

**TCEQ Public Meeting Form**  
Thursday, March 6, 2008

3

**Val Verde Development Co.**  
**Proposed Permit TPDES**  
**WQ0014777001**

CHIEF CLERKS OFFICE

2008 MAR 11 PM 4:43

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

PLEASE PRINT:

Name: Ronald C Burton

Address: 110 ARBOR AVE

City/State: DEL RIO TX Zip: 75238

Phone: (870) 719-3803

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 at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

Ronald C. Burton  
110 Arbor Ave.  
Del Rio, TX 78840-7604  
Cell Phone: (830) 719-3803  
e-mail: RonaldCBurton@hotmail.com

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2008 MAR 11 PM 4:43

H PM  
CHIEF CLERKS OFFICE

March 6, 2008

**OPA RECEIVED**

MAR 06 2008

**AT PUBLIC MEETING**

Office of the Chief Clerk  
MC 105  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

Re: Written Public Comment concerning TPDES Permit No. WQ0014777001

Attention Executive Director, Texas Commission on Environmental Quality,  
Commission Members and Chief Clerk

My comments and Requests for a Public Meeting and a Contested Case Hearing center upon the lack of public information concerning the development plans of Val Verde Development Co. or SE Ranch Holdings, LTD, and the adverse effect this development may have upon Laughlin Air Force Base. To the best of my knowledge, no plat has been developed, submitted, reviewed or approved by any agency in Val Verde County or the City of Del Rio.

The permit application references and includes on pages 52 of 75 through page 60 of 75 of the application material an excerpt from a document entitled SE Ranch Tax Increment Project Plan and Reinvestment Zone Financing Plan. This included excerpt is not the complete document, but the presence of any portion of the identified document obfuscates the fact that the Del Rio city council in May of 2006, in response to a petition signed by the voters of Del Rio, overturned the Ordinance passed in April of 2006 that approved the TIRZ over the objections of the citizens of Del Rio. SE Ranch Holdings filed a lawsuit against the City of Del Rio, and David Earl filed a personal lawsuit against 20 individuals in the City of Del Rio. The district court ruled in favor of the City of Del Rio on the basis of "sovereign immunity". SE Ranch appealed the district court's decision, and the City of Del Rio has mounted a vigorous defense in appellant court. The appellant court has ruled in favor of the City of Del Rio.

The dispute and disagreements between SE Ranch Holdings and the citizens of Del Rio centered on the question of whether the development on the SE Ranch property proposed by SE Ranch Holdings constituted encroachment on Laughlin Air Force Base. The developer's position was that the proposed development would not constitute an encroachment upon Laughlin Air Force Base nor interfere with the current or future missions at Laughlin. The citizens expressed great concern that the proposed development would in fact be an encroachment that would interfere with current and future missions at Laughlin Air Force Base.

MW

Following the difficulties and hard feelings created by the actions of SE Ranch Holdings, the City of Del Rio and Laughlin Air Force Base sought to create a Joint Land Use Study (JLUS), a planning effort that is a joint venture between an active military installation, surrounding cities and counties, state and federal agencies, and other stakeholders that are affected. The Del Rio JLUS collaboration has been approved and is funded through the Department of Defense (DoD) Office of Economic Adjustment (OEA). The study is under way, has had three important meetings attended by representatives from Laughlin Air Force Base, local government, and citizens appointed to the working committees, and will be working for the next year or so to develop a meaningful plan for the area.

The primary goal of a JLUS is to reduce the potential conflicts between the military installation and its host community while still accommodating economic development growth, sustaining economic vitality, and protecting the general public's health and safety, all without compromising the missions of the installation.

The Del Rio JLUS will be unique in that many of the relationships that the city has with neighboring communities and recreation sites will need to be addressed. Essentially, all the lands and ownerships surrounding Laughlin Air Force Base will be taken into consideration when developing and implementing the JLUS action items.

No information concerning the proposed Texas Pollutant Discharge Elimination System has been provided to the Joint Land Use Study program and no discussion has been held concerning the compatibility of the proposed system with the current and future missions at Laughlin Air Force Base.

Laughlin Air Force Base is the largest economic engine in our area with an estimated economic impact in excess of \$200 million annually. Unlike some permit applications that affect only citizens adjacent to the project, if this proposed project has an impact on Laughlin Air Force Base, it impacts the residents of the City of Del Rio, Val Verde County and Kinney County.

I urge that you consider not only the ordinary details of a permit application of this nature, but the significance of the additional details that I have attempted to highlight in this presentation. Thank you for your courtesy and your interest in evaluating this permit application and all other permit applications that you must consider.

Sincerely,

Ronald C. Burton

Ronald C. Burton  
110 Arbor Ave.  
Del Rio, TX 78840-7604  
Cell Phone: (830) 719-3803  
e-mail: RonaldCBurton@hotmail.com

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 JUN 25 AM 10:04

June 22, 2007

CHIEF CLERKS OFFICE

Office of the Chief Clerk  
MC 105  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

PM OPA  
H JUN 26 2007  
BY DL

MWD  
57197

Re: Written Public Comment and  
Request for Public Meeting and Contested Case Hearing concerning  
TPDES Permit for Municipal Wastewater  
Proposed Permit No: WQ0014777001

Attention Chief Clerk and Executive Director,  
Texas Commission on Environmental Quality

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MWD

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Three important contacts for the City of Del Rio are the Mayor: Efrain Valdez (830) 774-8558, [drmayer@cityofdelrio.com](mailto:drmayer@cityofdelrio.com), the City Manager: Frances Rodriguez (830) 774-8558, [fr Rodriguez@cityofdelrio.com](mailto:fr Rodriguez@cityofdelrio.com), and Airport Director: Joel Martinez (830) 774.8611, [jmartinez@cityofdelrio.com](mailto:jmartinez@cityofdelrio.com).

Sincerely,

A handwritten signature in black ink that reads "Ronald C. Burton". The signature is written in a cursive, flowing style.

Ronald C. Burton





DEPARTMENT OF THE AIR FORCE  
AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE  
REGIONAL ENVIRONMENTAL OFFICE  
525 SOUTH GRIFFIN SUITE 505  
DALLAS TEXAS 75202-5023

June 26, 2007

Robert Gill  
Regional Environmental Coordinator, Region VI  
525 S. Griffin St., Ste 505  
Dallas, TX 75202-5023

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

MWD  
5-7-197

RFR  
OPA H

JUN 28 2007

BY 

RE: IN THE MATTER OF TPDES Proposed Permit WQ0014777001

Chief Clerk, TCEQ:

I am the Air Force Regional Environmental Coordinator. On behalf of the 47<sup>th</sup> Flying Training Wing, Laughlin Air Force Base, Del Rio, Texas. I now provide comments on proposed permit WQ0014777001 (hereinafter, the Permit). Further, the comments form the basis for our request for MOTION TO RECONSIDER THE GRANT OF A DRAFT PERMIT to Val Verde Development Company (hereinafter Val Verde) or in the alternative OUR REQUEST FOR A CONTESTED CASE HEARING. Laughlin Air Force Base is an entity of the federal government whose mission entailing flight operations vital to the national defense would be adversely impacted by allowing Val Verde to construct and operate a waste water treatment plant on the real property described.

**COMMENTS, FACTS & CIRCUMSTANCES IN SUPPORT OF THE AIR FORCE**

**POSITION:** Our reasoning behind our concerns is set forth more fully below and in our attachments to this correspondence. The attachments consist of a letter from Colonel Dan Clark, The Vice Wing Commander of the 47<sup>th</sup> Training Wing at Laughlin Air Force Base (hereinafter the Base) and several diagrams and maps which depict where the proposed treatment plant, the outfall, and the footprint of the Val Verde development overall would exist proximate to the Base. These documents and maps are incorporated by reference into our comments as part and parcel of our basis for the noted **Motion to Reconsider** and **Request for Contested Hearing**.

**Facts:**

1. The 47<sup>th</sup> FTW conducts specialized undergraduate flight training and introduction to flight fundamentals for more than 368 Air Force and allied service pilots (atch 1).
2. The proposed siting for the proposed waste water treatment plant lies directly beneath the approach and landing traffic patterns for runway 13R/13L (See, flight fig. tracks @ atch 2 & radius maps @ atch 3)
3. On an average day, the Base conducts approximately 326 low level sorties at altitudes ranging from approximately 600-1500 feet (See flight fig. tracks @ atch 2).

MWD

**Comments:**

1. Bird Strikes constitute a great danger to low altitude flying operations. Laughlin is rightfully concerned that the potential release of approximately 990,000 gallons of water daily into the normally dry Zorro Creek will increase wildlife and bird populations in the area creating flight safety hazards for our aircraft.
2. No mention is made by Val Verde Development Company or its affiliates as to what, if any, mitigation steps they intend to institute to mitigate the potential bird strike hazard (atch 1, @ para. 3).
3. Additionally, we note that Del Rio is currently conducting a Joint Land Use Study (JLUS) to identify compatible uses & zoning around the Base. The JLUS will not be complete until May 2008. Our view is that adherence to the JLUS is vital to promotion of harmonious growth around the Base (atch 1, @ para. 4).

**Circumstances:**

The facts and comments set forth above and in the incorporated attachments support that Laughlin Air Force Base flight operations would be adversely impacted by a final decision on the part of TCEQ granting Val Verde Development Corporation a permit as set forth more fully in proposed permit NO. WQ0014777001. Such a circumstance would, specifically adversely impact and endanger the undergraduate flight training mission conducted at Laughlin. As such, our position is that a final permit allowing a grant of a TPDES permit to Val Verde Development Company should not be granted.

**Prayer for Administrative Relief:**

As set forth above, the United States Air Force requests in the event of an adverse ruling by the administrative staff of TCEQ, A MOTION FOR RECONSIDERATION by the Executive Director or in the alternative A CONTESTED CASE HEARING on this matter before an Administrative Law Judge as a uniquely impacted party. I, my staff officer, Mr. Tarbell, or counsel (Lt Col Curtis or Capt Campbell) can be reached at (214) 767-4650 if you have further questions.

Respectfully Submitted,



Robert Gill  
Department of the Air Force  
Regional Environmental Coordinator

Attachment(s):

1. Letter, Colonel Dan Laro Clark
2. Flight Figure Tracks, Laughlin AFB, TX
3. 3 mile & 1 mile radius map(s), Laughlin AFB, WWTP & Outfall siting



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

JUN 26 2007

Colonel Dan Laro Clark  
Vice Commander, 47<sup>th</sup> Flying Training Wing  
561 Liberty Drive, Suite 1  
Laughlin AFB TX 78843-5230

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

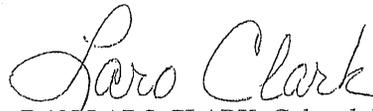
Subject: Comments on Proposed Permit No. WQ0014777001, Municipal Wastewater Facility

The 47<sup>th</sup> Flying Training Wing, Laughlin AFB, TX, conducts Specialized Undergraduate Pilot Training and Introduction to Fighter Fundamentals training for more than 360 U.S. Air Force and allied pilots annually. The wing maintains and operates a fleet of 258 aircraft, flying more than 96,000 hours and more than 62,000 sorties per year. The base is located approximately two miles from the site of the Val Verde Development Company's proposed Municipal Wastewater Treatment Facility, and approximately one mile from the proposed effluent discharge point into Zorro Creek.

The site of the proposed project lies directly beneath the heavily used approach tracks and landing traffic patterns for runway 13R/31L. On an average busy flying day, Laughlin AFB aircraft fly over this area approximately 326 times and at altitudes ranging from 600-1500 feet. Attached are diagrams from our 2000 Air Installation Compatible Use Zone (AICUZ) report with the locations of the proposed plant and discharge sites (indicated by the green dots) in relationship to the flight operations described above.

Bird strikes constitute one of the greatest dangers to low altitude flying, landing, and departure operations. We are concerned the potential release of approximately 990,000 gallons of water daily into the usually dry Zorro Creek will increase the wildlife and bird populations within the area, resulting in an increased flight safety hazard for our aircraft. We have a very active Bird Air Strike Hazard (BASH) program on Laughlin to help mitigate the flight safety hazards. Would the Val Verde Development Company or its affiliates implement a similar BASH program? If so, what measures would they take to mitigate the bird strike hazard?

In addition, the City of Del Rio is currently conducting a Joint Land Use Study (JLUS) to identify compatible land use/zoning for property around Laughlin AFB. The JLUS is in its infancy and will not be complete until May 2008. Studying this potential development in conjunction with the JLUS will help promote harmonious development.

  
DAN LARO CLARK, Colonel, USAF  
Vice Commander

2 Attachments

1. Laughlin AFB Closed Pattern Flight Tracks
2. Laughlin AFB Arrival Tracks

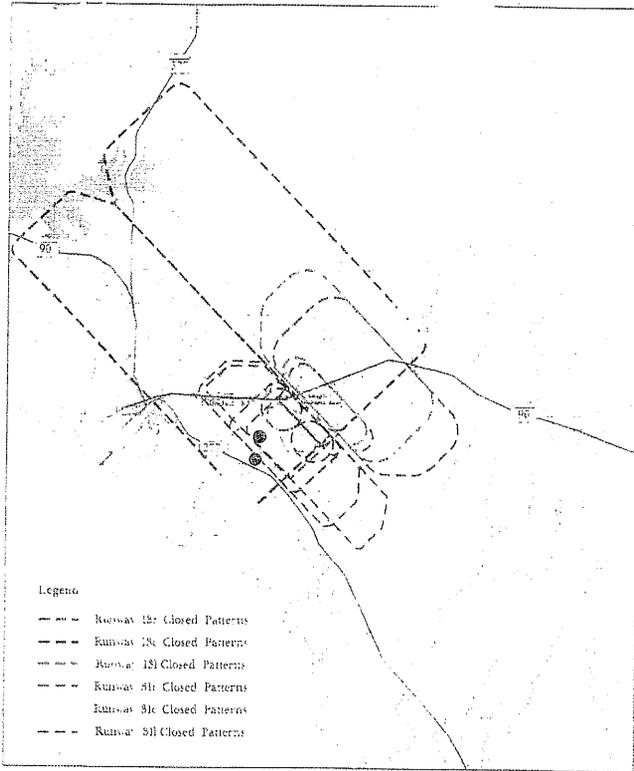
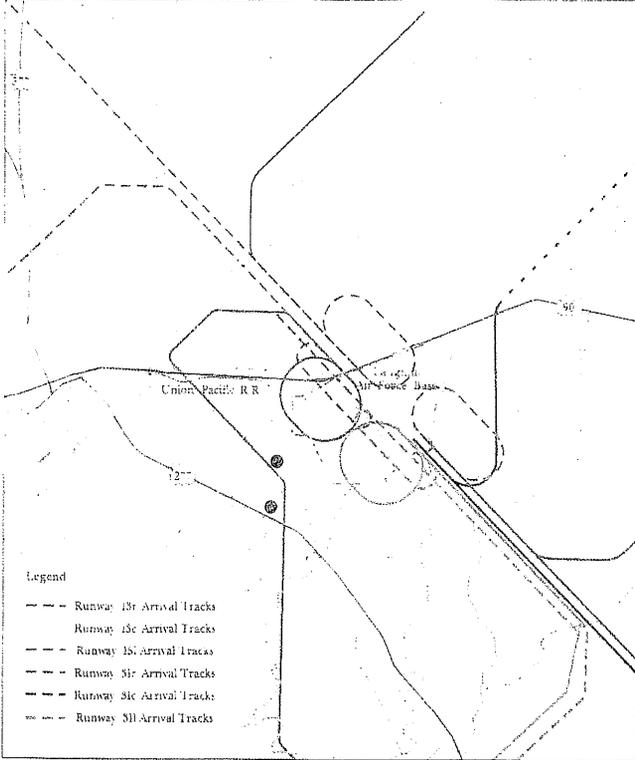


Figure 3.5  
Laughlin AFB  
Closed Pattern Flight Tracks

ONE-CENTIMETER



Legend

- Runway 18R Arrival Tracks
- Runway 18L Arrival Tracks
- Runway 15L Arrival Tracks
- Runway 51R Arrival Tracks
- Runway 51L Arrival Tracks
- Runway 51H Arrival Tracks

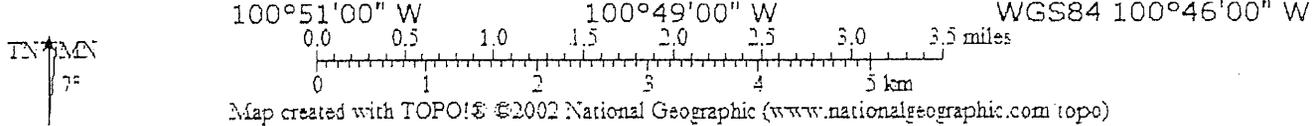
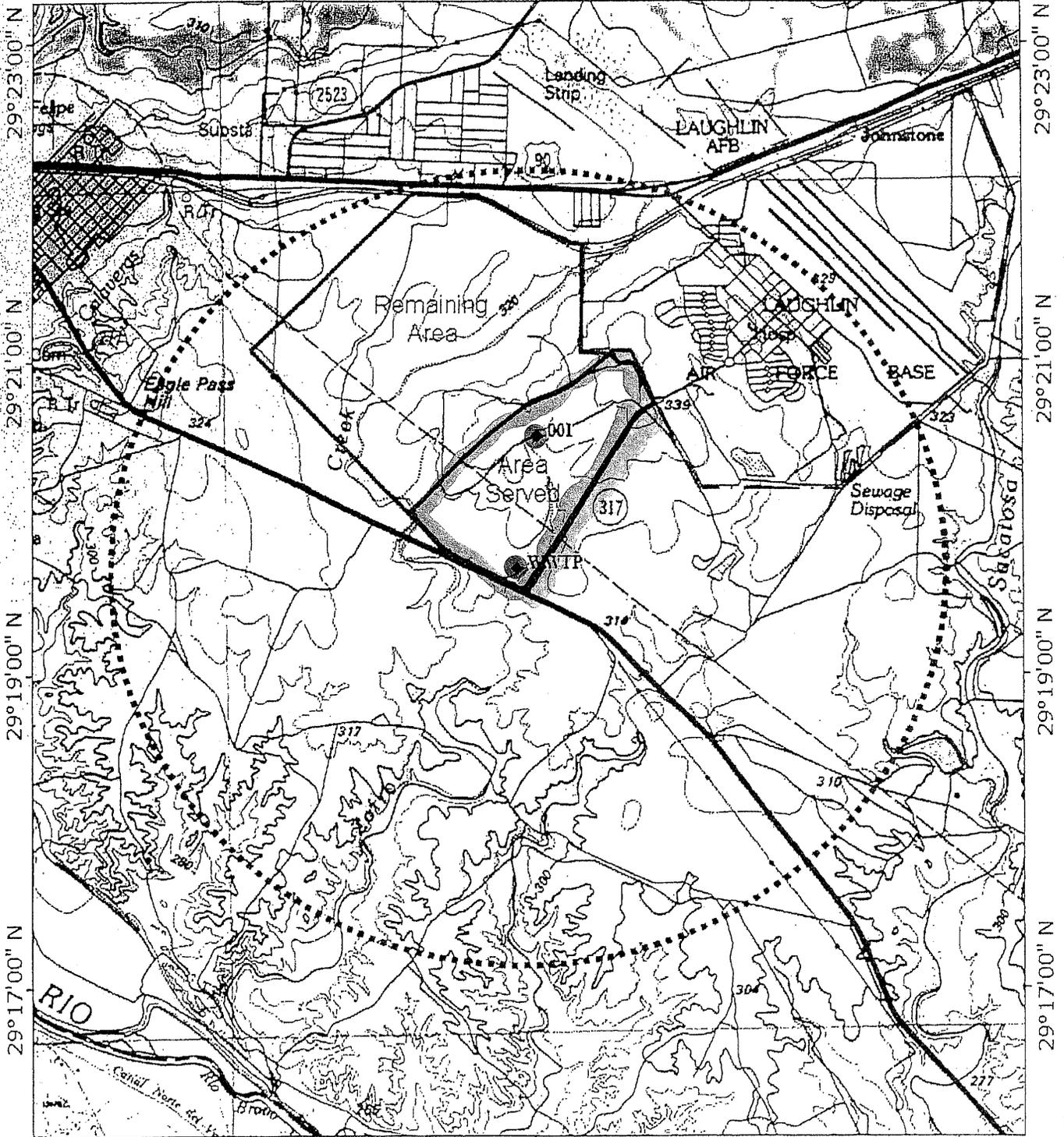


Figure 3.1  
Laughlin AFB  
Arrival Flight Tracks

CHIEF OF STAFF  
LAUGHLIN AIR FORCE BASE  
CHIEF OF STAFF

# 3-mile radius map

TOPO! map printed on 11/27/06 from "Texas.tpo" and "Untitled.tpg"  
100°51'00" W 100°49'00" W WGS84 100°46'00" W

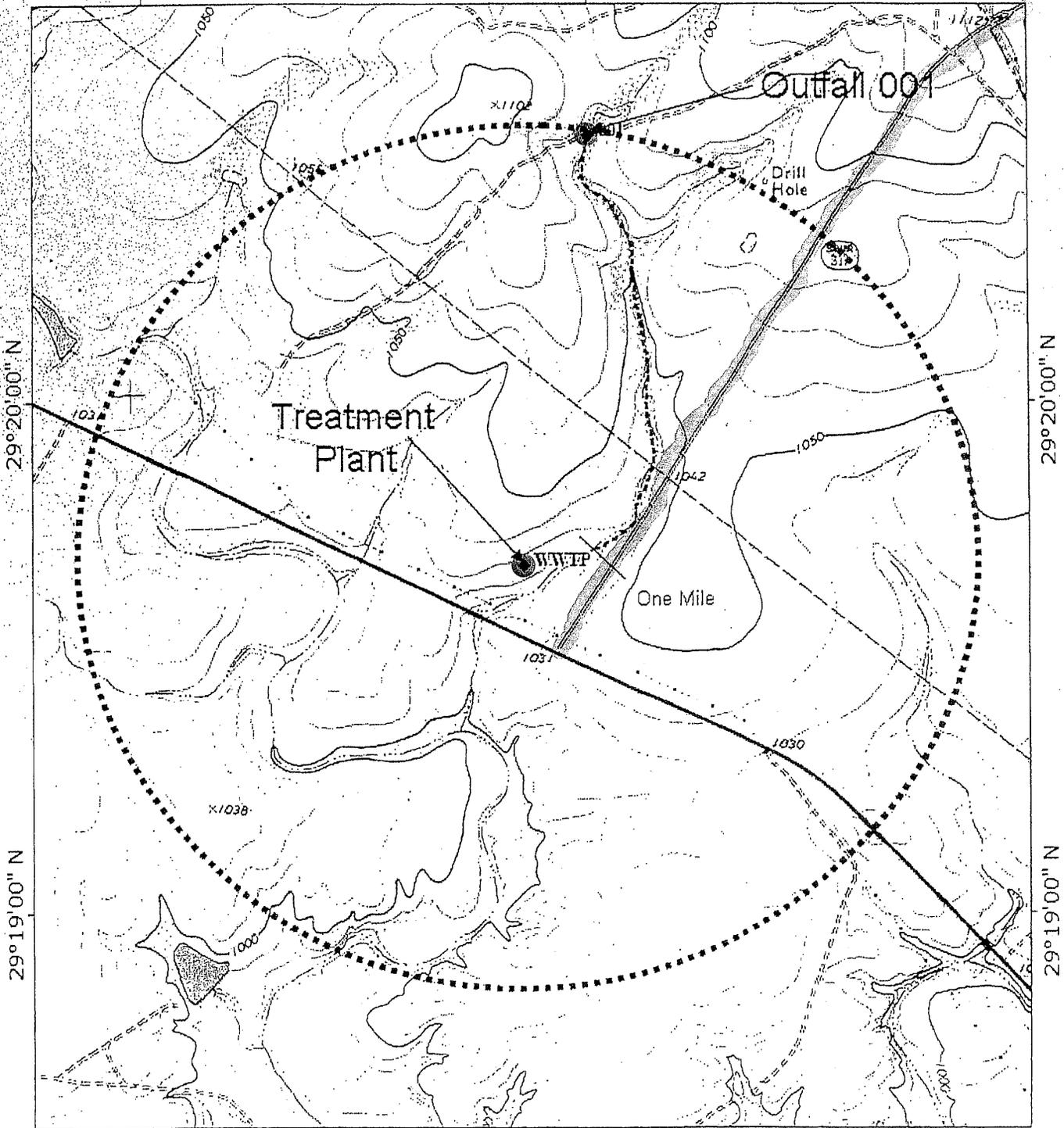


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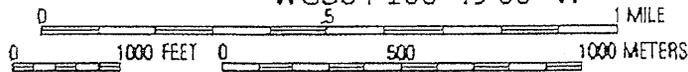
WGS84 100°49'00" W



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WGS84 100°49'00" W

IN 7'



Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com/topo)



DEPARTMENT OF THE AIR FORCE  
AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE  
REGIONAL ENVIRONMENTAL OFFICE  
525 SOUTH GRIFFIN SUITE 505  
DALLAS TEXAS 75202-5023

MWD  
5/19/07

June 26, 2007

Robert Gill  
Regional Environmental Coordinator, Region VI  
525 S. Griffin St., Ste 505  
Dallas, TX 75202-5023

OPAH  
*[Signature]*

Office of the Chief Clerk  
TCEQ, MC 105, P.O. Box 13087  
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BY g

RE: IN THE MATTER OF TPDES Proposed Permit WQ0014777001

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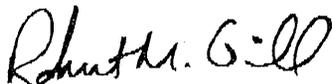
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DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

OPA

BY

JUN 26 2007

*[Handwritten signature]*

JUN 26 2007

*MWD  
57197*

Colonel Dan Laro Clark  
Vice Commander, 47<sup>th</sup> Flying Training Wing  
561 Liberty Drive, Suite 1  
Laughlin AFB TX 78843-5230

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

Subject: Comments on Proposed Permit No. WQ0014777001, Municipal Wastewater Facility

CHIEF CLERK'S OFFICE

JUN 26 2007 11:57

ON DEPT. OF THE AIR FORCE

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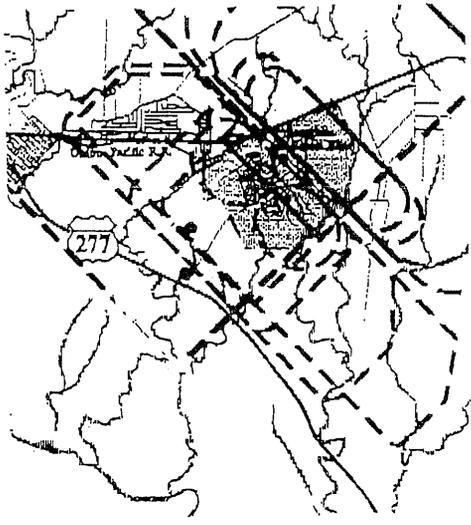
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*[Handwritten signature: Laro Clark]*  
DAN LARO CLARK, Colonel, USAF  
Vice Commander

- 2 Attachments
- 1. Laughlin AFB Closed Pattern Flight Tracks
- 2. Laughlin AFB Arrival Tracks

*MWD*





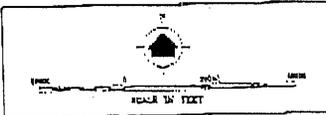
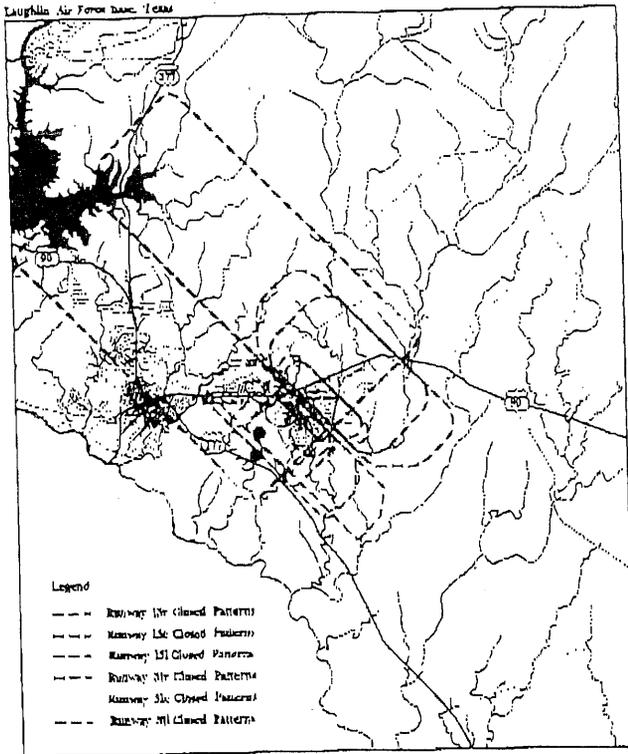


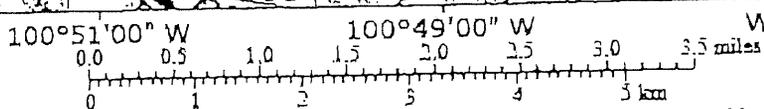
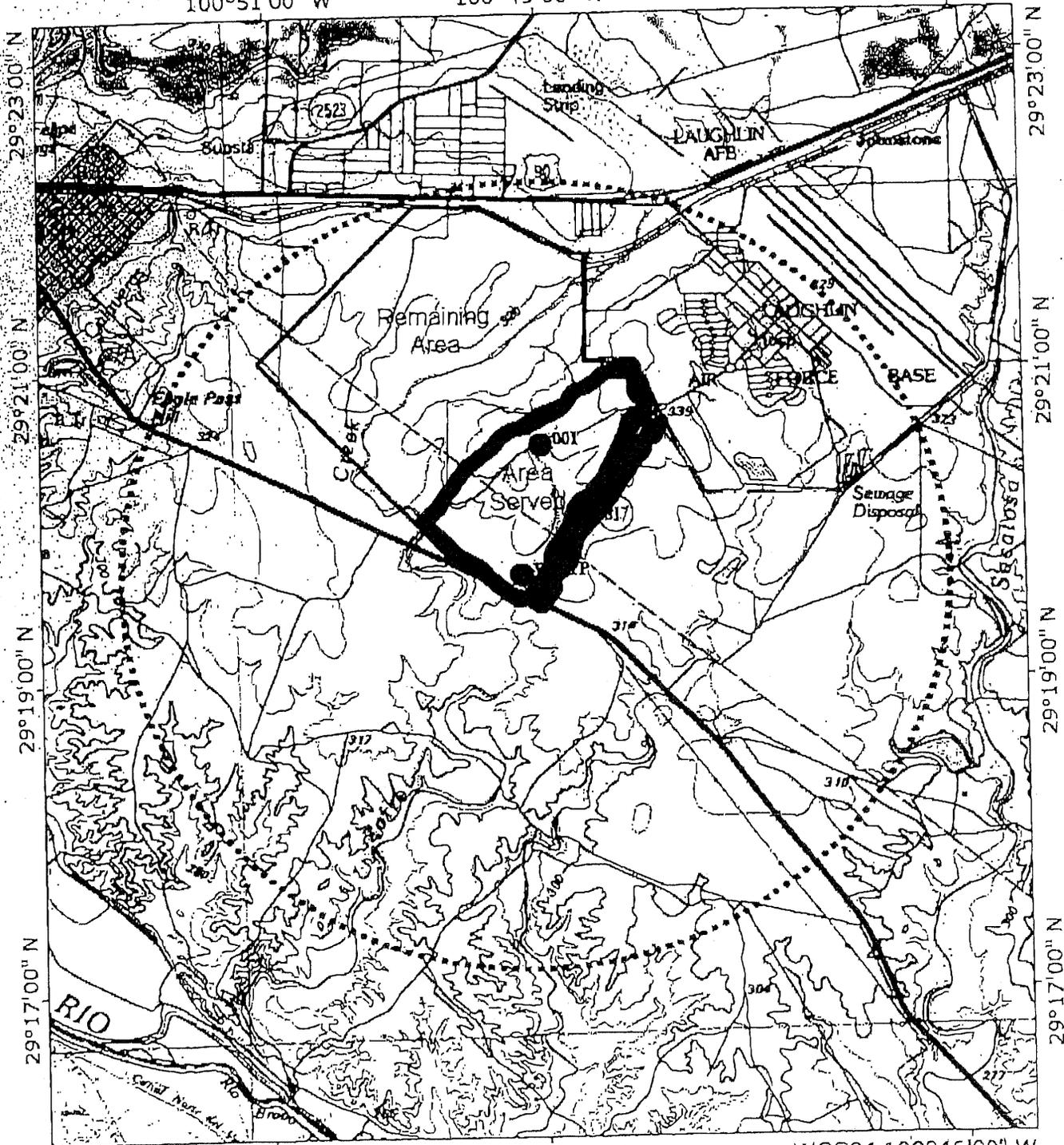
Figure 3.3  
Laughlin AFB  
Closed Pattern Flight Tracks

JANUARY 24, 2007 VAL VERDE DEVELOPMENT COMPANY - DOMESTIC WASTEWATER

Page 43 of 75

# 3-mile radius map

TOPOI map printed on 11/27/06 from "Texas.tpo" and "Untitled.tpg"  
100°51'00" W 100°49'00" W WGS84 100°46'00" W



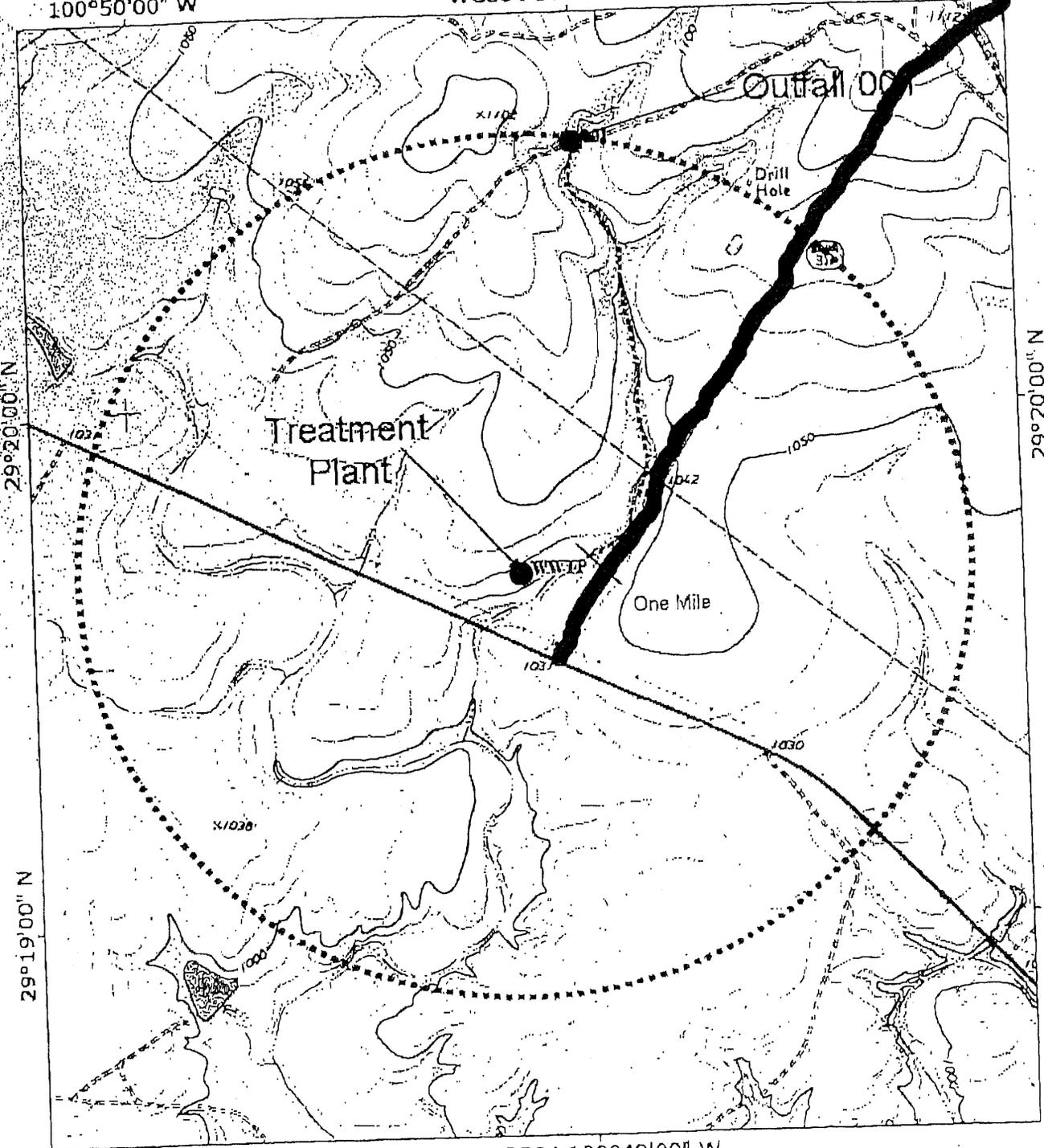
Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com/topo)

JANUARY 24, 2007 WAL VERDE DEVELOPMENT COMPANY - DOMESTIC WASTEWATER Page 44 of 75

# 1-mile radius map

TOPO! map printed on 11/27/06 from "Texas.tpo" and "Untitled.tpg"  
WGS84 100°49'00" W

100°50'00" W



29°20'00" N

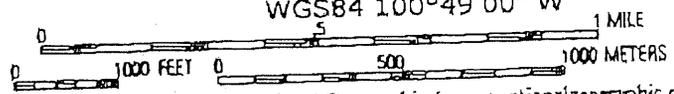
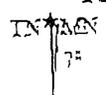
29°20'00" N

29°19'00" N

29°19'00" N

100°50'00" W

WGS84 100°49'00" W



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