something that will afflict these property owners in particular. Furthermore, this flooding from a wastewater treatment plant is likely to cause pollution and contamination to the surrounding waterways that has not been assessed in the application. This potential pollution will directly affect the KBOR members in their use and enjoyment of their property and in their ability to economically benefit from that use. The expected impacts are further discussed below.

Additionally, the skeleton criteria for consideration of affected person status are established in 30 TAC 55.203 and include, among others, the "likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person." It has become clear through the application and associated public comments that this proposed plant will adversely affect the use of the property of the surrounding property owners. This, along with their legal and economic interests, establishes the affected party status of KBOR.

Disputed Issues of Fact

The Commission is in a unique position in reviewing this and every permit application. It is the responsibility of the Commission to ensure that the purpose of the permit authorization is carried out and that all necessary concerns of the public and the Texas Commission on Environmental Quality (the "Agency") are reviewed. The purpose of this particular permit review process is clear:

The purpose of this chapter is to condition issuance of a permit and/or approval of construction plans and specifications for new domestic wastewater treatment facilities or the substantial change of an existing unit on selection of a site that minimizes possible contamination of ground and surface waters; to define the characteristics that make an area unsuitable or inappropriate for a wastewater treatment facility; to minimize the possibility of exposing the public to nuisance conditions; and to prohibit the issuance of a permit for a facility to be located in an area determined to be unsuitable or inappropriate, unless the design, construction, and operational features of the facility will mitigate the unsuitable site characteristics.

30 TAC §309.10. Furthermore, “[t]he commission may not issue, amend, or renew a permit for a wastewater treatment plant if the facility does not meet the requirements of §309.13 of this title (relating to Unsuitable Site Characteristics).” 30 TAC §309.14. The public comments in this matter have certainly raised questions as to the suitability of this area for this wastewater treatment plant. These concerns should prompt the Commission to authorize a contested case hearing to ensure that sufficient information is before them to determine the suitability of this permit application and to ensure that the Applicant has sufficiently proven the statutory compliance necessary to guarantee the nuisance to surrounding property owners is minimized.

The following comments from the Decision of the Executive Director dated October 1, 2007 and the Executive Director’s Response to Public Comment form the basis for this request for a contested case hearing:

A. Health and Safety Concerns

The Burleson County Commissioner Court has indicated that they are extremely concerned about the impacts of this plant:

Comment 3: The **Burleson County Commissioner Court** (Mike Sutherland, Frank Kristof, Vincent Svec, David Hildebrand and John Jandolt) adopted and filed a resolution recognizing the potential danger the wastewater treatment plant might pose to the health and safety of residents, landowners, livestock, native wildlife, crops, and the environment due to its location in the volatile flood plain of the Brazos River in Burleson County.

These sediments are shared by the members of KBOR. The volatility of this area increases the chances of difficulties arising in the operation of the proposed plant and its impact on the surrounding area.

The Executive Director’s response to this comment indicates that “the Applicant is required to comply with the site characteristics requirements in 30 Texas Administrative Code (“TAC”) § 309.13.” The response goes on to indicate that “A wastewater treatment plant may not be located: (a)

in the 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during the flood event. . . The applicant is also required to comply with one of the nuisance odor control and buffer requirements of 30 TAC §309.13(e).” This type of response is common throughout the Executive Director’s Response. While it may be a fact that the Applicant is required to comply with these regulations, the requirement for compliance does not ensure compliance; that is why there are enforcement measures available, because applicants do not always achieve compliance with the regulations. It is the purpose of the permit review process to do everything possible to ensure that compliance can be achieved, especially to require that applicants can demonstrate their ability to achieve compliance. It is the contention of KBOR that the Applicant has not made such a demonstration in this case.

The Executive Director further responds that effluent limitations have been established yet fails to address the fact that there is a large concern regarding the impact of flooding in addition to the pollutant content of the flood waters. Flooding of property is certainly a nuisance and would seemingly make the site unsuitable for the location of a wastewater treatment plant. Again, it is the Applicant’s responsibility and burden in the permitting process to demonstrate that they can and will achieve compliance with applicable laws and regulations. This standard has not been met in this application process.

Additionally, as noted in the Technical Summary and Executive Director’s Preliminary Decision in this matter, the affected segment of the Brazos River (Segment 1242) “is currently listed on the State’s inventory of impaired and threatened waters.” P. 2. The effect of the inevitable flooding and the carrying pollutants not necessarily expected in the discharge stream to an impaired waterway is a concern that must be addressed. The applicant has not evaluated this concern in its application and the Commission is entitled to see such an analysis before considering a permit that may have a negative impact on a waterbody and “health and safety of residents, landowners, livestock, native wildlife, crops, and the environment.”

B. Proposed Plant’s Location is in the Floodplain

Comment 4 establishes that the proposed plant’s location is in the floodplain which experiences severe flooding. There were at least 11 commentors remarking on the severe flooding in the area. The response by the Executive Director is that the TCEQ does not prohibit placement of water treatment plant in the flood plain, but that it must be protected from inundation and damage during flood events.

There are at least two significant problems with the application in this regard. The first is that the Applicant’s analysis of this area does not account for flooding. Other than the mention that the proposed plant is located in the floodplain, there is no indication that flooding is a problem in the area. In fact, the assessment of the site indicates, on page 10 of 30, that the flow fluctuations into the initial tributary are minor. The testimony at the public hearing as recited in the Executive Director’s Response shows otherwise. Numerous people testified to the fact that this area floods on a recurring basis. The analysis supporting the Applicant’s submittal does not recognize this fact and fails to

address the necessary protections for the wastewater treatment plant to be placed in an area inundated by flood waters. Furthermore, it fails to analyze the impact of an increased discharge into tributaries that flood and the resulting impact to the landowners and the property which experience the flow of those tributaries. The second problem is that the measures proposed for the plant's configuration based on the fact that it is in the floodplain are insufficient. This area admittedly is in the Special Flood Hazard Area, this is the land area covered by the floodwaters of the base flood.¹ The Applicant proposes to place the top of the treatment tanks at 4 feet above the listed elevation for the area. However, this area is known to flood by more than four feet, therefore, this protection is inadequate.

C. Drainage is Already Hampered at the Proposed Discharge Point

In Comment 5 there is reference to the fact that due to silting and overgrowth the drainage in the area is severely hampered. The response by the Executive Director is that the permitting process does not allow the Commission to consider this matter but rather that the flood plain administrator should address the issue. Again, the Executive Director believes that its role is limited to controlling the discharge of pollutants into water of the state. However, pursuant to 30 TAC §309.10, the specific mandate to the Commission is to not allow this plant unless adequate protections are employed, this would include a review of the potential damage to be caused by inadequate drainage.

D. Contamination Concerns

Comment 6 centers around the issue of potential contamination of surrounding properties during flooding. The Executive Director's Response is that the Applicant must take precautions to prevent discharges and must comply with water-quality based effluent limitations. The response goes so far as to state that "[t]he Executive Director does not have the authority to mandate a different discharge location or different type of wastewater treatment plant." While this may be true, the Executive Director and the Commission do have the authority to determine that a permit application is incomplete in its assessment of the probable impacts and necessary precautions to ensure compliance to permit it for this location. It is certainly the duty of the Executive Director to control the discharge of pollutants to waters of the state, however, in accordance with 30 TAC §309.10 it is also clearly required to ensure that there are adequate protections and no nuisance caused by the activities forming the basis of the application. The concern of an overflow from the proposed plant during flooding affecting the property, both land and livestock, is a valid justiciable interest that must be reviewed by the Commission.

Additionally, the comment addresses the fact that the overflow of water from the plant could be a trespass to adjoining landowners property and that the proposed draft permit does not authorize such a trespass. However, the Applicant has not acquired all necessary property rights to convey this water. Because this conveyance is a condition to operating under the permit and the Executive Director and Commission are being informed that it has not been met, the application should not be

¹ <http://www.fema.gov/plan/prevent/floodplain/nfipkeywords/sfha.shtm>; see also 44 C.F.R. §59.1.

approved because the Applicant has not met their burden for ensuring compliance with the permit conditions.

E. Accessibility of the Proposed Plant

Mr. Wilkerson noted in Comment 7 that there would be times of inaccessibility of the plant due to the flooding. The response by the Executive Director is that the Applicant is required to have at least one all-weather access road. Again, the requirement does not ensure the compliance. The Applicant has not demonstrated how, in the adverse conditions of the area, they intend to ensure compliance with this requirement. Simply stating that the Applicant is required to have access does not address the fact that there is no analysis in the application that shows the Applicant will have access throughout the year. Again, the Applicant's review of the location did not take into account the flooding that occurs in the area and therefore does not account for the need for access during those floods.

F. Odor Nuisance

Odor nuisance was the subject of Comment 9. The application indicates that the buffering requirement to avoid odor nuisance will be met by the Applicant owning sufficient buffering property under 30 TAC §309.13(e). Again the Executive Director refers to the regulation requirements and states that the Applicant must comply. However, the unique nature of this proposed location with the recurring flooding of the area presents a situation in which the odor nuisance may reach further than the typical site. This abatement requirement must be considered under the unique conditions of the site to ensure that the Commission fulfills the purpose of this permitting process under 30 TAC § 309.10. Then the Executive Director refers remaining air issues to the air permitting section. The odor issue raised in Comment 9 does not deal with air permitting issues under the air permitting section, rather it focuses on the odor nuisance concerns to be addressed specifically under this permitting process.

G. Increased Truck Traffic

A concern is raised in Comment 10 regarding the increased truck traffic and inability of the roads in the area to accommodate this traffic. The response is that this is not an issue for the TCEQ to consider. Again, if these issues and concerns of the KBOR members as surrounding property owners indicate that there may be a nuisance issue or a situation that makes this site unsuitable to the proposed wastewater treatment plant then the Commission must review whether those issues have been adequately addressed in the application. The issue of increased truck traffic on roads that are seemingly not designed for such traffic has not been addressed in this application and should be reviewed by the Commission prior to considering the approval of this proposed permit.

H. Similar Permits Denied

The concern of Comment 12 is that the community of Clay, located in the surrounding area, had applied for a similar wastewater treatment permit and been rejected because it was in the floodplain. The Executive Director refers the commentors to the Environmental Justice section without the issue being addressed. However, that situation may be instructive here. If one wastewater treatment plant is unsuitable for this floodplain area, perhaps all are unsuitable.

I. Impact of Overflow Waters

In comment 14 the concern of the impact on the supply waters for Burleson County during a flood event are raised. The Executive Director again refers to the regulations and fails to address the issue. Additionally, the Executive Director notes that there are few concerns of groundwater contamination with the discharge of treated effluent to the surface water. While that may be true in an area that does not flood on a repeated basis, the groundwater contamination concerns seem higher in this situation and should be properly reviewed. This issue is not reviewed in the application, because, again, the Applicant did not even acknowledge that this is a flood prone area.

Conclusion

The public comments, many of them made by the KBOR members, establish the need for a contested case hearing. Without such a hearing, the Commission is left with insufficient information upon which to grant this permit. KBOR members are at risk of damage to their property and threats to their health and safety from the inevitable flooding that the proposed discharge will cause. The application clearly does not address the impacts of flooding on the proposed site, its operations, or the interaction of the flooding with the effect of the proposed plant on the surrounding landowners. The Applicant should be forced, at a minimum, to evaluate this impact and a proper forum to ensure that the Commission is supplied with the necessary information upon which to base its review of the permit is a contested case hearing.

In the alternative, if the Commission does not grant a contested case hearing, the KBOR would at the very least request reconsideration of the Executive Director's Decision in this matter. For the above reasons, the KBOR feels that the Executive Director's Decision was not a fully informed decision and should be reconsidered.

KBOR further reserves its right to amend or supplement this request as may be required, desirable, or necessary.

Having established the criteria required under 30 TAC § 55.201(d) the KBOR respectfully requests that this case be referred for a contested case hearing.

LaDonna Castañuela
October 29, 2007
Page 8

Respectfully submitted,

MUNSCH HARDT KOPF & HARR, P.C.

A handwritten signature in black ink, appearing to read "Amy Rickers", with a large, stylized initial "A" and "R".

Amy Rickers

AR/ta

**MUNSCH HARDT
KOPF & HARR PC**
ATTORNEYS & COUNSELORS
DALLAS | HOUSTON | AUSTIN

*MWD
34156*

3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201-6659
Main 214.855.7500
Fax 214.855.7584
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Amy Rickers
Writer's Direct Dial: 214.880.7692
E-Mail: arickers@munsch.com
Direct Fax: 214.978.4339

October 24, 2007

Via Overnight Delivery &
Facsimile (512) 239-3311

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

OPA

OCT 26 2007

BY *all*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 25 PM 2:48
CHIEF CLERKS OFFICE

Re: Deadline for requesting a contested case hearing on TCB Rental, Inc. TPDES Permit
No. WQ0014725001

Dear Ms. Castañuela:

Munsch Hardt Kopf & Harr PC was retained today to represent the Koontz Bayou Old River Group regarding the above matter. This permit application raises grave concerns for the members of this group regarding the safety and health of their persons and property. A complete analysis of the impacts of this permit application by the Commission requires that supplemental information regarding the issues raised during the public comment period be supplied to the Commission for review.

The current deadline for requesting a contested case hearing in the matter and supplying supplemental information to obtain designation as an affected party is set for October 31, 2007. It is respectfully requested that the deadline for this request be extended not less than 30 days to allow us to adequately present the basis for the contested case hearing request to the Commission. It is clear under 30 Texas Administrative Code § 55.201(g)(2) that it is within the Commission's authority to grant an extension of this deadline. Furthermore, it is imperative that we have sufficient time to prepare the necessary supplemental information for the Commission to render an informed decision regarding this permit application and this groups' affected party status. Therefore, it is requested that the deadline be extended not less than 30 days.

MWD

LaDonna Castañuela
October 24, 2007
Page 2

We appreciate your consideration of this request. If you have any questions or require further information, please feel free to contact me at 214-880-2692. Thank you.

Very truly yours,

MUNSCH HARDT KOPF & HARR, P.C.

A handwritten signature in cursive script, appearing to read "Amy Rickers".

Amy Rickers

AR/ta

**MUNSCH HARDT
KOPF & HARR PC**
ATTORNEYS & COUNSELORS
DALLAS | HOUSTON | AUSTIN

MWD
54156

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Direct: 214.978.4359

TEXAS
COMMISSION
ON
ENVIRONMENTAL
QUALITY
OCT 24 PM 4:52
CHIEF CLERKS OFFICE

October 24, 2007

Via Overnight Delivery &
Facsimile (512) 239-3311

OPA

OCT 25 2007

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

BY PL

Re: Deadline for requesting a contested case hearing on TCB Rental, Inc. TPDES Permit
No. WQ0014725001

Dear Ms. Castañuela:

Munsch Hardt Kopf & Harr PC was retained today to represent the Koontz Bayou Old River Group regarding the above matter. This permit application raises grave concerns for the members of this group regarding the safety and health of their persons and property. A complete analysis of the impacts of this permit application by the Commission requires that supplemental information regarding the issues raised during the public comment period be supplied to the Commission for review.

The current deadline for requesting a contested case hearing in the matter and supplying supplemental information to obtain designation as an affected party is set for October 31, 2007. It is respectfully requested that the deadline for this request be extended not less than 30 days to allow us to adequately present the basis for the contested case hearing request to the Commission. It is clear under 30 Texas Administrative Code § 55.201(g)(2) that it is within the Commission's authority to grant an extension of this deadline. Furthermore, it is imperative that we have sufficient time to prepare the necessary supplemental information for the Commission to render an informed decision regarding this permit application and this groups' affected party status. Therefore, it is requested that the deadline be extended not less than 30 days.

MW

Oct-24-2007 16:52

From-MUNSCH H/

2148557584

T-378 P.003/003 F-283

LaDonna Castañuela
October 24, 2007
Page 2

We appreciate your consideration of this request. If you have any questions or require further information, please feel free to contact me at 214-880-2692. Thank you.

Very truly yours,

MUNSCH HARDT KOPF & HARR, P.C.



Amy Rickers

AR/ta

**MUNSCH HARDT
KOPF & HARR PC**
ATTORNEYS & COUNSELORS
DALLAS | HOUSTON | AUSTIN

FAX

ADDRESS / TELECOMMUNICATION

3800 LINCOLN PLAZA
500 N. AKARD STREET
DALLAS, TEXAS 75201-6659

WEBSITE WWW.MUNSCH.COM

October 24, 2007

TELEPHONE:
FACSIMILE: 214.855.7584

C/M#: 990004/

Please deliver as soon as possible to:

Recipient	Company	Fax No.	Phone No.
1. LaDonna Castañuela	TCEQ	(512) 239-3311	

From: Tish Avila, legal assistant to Amy Rickers

Phone #: (214) 880-76541

Total number of pages (including this cover sheet): 3

Hard Copy of Document to Follow: Yes

Special Message:

TCB Rental, Inc.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 24 PM 4: 52
CHIEF CLERKS OFFICE

Confidentiality Expectation

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Should you encounter any difficulties with the reception and/or quality of this transmission,
please contact our Telecommunications Department at 214.981.7367.

- 1) As an adjacent landowner, I agree with all the comments of others addressed in Comments 4 and 6. If flooding occurs, any backup of raw sewage can contaminate my three water wells and well as my house and barns. I am sure that Mr. Buckner will not offer to pay for any cleanup expenses that I incur, if it can be cleaned up at all. I would not be able to rent out the house (thereby losing rental income) and would probably have to demolish it, plus have to drill new water wells.
- 2) Regarding Comment and Response 7, the flood of 1991 (as shown in my photographs submitted in April at the public meeting) kept FM-50 impassible to all vehicular traffic for a week. How would the applicant access the site under these circumstances – boat? What about equipment – barge? An all-weather road that he is required to have by his permit would be useless if you cannot reach the property. His property had deeper flood waters than mine. A drainage culvert under FM-50 between our properties was washed out completely, closing down the highway until the Highway department could get in to make temporary repairs. The town of Clay three miles south of me on FM-50 was cut off from all traffic for a week until flood waters receded.
- 3) I definitely agree with Mr. Janner in Comment 8. Even though the facility will be permitted to treat only domestic wastewater, what the applicant picks up from the waste generators may contain, inadvertently or not, waste that would not be considered domestic wastewater. Likewise, the hauler could be paid to look the other way in accepting wastes not allowed by the applicant's permit. Spreading of this material by flood waters would make matters even worse. Everyone would be dealing with a major environmental problem.
- 4) As stated in Comment 9, I am concerned about the odor problem. My house on this acreage is directly downwind from the proposed site, with prevailing south-southeasterly winds for most of the year. I would lose my renters and subsequent income. A point of note – the engineering report alluded to in Response 9 includes wind rose data at Bush Intercontinental (70 miles away). Data should have been presented from the more localized Easterwood airport in College Station (10 miles away).

In conclusion, I do not think that this facility should be constructed in the proposed location for the reasons that I have outlined. There is very little drilling activity in the surrounding areas now, and I resent being subjected to waste that is being generated in other parts of the state ending up on my doorstep. Let this facility be constructed closer to the point of the waste origin – with the price of fuel only due to increase, economically this makes more sense in the longrun. I am sure that, in the interest of efficiency, you would agree. Based upon the above issues that I have discussed, I am an affected person regarding this application, and respectfully request a contested case hearing.

If you should need to contact me, you may reach me at (979)-836-4000 or my fax number (713)-973-7390.

Yours very truly,

William H. Tonn III

William H. Tonn III

cc: Mrs. Jean Killgore
P. O. Box 625
Somerville, TX 77879

State Senator Stephen E. Ogden
3740 Copperfield Drive, Suite 103
Bryan, Texas 77802

TCEQ Public Meeting Form

Tuesday, April 17, 2007

6

1350

TCB Rental, Inc.
Proposed Water Quality TPDES Permit
No. WQ0014725001

CHIEF CLERKS OFFICE

2007 APR 19 PM 2:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: WILLIAM M. TONN III

Address: 6310 DOGWOOD ROAD

City/State: BRENNAM, TX Zip: 77833

Phone: 979 (713) 836-4000

Please add me to the mailing list.

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

If yes, which one? ONE HEADED BY JEAN KILBORG

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.

mtw

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2:57 APR 19 PM 2:42

CHIEF CLERKS OFFICE

6310 Dogwood Road
Brenham, Texas 77833
April 16, 2007

Re: Proposed TCEQ Permit
WQ0014725001

OPA RECEIVED
APR 17 2007
AT PUBLIC MEETING

Gentlemen:

My name is William H. Tonn III, and I own 300.5 acres in the John Chenowith A-84 and J. H. Harrell A-143 surveys which are located 2000 feet north of the proposed wastewater treatment site. Koontz Bayou runs through both the Chenowith survey on the southwest end and the Harrell survey on the north end of my properties. My family has had this property since the early 1970's. I have a three bedroom house, a pumphouse, a garage, two implement barns, and two irrigation pumps on this property (photo #1). I rent the land and house to two separate renters and depend upon income from both for my livelihood.

Koontz Bayou has flooded numerous times during the time that my family has owned it. I have seen it from Highway 50 when I have been there, and I have seen evidence of it from field trash (vegetation, etc.) that has been left on the adjacent barbed wire fences, which has necessitated reailing the wires. I attribute this as a result of trash accumulating in the channel downstream from my property and the consequent inability of the bayou to properly drain the area as it was originally designed to do. The most extreme example of flooding occurred in December 1991, when the entire Brazos River bottom was flooded for a couple of weeks due to heavy rains in the upper watershed above Waco. Water inundated my entire property (photo #2), Highway 50, and the surrounding areas (photo #3). It also destroyed a bridge on my property that spanned Koontz Bayou (photos #4 and #5). Water depth at my bridge was estimated to be approximately eight feet over the bridge railings, or about twelve feet above the surrounding topography. Also destroyed was about 1.5 miles of barbed wire fencing. Since Koontz Bayou and the Yegua could not drain into the Brazos because of it being full, this condition lasted for a couple of weeks and the land was inaccessible for a couple of months until the ground dried out to effect repairs.

The preceding examples illustrate why this proposed facility should not be located in this bottomland location but rather on an upland location that is not subject to frequent flooding. Also, the odors generated by the operation of this facility will impact my renters since the prevailing winds put my property directly downwind from the proposed location. The applicants do not live in the area and are not affected by what is done at their facility except to collect income from the operation of it. Any flooding that carries influent, or backup of Koontz Bayou that could result in wastes from the proposed facility entering onto my property, would have a negative environmental impact not only on me but my neighbors. For these reasons, I respectfully request that the permit be denied. Thank you for your attention.

William H. Tonn III

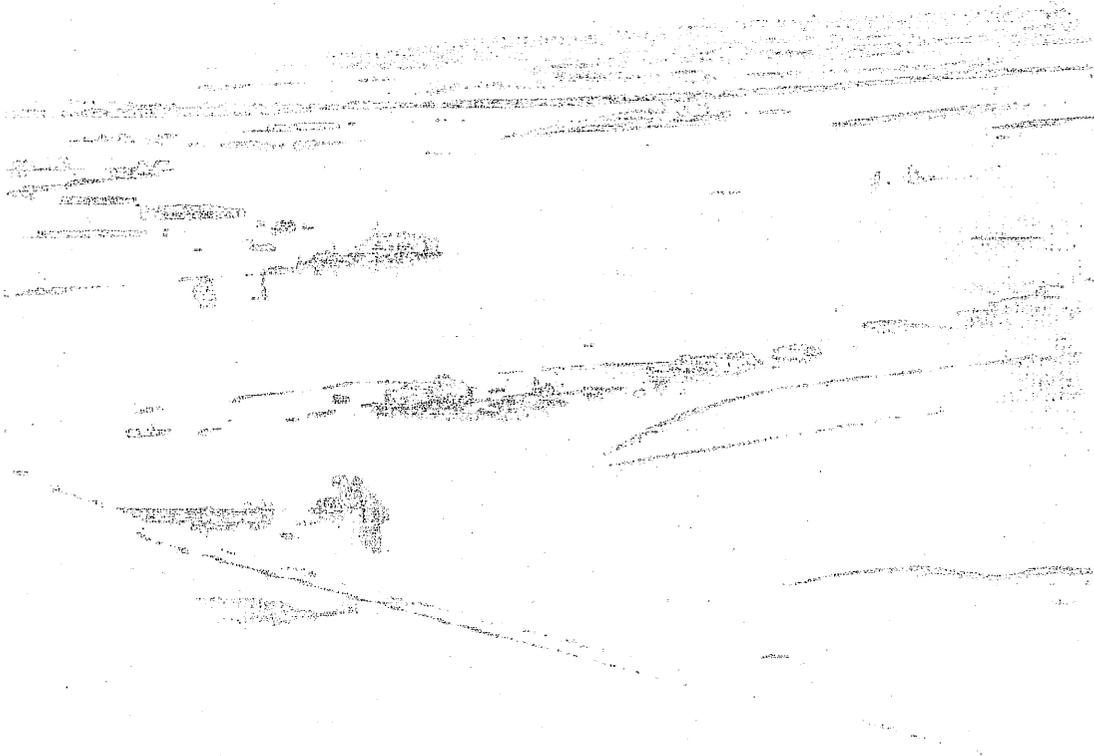
MW



Figure 1



N of
Clay



Banner photos by Lenore Baker

How High's the Water, Momma?

These aerial photographs of the Brazos Valley bring to mind an old song sang by country music star Johnny Cash as the Brazos River and Yegua Creek rose out of their beds and covered an area north of

Chey along Highway 39. Officials are advising people in Southeast Texas to evacuate as the water is expected to continue to rise and the rain to continue to fall.

