

1WD
56982

September ____, 2007

2007 SEP 19 AM 11:06

CHIEF CLERKS OFFICE

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

HR OPA
2007 09 19

BY *Jay*

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

- DEVALUATION OF PROPERTY
- HEALTH CONCERN
- ODOR
- DRAINAGE

Sincerely,

Name: Jaime H. ^{Alaris} Alaris

Address: 1616 Perryman Palacios

Phone # (361) 972-6051

Signature: Jaime H. Alaris

mw

September 17, 2007

1WD
36982

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 SEP 20 AM 10: 27

CHIEF CLERKS OFFICE

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

HR OPA

SEP 20 2007

BY *[Signature]*

Dear Commission:

Request for a Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000.

I request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

I feel that a contested hearing should be held to hear people's comments. Below are listed some of my comments.

My property is located along the east side of Cash's Creek, across from this proposed processing plant. My concerns are many, such as: Health concerns, Devaluation of my property, Offensive odor, effecting air quality, Drainage, Ground water contamination, Stagnat water supply for our wildlife & More Pollution during high tide and flooding to name a few.

You state that this processing plant will be allowed to have a daily flow of 102,740 gallons per day, to irrigate 36.5 acres of Coastal Bermuda and Rye grasses. With a wet year like we have had this year, that is 102,740 gallons too much. The ground is saturated and 1/10 of an inch of rain makes water stand. What type of irrigation? Any water sprayed into the air will stink. Anyway you look at it, in a wet year there will be run off into Cash's Creek.

I have been farming since 1960. That gives me 48 years of knowledge of what our land can take.

Sincerely,

Geraldine Batchelder
415 Green Street
Palacios, Texas 77465
Phone #361-972-5538

Geraldine Batchelder

MW

March 15, 2008

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Fax #512-239-3311

Re: H Bowers, Inc.
Permit No. WQ0004815000

Commission of Environmental Quality:

I feel that my concerns have not been addressed or answered and that a contested case hearing should be held to try to get some concrete answers to my concerns. I am at this time requesting a contested case hearing.

I reiterate, that my property is located along the east side of Cash's Creek, across from the proposed processing plant. I have stated my concerns in my letter of September 17, 2007.

Sincerely,



Geraldine Batchelder
415 Green Street
Palacios, Texas 77465
Phone #361-972-5538
Fax #361-972-5538

H OPA
MAR 17 2008
BY BL
IWD
56982

CHIEF CLERKS OFFICE

2008 MAR 17 AM 8:17

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

March 15, 2008

2008 MAR 17 AM 8:17

CHIEF CLERKS OFFICE

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

JWD
56982

H OFA
MAR 17 2008
BY BP

Dear Ms. Castanuela:

Re: Request for Contested Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing. We are legally "affected persons" with personal justifiable interest affected by the application.

Our home and property is located on the eastern side of Cashes Creek, directly across the creek from the proposed processing site.

We are requesting a contested case hearing so that our concerns about this processing plant can be heard and addressed. We feel at this time there are issues that have not been adequately answered. Our main desire is to understand and come to an agreement that what is being done is for our best interest and all those involved for now and the future.

Thank you for your consideration in this matter.

Request Submitted by:

Wesley and Jeanette Batchelder
551 CR 348
Palacios, TX 77465
Phone: 361-972-3857
Cell Phone: 979-240-5406
Fax No: 361-972-1717


Wesley Batchelder


Jeanette Batchelder

MW

1WD
56982

September 17, 2007

2007 SEP 20 AM 10:27

CHIEF CLERKS OFFICE

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

HR OPA
SEP 20 2007
BY [Signature]

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

- 1) Health Concerns
- 2) Odor - offensive; Air quality deteriorated
- 3) Drainage
- 4) Ground water contaminated
- 5) Devaluation of property
- 6) Stagnat WATER SUPPLY
- 7) During high tide and Flooding more pollution
- 8) for wild life

Sincerely,

Name: WESLEY BATCHELDER JEANETTE BATCHELDER

Address: 551 CR 348, PALACIOS, TEXAS 77465

Phone # 361-972-3857

Signature: [Signature] Jeanette Batchelder

Our location: DIRECTLY ACROSS CASH CREEK; ADJACENT
proposed processing facility

MW

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

September 13, 2007

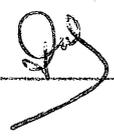
SEP 17 10 13 AM '07

CHIEF CLERKS OFFICE

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

1WD
56982

HR OPA

BY 

Re: **Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WO0004815000**

Dear Commission:

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments:

1. Contamination and odor. The subject property is adjacent to and drains across our property to Cash Creek.
2. Health concerns. We do not know or understand the effects of this fish processing plant to our property or the area.
3. Devaluation of property. We feel that this operation could adversely effect the value of our property in the future.
4. Business failure/closing. Even if the plant is run properly and the waste is disposed of properly, what happens if this business fails? Who's in charge of cleaning up?

Sincerely,



Stephen F. Cooper and wife, Kimberley K. Cooper
P.O. Box 1616
El Campo, TX 77437
979-332-6051 cell; 979-543-6051 office; 979-543-7890 home
stevec@Emerald Sod Farms.com

MW

September 13, 2007

1WD
36982

HR OPA

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SEP 17 2007

2007 SEP 20 AM 10: 23

BY *[Signature]*

CHIEF CLERKS OFFICE

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

Re: **Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WO0004815000**

Dear Commission:

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments:

1. Contamination and odor. The subject property is adjacent to and drains across our property to Cash Creek.
2. Health concerns. We do not know or understand the effects of this fish processing plant to our property or the area.
3. Devaluation of property. We feel that this operation could adversely effect the value of our property in the future.
4. Business failure/closing. Even if the plant is run properly and the waste is disposed of properly, what happens if this business fails? Who's in charge of cleaning up?

Sincerely,

Stephen F. Cooper Kimberley K. Cooper

Stephen F. Cooper and wife, Kimberley K. Cooper
P.O. Box 1616
El Campo, TX 77437
979-332-6051 cell; 979-543-6051 office; 979-543-7890 home
stevec@Emerald Sod Farms.com

MW

2007 SEP 19 AM 11:04

CHIEF CLERKS OFFICE

1WD
36982

September 15, 2007

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

HR OPA
SEP 19 2007

BY [Signature]

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

I bought this land 3 years ago with strict rules. I could have livestock or build a house. I have health problems already. Now I can't build a house on my land. Also doesn't Bower have to 100 acres to build this Plant.

Sincerely,

Name: Gloria Hunter Mike Hunter

Address: 218 Beecher Palacios Texas

Phone # 361-972-2210 361-894-1614 (cell)

Signature: Gloria Hunter Mike Hunter

MW

Mike & Gloria Hunter

I spend alot of time on my land. We have horse for my children to ride. Is the odor going to stop us from going out on our land. The value is depreciated with the Plant going up on the back side of my land. If the plant was there I would have never bought this land. What about the drainage? Is it going to drain on my land.

I also never received any notices. I had to find my own information. I bought this land because I thought it would be a nice place to build by looking at the other homes. No buisnesses no junk yards, and place in the county but not too far out of town. Children live in homes around this area. What will happen to their health.

2007 SEP 19 AM 11:01

CHIEF CLERKS OFFICE

September 17, 2007

*LWD
36982*

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

HR OPA

SEP 19 2007

BY *Jee*

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

I have numerous health concerns due to my having COPD and emphysema. Allergens to odors further aggravate these conditions. Devaluation of my property and contamination of my water supply is another concern. I have never received a notice of any type at any time informing me of intention to build the proposed plant next to my property. I was shocked to learn that any type venture that would be as polluting was to be my neighbor

Sincerely,

Name: *Carolyn Into*

Address: *Box 592 Palacios, TX 77465*

Phone # *361-972-2688*

Signature: *Carolyn F. Into*

MW

2007 SEP 19 AM 11:04

CHIEF CLERKS OFFICE

September 17, 2007

*1WD
56982*

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

HR OPA
SEP 18 2007
BY *[Signature]*

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

- Health Concerns*
- Devaluation of property*
-
-
-

Sincerely,

Name: *Geraldine Jones*

Address: *1074 FM 521*

Phone # *361.972.2124*

Signature: *Geraldine Jones*

MW

2007 SEP 19 AM 11:04

CHIEF CLERKS OFFICE

September ____, 2007

1WD
56982

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

HR *OPA*

SEP 19 2007

BY *[Signature]*

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

Power drainage, odor, health concerns

Sincerely,

Name: *Paula M. Jones-Larson*

Address: *1024 FM 521, Pecos, TX 77465*

Phone #: *361-972-1021*

Signature: *Paula M. Jones-Larson* *[Signature]*

mwd

1WD
56982

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

September 17, 2007

2007 SEP 19 AM 11:04

CHIEF CLERKS OFFICE

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

HR OPA
SEP 19 2007
BY Quay

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

We are concerned about the wastewater and the effects it will have upon our health and our property. We live on this land and do not want it destroyed by pollutants. We live within a 10 miles from this proposed facility, but our property is boarded by the creek.
Sincerely,

Name: Scott Kurtz Sally Kurtz

Address: 11798 FM 2853, Palacios Tx 77465

Phone # (361) 972-2490

Signature: Scott Kurtz Sally Kurtz

MW

1WD
56982

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

September ____, 2007

2007 SEP 19 AM 11:05

CHIEF CLERKS OFFICE

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

HR OPA

BY Jay

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

we are concerned about odor from such facility
we live on the creek where waste would be
dumped + worry about an increase in alligator's
we got the first letter, but not the one with
this form. A neighbor had to supply this form
(see back of this page)

Sincerely,

Name: *[Signature]* Mary T. Parker
Address: Charles O. Parker 530 Brister Rd, Palacios TX 77405
530 Brister Rd
Phone # 361 972 3310 361 972-3310
Signature: *[Signature]* Mary T. Parker

our mailing address
is ~~at~~ 122 Riverside St
Palacios Tx 77405

MW

We do not want our property values to go down. due to increase in odor/waste

If this project is not permitted yet why has the facility already being built. I don't feel enough information has been supplied.

~~to~~

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 OCT -1 AM 10:41

CHIEF CLERKS OFFICE

1WD
36982

September _____, 2007

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

OPA H1

Dear Commission:

BY B

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

I am an elderly woman and I very
concerned about this plant. Listed
below are some of my concerns. 1) My health first
2) Devaluation of my property 3) Odor
These are just a few - I also did not receive
any notices of this plant going in.

Sincerely,

Name: Thelma Lee Rackley

Address: 1152 FM 521, Palacios, TX 77465

Phone # 361-972-1207

Signature: Thelma Lee Rackley

MW

March 15, 2008

H
OPA
MAR 17 2008
BY BP

LaDonna Castanuela, Chief Clerk
TCEQ, MC - 1-5
P.O. Box 13087
Austin, Texas 78711-3087

IWD
56982

Dear Ms. Castanuela,

Re: Request for Contested Hearing on H. Bowers, Inc Proposed Permit #WQ0004815000

I am an "affected person" by any definition and respectfully request a contested case heading.

I am 86 years of age and my potential health concerns from the processing plant and those of others around me, were not fully responded to.

I live immediately on the east side of Cash Creek from where the drainage flowing across only one tract of land between the creek and the Bowers tract will enter the creek. The creek is often out of its banks and on my property. I do not feel all my questions were answered at all. A hearing would give all the neighbors an opportunity to express their concerns and give Mr. Bowers the opportunity to tell just what provisions he is making to alleviate our concerns.

The answer to my concerns for the odor and air quality were not satisfactorily address at all. These are real concerns and the fact is that they need to be addressed in an open hearing.

And, finally the question of devaluation of our property is and should be a concern of the TCEQ as a state regulatory agency who has the power to issue a permit or to refuse to issue one.

I think I am reasonable to want a hearing and the facts justify a contested case hearing.

Sincerely,

Thelma Lee Rackley

Thelma Lee Rackley
1152 FM 521
Palacios, Texas 77465
Phone: 361-972-1207

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR 17 AM 8:17
CHIEF CLERKS OFFICE

MW

March 15, 2008

CPA

H

MAR 19 2008

BY BP

IWD
56922

2008 MAR 18 PM 3:14
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

LaDonna Castanuela, Chief Clerk
TCEQ, MC - 1-5
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela;

Re: Request for Contested Hearing on H. Bowers, Inc Proposed Permit #WQ0004815000

I am an "affected person" by any definition and respectfully request a contested case heading.

I am 86 years of age and my potential health concerns from the processing plant and those of others around me, were not fully responded to.

I live immediately on the east side of Cash Creek from where the drainage flowing across only one tract of land between the creek and the Bowers tract will enter the creek. The creek is often out of its banks and on my property. I do not feel all my questions were answered at all. A hearing would give all the neighbors an opportunity to express their concerns and give Mr. Bowers the opportunity to tell just what provisions he is making to alleviate our concerns.

The answer to my concerns for the odor and air quality were not satisfactorily address at all. These are real concerns and the fact is that they need to be addressed in an open hearing.

And, finally the question of devaluation of our property is and should be a concern of the TCEQ as a state regulatory agency who has the power to issue a permit or to refuse to issue one.

I think I am reasonable to want a hearing and the facts justify a contested case hearing.

Sincerely,

Thelma Lee Rackley

Thelma Lee Rackley
1152 FM 521
Palacios, Texas 77465
Phone: 361-972-1207

MW

1WD
36982

HR OPA
BY [Signature]

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

September 14, 2007

2007 SEP 19 PM 2:28

CHIEF CLERKS OFFICE

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

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

Enclosed is our letter of concern

Sincerely,

Name: DAVID AND SUZANNE SALINAS
Address: 331 FM 521 RD, PALACIOS, TX 77465
Phone # 361-972-0298 (hm) 361-655-5938 (cell)
Signature: David Salinas Suzanne Salinas

MW

We live on 521 and we are very concerned about this processing plant that is being built adjacent to our property. We had no notification of such a facility was going to be built. I am concerned of the odor that will be associated with this plant. I also have children and small grandchildren and they love to play outside and not have to worry about any kind of wild animals or reptiles that might be drawn to those ponds and standing water. I would also like to know what kind of chemicals are going to be used and what kind of health problem might we encounter, because of such chemicals. I just feel that an open discussion to address my concerns and the concerns of others that live within the vicinity of this processing plant.

Sincerely,

Mr. & Mrs. David Salinas

*11WD
5/29/82*

September 17, 2007

2007 SEP 19 PM 2:28

CHIEF CLERKS OFFICE

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

HR OPA

BY *[Signature]*

Dear Commission:

Request for Contested Case Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing to learn more about the proposed shrimp and catfish processing plant and its operations.

We feel that a contested hearing should be held to hear our comments. Below are listed some of our comments.

*We did not receive notice of this plant being built.
Concerned of the quality of our health
the odor from this plant will be horrendous
Breeding ground for flies & maggots
My Property will be significantly devalued*

Sincerely,

Name: *Danny Sliva* *Julie Sliva*

Address: *Rt. 1 482 Palacios TEXAS 77465*

Phone # *979-429-7393*

Signature: *[Signature]* *[Signature]*

MW

March 13, 2008

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

A OPA
MAR 17 2008
BY BP

IWD
56982

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR 17 AM 8:17
CHIEF CLERKS OFFICE

Dear Ms. Castanuela:

Re: Request for Contested Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing. We are legally "affected persons" with personal justifiable interest affected by the application.

Our home and 75 acres of land are located 433 yards northeast of the Bowers proposed facility property. We also lease 80 acres immediately adjoining the Bower's property to the east with a common boundary line on which we grow and harvest hay which impacts our livelihood as full time ranchers.

We respectfully request a contested case hearing to more adequately investigate the concerns of the many neighbors and "affected persons" who responded during the public comment period. You have a copy of our earlier letter dated September 1, 2007.

From the Executive Director's Response to Public Comment:

Comment 1: We do not feel that the Executive Director's Response fully answered our concerns. Fact – we have had 24 inch rainfall events in a matter of hours. Cash Creek floods a number of times a year, every year, their drainage would go over the adjoining properties and their two (2) feet of free board would not be adequate to prevent overflow of waste water. Two twelve foot rainfalls in a matter of days would not allow for processing of water in the storage pond plus the water added by the rains.

The storage capacity Applicant is proposing is basically the 27.8 acre feet minimum 27.9 acre feet is no margin of error. Using this minimum necessary shows a disregard for potential damage to neighbors and the environment. A greater capacity over the minimum would show real concern. This needs to be discussed in a contested case hearing.

The last paragraph in Response 1 refers to other property owners seeking relief from a court. We feel TCEQ's objective should be to provide for prevention of any damage possibilities so as not to have to resort to the courts.

Comment 2: In times of continuous rain fall events, which we have regularly, the Applicant could not be irrigating and the storage pond would be grossly inadequate. Saturated grounds would mean water in excess of crop needs even before application of waste water to the property. These facts warrant a contested case hearing.

MW

Comment 3: A contested case hearing would allow the Applicant to further assure the affected persons how all the fish remains and solid waste is to be disposed of. Where are the offsite rendering facilities referred to? We have made personal visual observations of some terrible violations and conditions at another catfish processing plant within the county.

Comment 4: We question that all wastewater ponds and irrigation areas are 150 feet from all private water wells on lands to the north of the property.

We question the ability of any tail water control facility to prevent discharge of wastewater which might drain from irrigated lands into waters of the state during the frequent heavy rain events on this land. Further study and more answers needed are reasons for a contested case hearing. It is not enough to say that permit violation may be reported to TCEQ after the fact.

Comment 5: We, along with most of the affected persons who responded, are concerned about health problems that may occur. If was specifically asked what chemicals would be used in the processing plant, solid waste disposal, and wastewater disposal. This answer was not given and this fact alone would be reason enough for a contested case hearing.

Comment 6: The response was extremely lacking in assurance to affected persons concerning our genuine concern for, "what happens in case of business failure/closing"? Evidently there is no clean up fund provision. Is this correct? A hearing would give the Applicant an opportunity to explain any provisions he is making for this event, which would be of extreme importance to the neighbors and affected persons. This is a potential fact situation not to be ignored and not answered in the Response to Comment 6.

Comment 7: Answered, but another example of Applicants disregard for affected persons.

Comment 8: We are extremely concerned about the odor and air quality and numerous health concerns which very definitely affect our use and enjoyment of our property.

The Response does not adequately answer these concerns. Fact: in one part of the response it is stated that wastewater and disposal practices attract the "vectors" capable of transmitting diseases and causing the odors and air emissions. But then, the last sentence states the draft permit does not regulate odors or air emission not associated with wastewater disposal practices. This is an unsatisfactory answer that could be better answered and discussed in a contested hearing.

Comment 9: Plain and simple we are concerned about the devaluation of our property as are all the other respondents who voiced this comment.

In Response 8 you state that the draft permit would not allow the Applicant to maintain a condition of nuisance that would interfere with a landowners use of and enjoyment of his property. The devaluation of the property would certainly interfere with the use and enjoyment of the property, therefore, the Executive Director must not ignore the effect of the draft permit

on the value of property. Another Fact situation that could be examined in a hearing – and not be ignored to the detriment of the affected persons in this procedure.

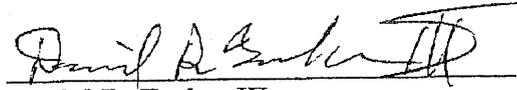
Comment 10: A number of the landowners in the area affected by the draft permit were not notified, some immediately adjacent to the property with common property lines. You say that the Applicant must provide a map showing the location of adjacent landowners. You say the Applicant complied . But, very obviously he did not. He did not furnish all adjacent landowners even though the ownership of adjacent lands is of public record. This alone is fact reason enough to require a contested case hearing.

Comment 11: We still feel very strongly a contested case hearing is warranted by the facts as above stated. We understand this would be an evidentiary proceeding held before an administrative law judge.

This request is being submitted within the thirty calendar days after the date of the letter from LaDonna Castanuela, Chief Clerk for the TCEQ

Request Submitted by:

Daniel R. Tucker III and wife Sandra G. Tucker
1033 FM 521
Palacios, TX 77465
Phone: 361-972-6505
Cell Phone: 979-241-5054
Fax No: 361-972-0575


Daniel R. Tucker III


Sandra G. Tucker

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

Fax: 512-239-3311

From: Daniel R. Tucker, III and wife Sandra G. Tucker
1033 FM 521
Palacios, TX 77465

Request for Contested Hearing on H. Bowers, Inc. Proposed Permit No. WQ000481500

Cover Sheet Plus 3 to Follow

Date: March 15, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR 17 AM 8:16
CHIEF CLERKS OFFICE

March 13, 2008

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

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MAR 13 2008
BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 13 PM 3:13
CHIEF CLERKS OFFICE

Dear Ms. Castanuela:

Re: Request for Contested Hearing on H. Bowers, Inc. Proposed Permit No. WQ0004815000

We request a contested case hearing. We are legally "affected persons" with personal justifiable interest affected by the application.

Our home and 75 acres of land are located 433 yards northeast of the Bowers proposed facility property. We also lease 80 acres immediately adjoining the Bower's property to the east with a common boundary line on which we grow and harvest hay which impacts our livelihood as full time ranchers.

We respectfully request a contested case hearing to more adequately investigate the concerns of the many neighbors and "affected persons" who responded during the public comment period. You have a copy of our earlier letter dated September 1, 2007.

From the Executive Director's Response to Public Comment:

Comment 1: We do not feel that the Executive Director's Response fully answered our concerns. Fact – we have had 24 inch rainfall events in a matter of hours. Cash Creek floods a number of times a year, every year, their drainage would go over the adjoining properties and their two (2) feet of free board would not be adequate to prevent overflow of waste water. Two twelve foot rainfalls in a matter of days would not allow for processing of water in the storage pond plus the water added by the rains.

The storage capacity Applicant is proposing is basically the 27.8 acre feet minimum 27.9 acre feet is no margin of error. Using this minimum necessary shows a disregard for potential damage to neighbors and the environment. A greater capacity over the minimum would show real concern. This needs to be discussed in a contested case hearing.

The last paragraph in Response 1 refers to other property owners seeking relief from a court. We feel TCEQ's objective should be to provide for prevention of any damage possibilities so as not to have to resort to the courts.

Comment 2: In times of continuous rain fall events, which we have regularly, the Applicant could not be irrigating and the storage pond would be grossly inadequate. Saturated grounds would mean water in excess of crop needs even before application of waste water to the property. These facts warrant a contested case hearing.

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Comment 3: A contested case hearing would allow the Applicant to further assure the affected persons how all the fish remains and solid waste is to be disposed of. Where are the offsite rendering facilities referred to? We have made personal visual observations of some terrible violations and conditions at another catfish processing plant within the county.

Comment 4: We question that all wastewater ponds and irrigation areas are 150 feet from all private water wells on lands to the north of the property.

We question the ability of any tail water control facility to prevent discharge of wastewater which might drain from irrigated lands into waters of the state during the frequent heavy rain events on this land. Further study and more answers needed are reasons for a contested case hearing. It is not enough to say that permit violation may be reported to TCEQ after the fact.

Comment 5: We, along with most of the affected persons who responded, are concerned about health problems that may occur. If was specifically asked what chemicals would be used in the processing plant, solid waste disposal, and wastewater disposal. This answer was not given and this fact alone would be reason enough for a contested case hearing.

Comment 6: The response was extremely lacking in assurance to affected persons concerning our genuine concern for, "what happens in case of business failure/closing"? Evidently there is no clean up fund provision. Is this correct? A hearing would give the Applicant an opportunity to explain any provisions he is making for this event, which would be of extreme importance to the neighbors and affected persons. This is a potential fact situation not to be ignored and not answered in the Response to Comment 6.

Comment 7: Answered, but another example of Applicants disregard for affected persons.

Comment 8: We are extremely concerned about the odor and air quality and numerous health concerns which very definitely affect our use and enjoyment of our property.

The Response does not adequately answer these concerns. Fact: in one part of the response it is stated that wastewater and disposal practices attract the "vectors" capable of transmitting diseases and causing the odors and air emissions. But then, the last sentence states the draft permit does not regulate odors or air emission not associated with wastewater disposal practices. This is an unsatisfactory answer that could be better answered and discussed in a contested hearing.

Comment 9: Plain and simple we are concerned about the devaluation of our property as are all the other respondents who voiced this comment.

In Response 8 you state that the draft permit would not allow the Applicant to maintain a condition of nuisance that would interfere with a landowners use of and enjoyment of his property. The devaluation of the property would certainly interfere with the use and enjoyment of the property, therefore, the Executive Director must not ignore the effect of the draft permit

on the value of property. Another Fact situation that could be examined in a hearing – and not be ignored to the detriment of the affected persons in this procedure.

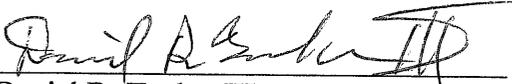
Comment 10: A number of the landowners in the area affected by the draft permit were not notified, some immediately adjacent to the property with common property lines. You say that the Applicant must provide a map showing the location of adjacent landowners. You say the Applicant complied. But, very obviously he did not. He did not furnish all adjacent landowners even though the ownership of adjacent lands is of public record. This alone is fact reason enough to require a contested case hearing.

Comment 11: We still feel very strongly a contested case hearing is warranted by the facts as above stated. We understand this would be an evidentiary proceeding held before an administrative law judge.

This request is being submitted within the thirty calendar days after the date of the letter from LaDonna Castanuela, Chief Clerk for the TCEQ

Request Submitted by:

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