

MWD  
57197

LAW OFFICES OF JAN LONDON

403 Cantu Road  
Del Rio, Texas 78840-3049

Telephone: (830) 774-2591

Telecopier: (830) 774-2592

June 25, 2007

VIA FACSIMILE TRANSMISSION  
(512) 239-3311 &  
FEDEX AIR BILL NO.  
8575 4489 4168

Office of the Chief Clerk  
TCEQ  
12100 Park 35 Circle, Bldg. F,  
Austin, Texas 78753  
Attn: Ms. Castañuela

OPA

JUN 28 2007

BY g

CHIEF CLERKS OFFICE

2007 JUN 26 PM 3:07

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

RE: Objections by W.L. Moody, IV to Application for Texas Pollutant Discharge Elimination System Permit No. WQ0014777001

Dear Ms. Castañuela:

I am writing on behalf of W.L. Moody, IV to express our concerns with Val Verde Development Company's proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014777001 (the "Application"). Mr. Moody owns a substantial piece of property, called "Rancho Rio Grande," that is downstream and south of the property on which Val Verde Development Company seeks to construct and operate a wastewater treatment facility. After reviewing the Application, we believe that it contains at least one significant inaccuracy and we have serious reservations concerning the effect that the proposed facility would have on Mr. Moody's property. Accordingly, we express the following objections to the Application.

First, on page 48 of the Application, it states that "SE Ranch, Ltd. is the only owner [of] land located one-mile downstream of discharge point." This statement is untrue. Rancho Rio Grande is less than one mile downstream of the discharge point. In fact, based on the map supplied on page 44 of the Application, (attached hereto as Exhibit A), Rancho Rio Grande appears to be less than a quarter mile from the planned discharge point, meaning that the plant could have a significant impact on Mr. Moody's property.

Second, as the Application states on page 28, Zorro Creek, the planned "immediate receiving waters," is "dry and not well defined." Downstream from the planned discharge point, this dry creek bed travels through Rancho Rio Grande for an extended distance until it meets the Rio Grande River. Mr. Moody has serious concerns that the planned discharge of nearly one use of his property and lower its value. Mr. Moody is also concerned that the wastewater will be of a low water quality, further harming his property.

MWD

Page Two  
Office of the Chief Clerk  
TCEQ  
June 25, 2007

Lastly, Mr. Moody just became aware of the pending Application and never received service concerning the Application, even though, if approved, the Application would clearly affect him. He is concerned that the Val Verde Development Company may not have notified all of the interested parties that should be included in making a decision concerning the Application. We appreciate you taking the time to read Mr. Moody's concerns. Please feel free to contact me with any questions concerning the contents of this letter.

Sincerely,

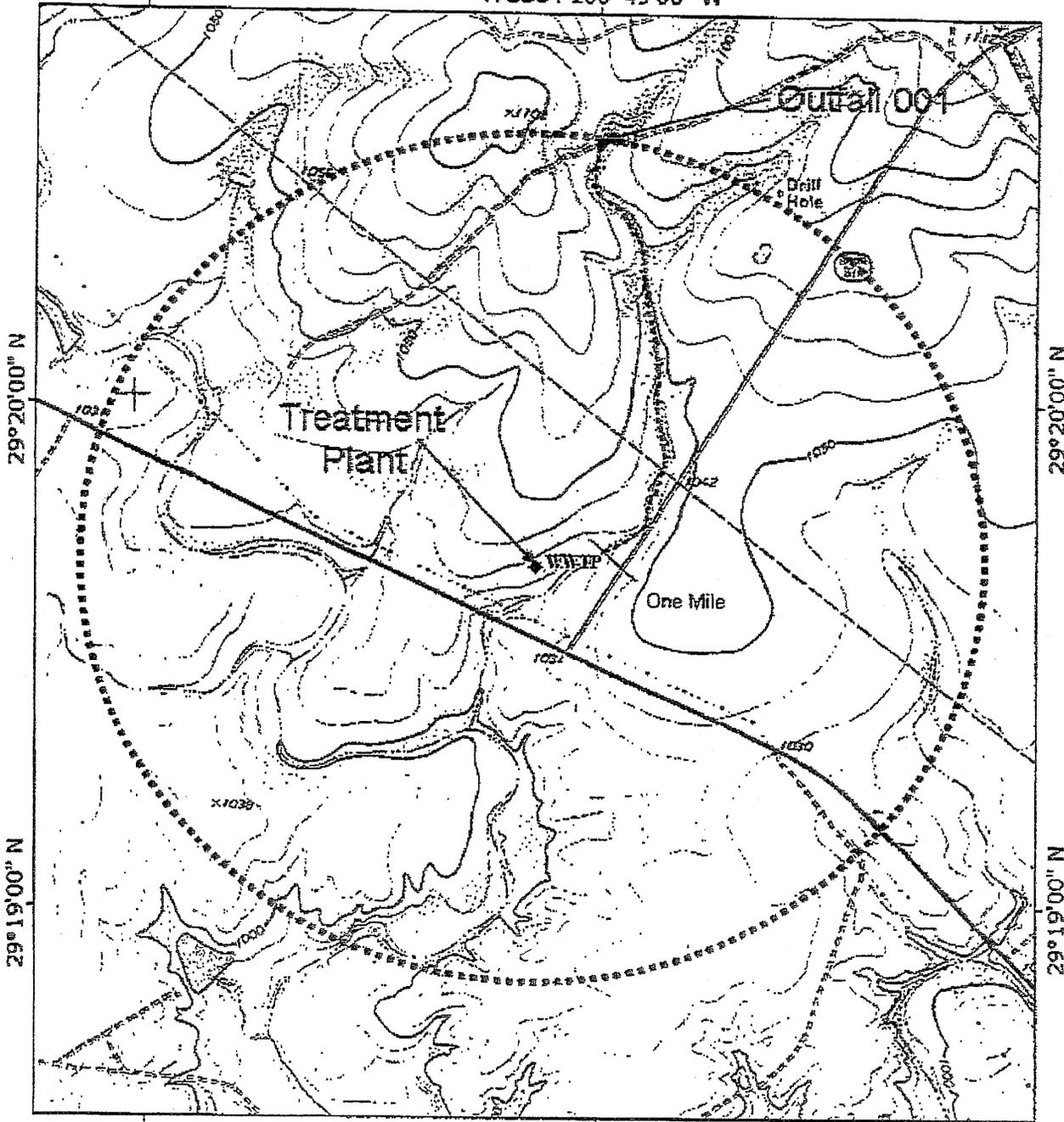


JAN LONDON

JL:df/tceqmoodyobj6-25-07.ltr  
Attachment

# 1-mile radius map

TOPO! map printed on 11/27/06 from "Texas.tpo" and "Untitled.tpg"  
100°50'00" W WGS84 100°49'00" W



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

Exhibit  
**A**

LAW OFFICES OF JAN LONDON

403 Cantu Road  
Del Rio, Texas 78840-3049

Telephone: (830) 774-2591

Telecopier: (830) 774-2592

June 25, 2007

VIA FACSIMILE TRANSMISSION

(512) 239-3311 &  
FEDEX AIR BILL NO.  
8575 4489 4168

OPA

JUN 26 2007

BY     *ML*    

CHIEF CLERK'S OFFICE  
JUN 25 2007 PM 11:22  
CONFIDENTIAL  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*MWD*  
*57197*

Office of the Chief Clerk  
TCEQ  
12100 Park 35 Circle, Bldg. F,  
Austin, Texas 78753  
Attn: Ms. Castañuela

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*MWD*

Page Two  
Office of the Chief Clerk  
TCEQ  
June 25, 2007

Lastly, Mr. Moody just became aware of the pending Application and never received service concerning the Application, even though, if approved, the Application would clearly affect him. He is concerned that the Val Verde Development Company may not have notified all of the interested parties that should be included in making a decision concerning the Application.

I appreciate you taking the time to read Mr. Moody's concerns. Please feel free to contact me with any questions concerning the contents of this letter.

Sincerely,



JAN LONDON

JL:df/tceqmoodyobj6-25-07.ltr  
Attachment

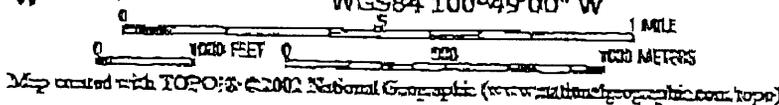
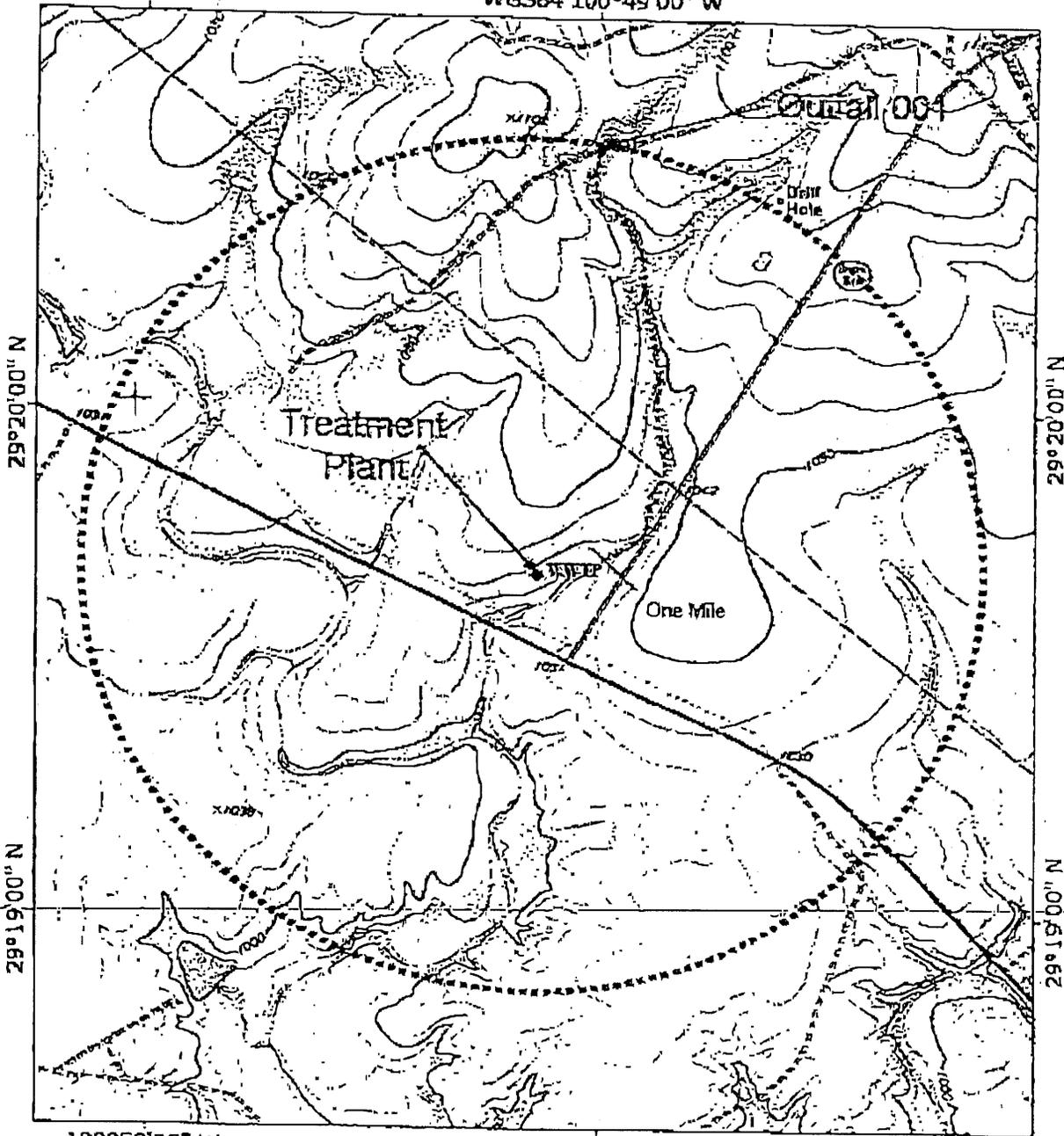
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JANUARY 24, 2007 VAL VERDE DEVELOPMENT COMPANY - DOMESTIC WASTEWATER

Page 44 of 75

# 1-mile radius map

TOPO! map printed on 11/27/06 from "Texas.tpo" and "Untitled.tpg"  
100°50'00" W WGS84 100°49'00" W



## Exhibit A

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

1

**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: The Honorable Efrain Valdez

Address: 109 W. Broadway

City/State: Del Rio, TX Zip: 78840

Phone: (870) 774-8290

Please add me to the mailing list.

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

If yes, which one? city of Del Rio - Mayor

**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

Good evening ladies and gentlemen. My name is Efrain Valdez, and I am the Mayor of the City of Del Rio. As Mayor, I am very concerned about activities that could cause a negative impact on the environment and the economy of our City. I am here today because I feel strongly that the permit for the construction of a wastewater treatment facility, requested by Val Verde Development Company, should be denied.

**OPA RECEIVED**

MAR 06 2008

**AT PUBLIC MEETING**

First, the impact to groundwater from the release of the treated wastewater is unknown. The area into which the wastewater will be discharged contains many sinkholes, which may recharge the Edwards-Trinity Aquifer. As a result, the wastewater flowing through these sinkholes may end up in the Aquifer, threatening the City's water supply. Because of the large potential negative effects of this runoff, the impact should be thoroughly investigated before any serious consideration is given to a permit application.

In addition, the permit application states that the waterway, which would receive the wastewater, is dry even after significant rainfall events. This statement is misleading and possibly false. This conclusion was based on an observation of the waterway at the start of October in 2006. However, the City's rainfall records show that there had not been more than a trace of rain during the prior week. The

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 MAR 11 PM 4:43  
CHIEF CLERKS OFFICE

appearance of the waterway after a significant rain event cannot be determined by looking at the waterway at a time when there has been very little rainfall.

Further, the permit application falsely states that the sludge from the wastewater treatment facility will be deposited at the City of Del Rio Landfill. The Landfill does not accept this type of waste, and there are no plans to change this policy. The City does not intend to accept the disposal of the sludge at the Landfill. Therefore, the proposed wastewater treatment plant does not have a plan in place for disposal of the sludge. This alone should cause the permit to be denied.

Next, the impact of the proposed wastewater facility on Laughlin Air Force Base is a big concern to the City. The presence of the base is critical to the economy of Del Rio. The City opposes any move that would encroach upon or cause problems to the base. It is critical that we avoid activities that could lead to a future closure of the base. The mere fact that Laughlin Air Force Base has objected to the wastewater treatment facility is of significant concern to the City. One of my goals as Mayor is that the economic development of the City move forward in such a manner that allows the City to maintain good relations with the base.

Further, notice was not properly given to all parties that should have received notice, including the Texas Department of Transportation. In order for this Commission to perform a complete evaluation of this application, each party should be given adequate time to review the impact of this facility and to provide its comments or objections.

In conclusion, as Mayor of the City of Del Rio, I strongly oppose this permit, and I strongly oppose the construction of the proposed wastewater facility. I request that this Commission carefully consider the negative consequences of the proposed wastewater treatment facility. I sincerely hope that after such careful consideration you, too, will realize the negative impacts of this facility and will deny the permit application.

Thank you very much for allowing me the opportunity to present these concerns and objections.



CITY OF DEL RIO

109 West Broadway

Del Rio, Texas 78840-5527

MWD  
52197

June 22, 2007

Via Facsimile – (512) 239-3311

LaDonna Castañuela, Chief Clerk

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

OPAL PM

JUN 29 2007

BY g

CHIEF CLERK'S OFFICE

JUN 26 PM 3:08

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Dear Ms. Castañuela:

Pursuant to Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Proposed Permit No. WQ0014777001, (the "Proposed Permit") the City of Del Rio (the "City") offers the following comments to the Texas Commission on Environmental Quality ("TCEQ"):

1. The application for the Proposed Permit (the "Application") fails to adequately describe the potential impact to groundwater. The Application indicates that treated effluent from the permitted facility will be discharged to an unnamed tributary of Zorro Creek; thence to Zorro Creek; thence to the Rio Grande below Amistad Reservoir in Segment No. 2304 of the Rio Grande Basin. It is well documented that this area is known to include karst formations that contain significant sinkholes, which potentially recharge the Edwards-Trinity aquifer. The City is concerned that sinkholes may exist in the unnamed tributary of Zorro Creek or in Zorro Creek, potentially providing a pathway for the discharged effluent to contaminate the aquifer. The San Felipe Springs, which are believed to be fed by the Edwards-Trinity aquifer, are a major source of water for the City of Del Rio and any contamination of this aquifer would have a significant impact on the City and its residents.

MWD

Ms. LaDonna Castañuela

June 22, 2007

Page 2

2. The Application erroneously states that the ultimate disposal site for the sludge from the wastewater treatment facility will be the City of Del Rio Landfill, MSW No. 207A, Val Verde County (the "Landfill"). This is factually inaccurate and infeasible since the Landfill does not dispose of refuse in a semi-liquid or liquid state at the present time. The Landfill only accepts waste streams that meet the Landfill's testing protocol for moisture content. The sludge from the wastewater treatment plant as proposed in the Application would not meet that acceptance standard. Further, no arrangements have been made with the City for acceptance of sludge pursuant to this Application and the City does not intend to accept sludge from this proposed wastewater treatment plant.
3. The application erroneously states that the water body that will receive the discharge is a creekbed that "is dry even after significant rainfall events." This statement is misleading. The watercourse would not exist if it did not drain surrounding property after significant rainfall events. The Application states that this determination was based upon an observation taken October 9<sup>th</sup>, 2006 at 11 am. Rainfall records for the City of Del Rio indicate that no more than a trace of rain was received in Del Rio for the week preceding the October 9<sup>th</sup> observation. As a result, it is not possible to accurately conclude the state of the watercourse after a significant rainfall event based upon this observation.
4. The Application states that SE Ranch, Ltd. is the only owner of property located one-mile downstream of the discharge point. The City questions the accuracy of this statement. The unnamed tributary of Zorro creek is immediately adjacent to the Texas Department of Transportation right-of-way for State Highway 317 at a point that is less than one-mile downstream of the discharge point. A culvert from the watercourse provides a pathway for the effluent to migrate onto the right-of-way during wet weather. As a result, TxDOT should have been provided Notice of Application and Notice of Application and Preliminary Decision.
5. Pursuant to TCEQ rule 30 TAC §39.413, the TCEQ should provide mailed notice to the mayor of the city in which waste will be disposed. The Application states that the ultimate disposal of the sludge generated by the wastewater treatment plant will be at the City of Del Rio MSW Landfill. The

Ms. LaDonna Castañuela  
June 22, 2007  
Page 3

Mayor of Del Rio did not receive mailed Notice of Application or Notice of Application and Preliminary Decision for this Application.

Due to the above-mentioned misrepresentations, errors, and omissions in the Proposed Permit Application, the City strongly requests the TCEQ Executive Director not approve the permit, return the Application to the applicant and require the applicant to resubmit a new, factually correct application. In addition, several interested persons were not properly notified of the Application and the Executive Director's Preliminary Decision. The TCEQ should be required to issue a corrected notice. Finally, the City of Del Rio respectfully requests the TCEQ hold a public meeting to educate the community regarding this proposed facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Efrain Valdez", written in a cursive style.

Efrain Valdez, Mayor  
City of Del Rio

cc: David Sorola, Del Rio City Attorney  
Robert Parker, Del Rio Assistant Engineer

JUN-25-2007 04:55P FROM:TD-T

120206

TO:912102707205

P.2



**CITY OF DEL RIO**  
109 West Broadway  
Del Rio, Texas 78840-5527

CHIEF CLERK'S OFFICE

JUN 26 PM 3:43

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

MWD  
57197

June 22, 2007

Via Facsimile - (512) 239-3311

LaDonna Castañuela, Chief Clerk

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

OPA PM

JUN 22 2007

BY J

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MWD

JUN-25-2007 04:56P FROM: TD-T

120206

TO: 912102707205

P. 3

Ms. LaDonna Castañuela  
June 22, 2007  
Page 2

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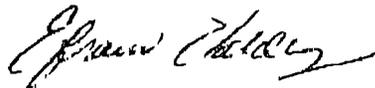
P.4

Ms. LaDonna Castafuela  
June 22, 2007  
Page 3

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Sincerely,



Efrain Valdez, Mayor  
City of Del Rio

cc: David Sorola, Del Rio City Attorney  
Robert Parker, Del Rio Assistant Engineer

3

# TCEQ Public Meeting Form

Thursday, March 6, 2008

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 MAR 11 PM 4:43  
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Greg Youngs

Address: 1313 Wiltshire Ave

City/State: San Antonio TX Zip: 78209

Phone: (210) 836-4654

Please add me to the mailing list.

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

If yes, which one? S.E. Ranch

**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.

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