

April 12, 2007

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

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*OPA PM*

*APR 16 2007*  
*BY* *[Signature]*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 APR 13 PM 2:41

CHIEF CLERKS OFFICE

Subject: Initial Comments on Permit Application

Reference: NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER  
QUALITY PERMIT PROPOSED PERMIT NO. WQ0014724002

Dear Sirs,

Please find herein our comments regarding the above referenced TCEQ notice for a proposed TPDES Permit (requested by the AUC Group, L.P.). This notice was mailed to me on 4/03/07. The notice states that the permit will authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of **995,000 gallons per day**. The proposed domestic wastewater treatment facility will be located approximately 1,700 feet north-northwest of the intersection of Hanselman Road and County Road 67, on the west side of Chocolate Bayou, in Brazoria County, Texas.

My wife Brenda and I live at 9631 Masters (CR 67) which is less than 1/2 mile south east from the planned location of the wastewater treatment facility. I have two issues/comments regarding this facility. One is the vicinity of such a facility to our home as it relates to the location of the Seven Oaks Ranch Development (SORD). The other issue is the effect that increased volume of water from this facility, as well as other planned AUC Group/SORD wastewater facilities identified below, will have on the West Fork of Chocolate Bayou.

Regarding the location of the plant, I would like to know why this plant will be located as described in the permit and not located closer to the SORD property where the sewage will be generated. I see this as an intentional approach by SORD to take the facility away from their central development area and place it in our neighborhood. We expect that such a plant will produce a certain foul odor based on its function of processing raw sewage. There will also be added risk of spillage and odors from the chemicals used to operate such a facility. Another risk is the transfer, via pipeline, of raw sewage over a long distance to get it from its point of origin (SORD property) to the treatment facility. It only makes sense to make this distance as short as possible while maintaining the plant's current planned distance to the discharge point (Chocolate Bayou). We understood that the property where the facility will be located (North of CR 67 at Hanselman Road) was not zoned for commercial facilities such as a sewage treatment plant.

My second issue and comment is regarding the planned volume of the treated wastewater that would be discharged into the west fork of Chocolate Bayou. As stated above, we live less than 1/2 mile south east from the planned facility location. The centerline of Chocolate Bayou forms the west boundary of our property. With all of the development currently in place upstream of our property (SH 288, SH 6, Rodeo Palms, etc), we have a serious problem with potential flooding. Last October, as a result of just a 6" rain, we had water enter our home. We have had flooding and high water around our home in previous years as well but only due to rains exceeding 12 to 20 inches in a 24 hour period. Since our property has experience problems handling bayou drainage from severe weather, we are concerned that discharging this additional wastewater into the bayou will compound and increase our flooding problems. We have learned, through the TCEQ website, that SORD has plans to build four wastewater treatment facilities (see details below on related permits/facilities), all of which will drain into the west fork of Chocolate Bayou which borders our property. Collectively these facilities will discharge approximately **4,000,000 gallons per day (average but not necessarily peak)** into Chocolate Bayou.

*MWD*

Initial Comments on Permit Application No. WQ0014724002 – Continued

We understand from the permit applications, that technical reviews are made and that antidegradation reviews of the receiving waters are performed, however we do not see where there are studies or reviews made on the effect the increased volume, and constant flow, have on home owner's properties downstream of the facilities.

We are currently exploring with local entities what steps can we taken to improve general drainage in our area. We are not against reasonable development as long as the development includes plans to control and limit treated wastewater discharge, or storm drainage waters, whereby they do not inundate us with such discharge. These plans would include working with local entities to coordinate a program to address the overall drainage generated by any new developments in our area.

**Other Related Projects where TPDES permits have been requested**

Following are related projects that have a similar effect on us (discharge of water into the West Fork of Chocolate Bayou). These planned facilities will affect us the same way as the wastewater treatment facility referenced in this letter. However, we were not provided any notices for the following permit applications. We do hereby request that the applicable comments above also be applied to each of the following permit applications. In the event you will not be able to apply comments of this letter to each of the following listed permit applications, I will expect a written notice stating such inability as well as an explanation as to how this request can be fulfilled.

- **2/8/07** - NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW PROPOSED PERMIT NO. WQ0014744001 - TPDES Permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed **980,000 gallons per day**. The facility will be located 7,500 feet east of the intersection of State Highway 288 and County Road 383 in Brazoria County, Texas. The treated effluent will be discharged to West Fork Chocolate Bayou.
- **3/8/07** - NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW PROPOSED PERMIT NO. WQ0014724001 - TPDES Permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed **950,000 gallons per day**. TCEQ received this application on June 29, 2006. The facility will be located approximately 800 feet north-northwest of the intersection of State Highway 288 and County Road 57 in Brazoria County, Texas. The treated effluent will be discharged to West Fork Chocolate Bayou.
- **3/26/07** - NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT PROPOSED PERMIT NO. WQ0014724003 - TPDES Permit to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of **980,000 gallons per day**. The domestic wastewater treatment facility is located 8000 feet southeast of the intersection of State Highway 288 and County Road 57 on the east side of the West Fork of Chocolate Bayou in Brazoria County, Texas. The discharge route is from the plant site to the West Fork of Chocolate Bayou

We would like to request a public meeting if it is determined that there is a significant degree of public interest in the applications referenced in this letter.

Very truly yours,



George and Brenda Dillard

CC: Jeff Goebel – AUC Group, L.P.  
Delores Martin – Mayor, City of Manvel