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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAY 30 AM 10: 00

CHIEF CLERKS OFFICE

May 29, 2007

OPA

MAY 30 2007

BY

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

Re: Permit No. WQ0011624001, Municipal Wastewater Amendment, Aransas County Municipal Utility District No.1.

I support the request to amend the above referenced wastewater permit to increase the discharge of domestic wastewater flows.

Sincerely,

Larry T. Alexander
1541 Allison Dr.
New Braunfels, TX 78130

MWD
55340

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR -2 AM 10: 54

CHIEF CLERKS OFFICE

OPA

APR 02 2007

BY RG

TPDES PERMIT PROTEST TEMPLATE

Date

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is Robert L Andrews. My address is 17 Front St Rockport Tx. My telephone number is (361) 727-1432.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

mcj

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR -2 AM 10: 54

CHIEF CLERKS OFFICE

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

I strong do not this dump into the Bay where I fish all the time this has been out of state complaints for years Leos Fix it Wright

RL Andrews

Robert Andrews
17 Front St.
Rockport, TX 78382-7802

Robert L Andrews 3-21-07

Signature Date

MWD 55340

June 21, 2007

OPA
JUN 25 2007
BY

Ms. LaDonna Casteñuela
Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Wastewater Discharge Permit Number WQ0011624-001
Aransas County MUD No. 1

Dear Ms. Castañuela:

The Texas Parks and Wildlife Department (TPWD) appreciates the opportunity to provide comment on the wastewater discharge permit application for Aransas County MUD No. 1 (WQ0011624-001) that is pending before the Texas Commission on Environmental Quality (TCEQ). TPWD is the agency with primary responsibility for protecting the state's fish and wildlife resources (Texas Parks and Wildlife Code §12.0011(a)). Furthermore, we are charged with providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources (Texas Parks and Wildlife Code §12.0011(b)(3)).

TPWD has reviewed the pending wastewater discharge permit application for Aransas County MUD No. 1. We have previously provided comments and a copy of our letter is enclosed. Staff recently completed review of the draft permit that TCEQ presented in May 2007. We note that the draft incorporates nutrient limitations and authorizes discharge to wetland ponds. These provisions will help protect aquatic resources in the area. We appreciate TCEQ's consideration of our earlier comments. Based on the information available at this time we find the draft permit acceptable.

We appreciate the opportunity to offer comment. If you have questions or need more information, please contact Jason Martinson at (512) 389-8335.

Sincerely,

Ann Bright.
General Counsel

AB/JM

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 22 AM 11:51
CHIEF CLERKS OFFICE

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ROBERT L. COOK
EXECUTIVE DIRECTOR

July 19, 2006

Mr. Firoj Vahora
Texas Commission for Environmental Quality
Wastewater Permits Section (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Lamar Peninsula Water Quality and Points of Discharge
Concerning Texas Commission on Environmental Quality (TCEQ)
Permits for:
Aransas County MUD, WQ0011624-001,
Holiday Beach Water Supply Corporation WQ0004290-000 and
Lamar Water Supply Corporation, WQ0010669-001

Dear Mr. Vahora:

The Texas Parks and Wildlife Department (TPWD) is the agency with primary responsibility for protecting the state's fish and wildlife resources (Texas Parks and Wildlife Code §12.011(a)). Furthermore, TPWD is charged with providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources (Texas Parks and Wildlife Code §12.011(b)(3)). In light of this mandate, we wish to offer the following information.

Recently, various parties have demonstrated interests in the development of municipal wastewater facilities on the Lamar Peninsula and have sought the position of Texas Parks and Wildlife Department (TPWD) on this matter. TPWD applauds all parties involved for seeking a solution to connect the communities on Lamar Peninsula to a facility that will treat municipal waste, and wishes to express our gratitude for including TPWD in these discussions. In this complicated and somewhat confusing situation, rather than endorse any particular proposal, TPWD would like to clarify its current position with regards to water quality and point of discharge for this area.

The waters around Lamar Peninsula (TCEQ segments 2471, 2472 and 2473), incorporate habitat designated by the Texas Coastal Management Program as coastal natural resources that are deemed as needing protection. These include intertidal emergent marshes, oyster reefs and submerged aquatic vegetation in the form of patchy seagrass beds. We note that the Texas Surface Water Quality Standards have established uses for seagrass propagation and wetlands water quality functions (30 TAC §307.7(b)(5)) and oyster waters (30 TAC §307.7(b)(3)(B)) and we encourage TCEQ to develop a permitting strategy for the Lamar Peninsula which protects and preserves these resources.

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1) Wetlands – Nearshore wetlands, such as intertidal emergent marshes, located in this area provide many functions that are beneficial to the ecosystem. This includes nurseries for various fish and invertebrates and habitat for wildlife such as migratory birds. They also act as buffers to reduce shoreline erosion and improve water quality. Although these systems can efficiently take up nutrients in the water column, increased biochemical oxygen demand and chemical oxygen demand inputs and excess nutrients may cause a depletion of dissolved oxygen concentrations causing fish kills and impacts to other biota.

2) Oysters - Part of TPWD's responsibilities is the conservation of oysters including the Eastern oyster (*Crassostrea virginica*). Oysters are efficient filter feeding organisms able to accumulate pathogens and other contaminants to levels which may negatively affect human health. Although limits will be applied to the effluent, the depauperation rate of contaminants may not be equal to the accumulation rate for these organisms resulting in elevated pathogen and/or contaminant levels.

3) Seagrasses - This habitat provides a nursery area for numerous estuarine fish species and functions as a direct food source for fish, waterfowl and other marine organisms. It also serves as a means for sediment stabilization and wave diffraction. Anthropogenic factors associated effluent discharges may restrict the growth and propagation of this habitat. Addition of total suspended solids may increase turbidity in the water column, reducing the amount of light needed for seagrass beds, which may lead to seagrass die off. Eutrophication in this habitat is also a concern. Increased nutrient loading has been identified with the dominance of epiphytic and drift algae in the habitat. Although algae is found naturally in this habitat, increased nutrients causes the algae to dominate the system, inhibiting the growth or altogether eliminating the seagrass community.

4) Unauthorized spills - Another concern includes any unauthorized discharge which maybe released directly into the bay which may have negative impacts to the oyster reefs, seagrass and other habitats in affected areas. TPWD recognizes that areas around Lamar Peninsula are currently restricted to harvesting of oysters, but the addition of a point source and the potential for contamination, particularly from spills of untreated wastewater, provides additional threats to this and other aforementioned habitats.

In order to protect and preserve these resources, TPWD suggests the following:

1) It is of primary importance to TPWD that any party seeking a permit to discharge municipal waste on Lamar Peninsula considers surface

applications and other disposal alternatives rather than direct discharge to Aransas Bay.

2) TPWD's preferred alternative to directly discharging into the bay would be discharging into an emergent intertidal wetland. The wetland could function outside the wastewater treatment plant as a way to further improve the water quality of the treated waste stream. The use of wetlands would allow emergent wetland plants and the epiphytes living on them to utilize nutrients from the effluent, improving the water quality of the discharge. In some cases, restricted tidal exchange may cause pooling in the wetlands, increasing the residence time of treated effluent in the system, creating a eutrophic environment. Thus, tidal exchange in the wetland should be such that the residence time of treated effluent is long enough to improve water quality, but not create a eutrophic environment. TPWD recognizes that there has been discussion concerning the use of existing wetlands on a particular piece of property which is both privately owned and in a Texas Department of Transportation right-of-way. TPWD supports this approach and encourages all parties to actively pursue this plan as a long-term solution.

3) An effluent set with 30-day average effluent limitations of 5 mg/l carbonaceous biochemical oxygen demand (5-day), 5 mg/l total suspended solids, 2 mg/l ammonia-nitrogen and 0.5 mg/l total phosphorus.

4) Wastewater treatment to include tertiary treatment with structures in place to protect the environment from any unauthorized discharge events.

5) Although it is an undesirable solution, if effluent is ultimately discharged directly into Aransas (Segment 2471) Copano Bay (Segment 2472) or St. Charles Bay (Segment 2473), we recommend 2/week monitoring to include fecal coliform, as these waters are considered oyster waters. Based on 30 TAC §307.7(b)(3)(B), fecal coliform colonies should not exceed 14 colonies per 100 ml.

TPWD wishes to clarify our position on some items that have come up in recent discussions:

1) TPWD state park operations have very limited funding for infrastructure improvements. TPWD's ability to contribute to a regional wastewater solution beyond the scope of its present obligations is limited.

2) TPWD is unable to provide wetland capacity adequate to receive the Lamar Peninsula discharges on our Goose Island State Park property. While we would like to establish a small wetland on the property, the

capacity we could provide is not adequate to meet environmental needs arising from wastewater treatment on the Peninsula. Hence, any potential wetlands on TPWD property cannot be considered as part of a regional solution.

TPWD appreciates the opportunity to make recommendations addressing the water quality and discharge points to all the parties involved on Lamar Peninsula. Questions may be directed to Alex Nuñez in Corpus Christi (361-835-3246).

Sincerely,

Ann Bright
General Counsel

AB:AN:ch

cc: Mr. Alex Nuñez
Ms. Kay Jenkins
Ms. Pat Radloff
Mr. Winston Denton
Mr. Woody Woodrow
Mr. Jason Martinson
Mr. Julian Centeno, TCEQ, Wastewater Permits Section (MC 148), P.O. Box 13087, Austin, TX 78711-3087
Mr. Robert P. Callegari, P.E., CMA Engineering, Inc., 14101 West Highway 290, Bldg. 600, Austin, TX 78737
Aransas County Municipal Utility District No.1, 1338 8th Street, Rockport, Texas 78382
Holiday Beach Water Supply Corporation, P.O. Box 807, Fulton, Texas 78358-0897
Lamar Water Supply Corporation, c/o James McHugh, 73 Driftwood St., (Lamar) Rockport, TX 78382

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ROBERT L. COOK
EXECUTIVE DIRECTOR

July 19, 2006

OPA

OCT 19 2006

BY

Mr. Firoj Vahora
Texas Commission for Environmental Quality
Wastewater Permits Section (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

MWP 55340 42378

Re: Lamar Peninsula Water Quality and Points of Discharge
Concerning Texas Commission on Environmental Quality (TCEQ)
Permits for:
Aransas County MUD, WQ0011624-001,
Holiday Beach Water Supply Corporation WQ0004290-000 and
Lamar Water Supply Corporation, WQ0010669-001

MWP 44673

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BG

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Sincerely,

Ann Bright

Ann Bright
General Counsel

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 19 AM 11:02
CHIEF CLERKS OFFICE

AB:AN:ch

cc: Mr. Alex Nuñez
Ms. Kay Jenkins
Ms. Pat Radloff
Mr. Winston Denton
Mr. Woody Woodrow
Mr. Jason Martinson
Mr. Julian Centeno, TCEQ, Wastewater Permits Section (MC 148), P.O. Box 13087, Austin, TX 78711-3087
Mr. Robert P. Callegari, P.E., CMA Engineering, Inc., 14101 West Highway 290, Bldg. 600, Austin, TX 78737
Aransas County Municipal Utility District No.1, 1338 8th Street, Rockport, Texas 78382
Holiday Beach Water Supply Corporation, P.O. Box 807, Fulton, Texas 78358-0897
Lamar Water Supply Corporation, c/o James McHugh, 73 Driftwood St., (Lamar) Rockport, TX 78382

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AUSTIN, TEXAS 78744-3291

02

RECEIVED
JUL 21 2006
MUNICIPAL PERMITS

CHIEF CLERKS OFFICE

2006 OCT 19 AM 11:02

TEXAS
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ON ENVIRONMENTAL
QUALITY

Mr. Firoj Vahora
Texas Commission on Environmental Quality
Wastewater Permits Section (MC 148)
P.O. Box 13087
Austin, TX 78711-3087

Have formal oral comment. (11)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ Public Meeting Form

Monday, October 22, 2007

2007 NOV -5 AM 11:28

CHIEF CLERKS OFFICE

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: JUDY BURGE

Address: 45 MOCKINGBIRD LN

City/State: ROCKPORT, TX. **Zip:** 78382

Phone: (361) 727-0401

☑ **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

November 25, 2007

MWD
55340

OPA
NOV 28 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 NOV 28 AM 10: 16
CHIEF CLERKS OFFICE

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

RE; Application for Municipal Wastewater
Permit NO. WQ0011624001

As a part of the Lamar community, Texas native and a state plumbing license holder, I have some concerns on the new wastewater permit. I realize the need for a new treatement facility, as does most other Residents. However, I do not think dumping treated efluent into our already polluted bays is an answer. At the recent public meeting, several questions could not be answered, and some new one's today that need addressing.

1. Who will test for macrobial and chemical contaminants?
2. How often will test be preformed?
3. Being a filter based system, where are the solids to be disposed?
4. Has anyone done an environmental study on the chemicals being used?
5. What are the long-term effects of alum, and chlorides?
6. Is there any back up or alarm system on the chemical injection system?
7. How good is the system at removing nitrates.

The proposed efluent dumpsite is near Copano Bay, you could say a "stones throw". This bay is already in trouble. Oystering is not allowed anymore. I have witnessed the dicline in aquatic life the last several years. Why couldn't the efluent be discharged on land or used for irigation on non-edible crops? I know there has to be other ways than dumping just over a hundred yards in an estuarie from Aransas bay. Please take these issues under concideration.

Concerned Lamar Resident and Texan,

Steven W Clamon
64 Mockingbird ln.
Rockport Tx. 78382

MW

Have formal oral comment (4)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 NOV -5 AM 11:28
CHIEF CLERKS OFFICE

TCEQ Public Meeting Form

Monday, October 22, 2007

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

CHANGE OF ADDRESS FROM CORINA GEORGE

PLEASE PRINT:

Name: CORINA DOMASCHK

Address: P.O. Box 22 (2 W Lake)

City/State: Fulton, TX **Zip:** 78358

Phone: (361) 727-0969

☒ **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

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☐ **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

OPA

NOV 0 1 2006

BY KG

Ms. Ladonna Castanueia

Chief Clerk, Texas Commission on Environmental Quality

As a property owner in Lamar, I object to the putting of treated water from Mudd district into a pond located at the old Sea Gun Resort.

Gladys Dziuk
Clarence Dziuk

Clarence and Gladys Dziuk
713 E. Main
Rockport, Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV -1 AM 8:10
CHIEF CLERKS OFFICE

MW

OPA

NOV 01 2006

BY KY

Ms Ladonna Castanueia

Chief Clerk, Texas Commission on Environmental Quality

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Gladys Dziuk
Clarence Dziuk

Clarence and Gladys Dziuk
713 E. Main
Rockport, Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV -1 AM 8:10
CHIEF CLERKS OFFICE

MW

MWD
55340

TPDES PERMIT PROTEST TEMPLATE

Date

CHIEF CLERKS OFFICE

OPA

AUG 30 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is Thomas J. Gyory, Co-Trustee Michael D. Gyory, Co-Trustee. My address is 39 FRONT ST, LAMAR. My telephone number is (361) 727-1190.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

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2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

MW

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

Michael D. Gyorog, co-trustee 3/25/07

Signature Date

Thomas J. Gyorog, co-trustee 3/25/07

March 17, 2007

MWD 55340

OPA

MAR 28 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 28 AM 10: 12

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P.O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is David B. Hatcher. My address is 37 Front Street, Rockport Texas 78382. My telephone number is 361-727-0197.

I am a property owner on the Lamar Peninsula. The Lamar Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I use the waters of the bays surrounding the peninsula for recreation. We fish for seafood in the bays in and around our properties and the state park, and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD#1, which currently operates a local sewer system discharging effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, who should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.
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MW

4. The economy of Rockport, Aransas County, and surrounding areas is highly dependent on commercial shrimping, oystering and recreational fishing. The proposed discharge point is an area where I have seen as many as ten oyster boats working at one time. My home is on a canal about one-half mile from this point. Also on this canal are a number of new homes, specifically built to take advantage of the recreational aspects of this area. Most of these are owned by nonresidents, some from out of state. Their purchases and tax contributions to the local economy are substantial.
   Once the permit is issued, one million gallons of discharge will be a minimum. The development plans are for a large number of homes, all of which will be at risk, along with the rest of us, to the severe economic and environmental decline which will occur if this severe pollution of our marine area is allowed. Of course, the developer will, by then, have his money and be long gone.

Yours truly,

David B. Hatcher

David B. Hatcher

March 17, 2007

MWD 55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 22 AM 10: 24

CHIEF CLERKS OFFICE

OPA

MAR 23 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P.O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

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Yours truly,

David B. Hatcher

David B. Hatcher

MWD
55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 APR -9 AM 11: 19

CHIEF CLERKS OFFICE

TPDES PERMIT PROTEST TEMPLATE

Date

OPA

APR 09 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is Greg Haynes. My address is 43 Front Street Rockport, Texas 78382. My telephone number is (361) 729-4083.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

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Please add any additional protests or suggestions below:

Signature

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 NOV -5 AM 11:28
CHIEF CLERKS OFFICE

TCEQ Public Meeting Form

Monday, October 22, 2007

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

PLEASE PRINT:

Name: H D Hoese

Address: 461 N Palmetto St

City/State: Rockport TX **Zip:** 78382

Phone: (361) 729-8923

☐ **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)

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 NOV -5 AM 11: 28

CHIEF CLERKS OFFICE

23 October 2007

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
P. O. Box 13087 MC 105
Austin, TX 78711-3087

Dear Ms. Castañuela:

In reference to the permit application (WQ0011624001) for the Aransas County Municipal Utility District number one, I would like to offer the following.

I am a landowner in Lamar, far from the water, and was once in the MUD. I am also a marine biologist who has been a long time consultant on various bay water quality and environmental problems. Currently I have no vested interest in this project except for wanting the best plan for the peninsula given the future predicted population pressures.

The simple question is to what extent has the local bay circulation been taken into account? While an area of ½ mile influence was assumed, the probable variable nature of currents and wave action at the causeway could place effluents in many directions. Furthermore, if such analysis was based on previous studies, these could be modified by the new dike off the State Park.

The Parks and Wildlife suggestion of using wetlands seems reasonable, but the proposed effluent ponds appear eutrophic as does the lower St. Charles Bay western shoreline. I have no data, but a cursory look suggests that the Copano Bay wetlands south of Holiday Beach seem more preferable. It is the relationship between the quality and quantity of the effluent contents and their subsequent delivery to adjacent bay areas that is important. Nevertheless, Copano Bay is a hydrographically isolated, often negative estuary with a small drainage basin and already has water quality regulations restricting oyster harvest. The area adjacent to the proposed outfall is in some years a very productive oyster ground.

Thank you for the opportunity to respond.

H. Dickson Hoese, Ph.D.
Consulting Marine Biologist
461 N Palmetto St./Lamar
Rockport, TX 78382
361-729-8923
hdhoese@att.net

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

MUD 55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 OCT 25 AM 9:21

CHIEF CLERKS OFFICE

23 October 2007

OPA

OCT 25 2007

BY

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
P. O. Box 13087 MC 105
Austin, TX 78711-3087

Dear Ms. Castañuela:

In reference to the permit application (WQ0011624001) for the Aransas County Municipal Utility District number one, I would like to offer the following.

I am a landowner in Lamar, far from the water, and was once in the MUD. I am also a marine biologist who has been a long time consultant on various bay water quality and environmental problems. Currently I have no vested interest in this project except for wanting the best plan for the peninsula given the future predicted population pressures.

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Thank you for the opportunity to respond.

H. Dickson Hoese, Ph.D.
Consulting Marine Biologist
461 N Palmetto St./Lamar
Rockport, TX 78382
361-729-8923
hdhoese@att.net

MWD
55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 29 AM 9: 51

CHIEF CLERKS OFFICE

TPDES PERMIT PROTEST TEMPLATE

Date

OPA

MAR 30 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is C. F. Hooker. My address is 41 Front St. My telephone number is (713) 545-4305.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

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1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

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MW

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

This is, in my opinion, dumping waste water in my backyard and near where I fish. Also, numerous boats harvest oysters from this area both private and commercial.

Bad idea!

Signature

3/26/7

Date

Gave formal oral comment. (3)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ Public Meeting Form

Monday, October 22, 2007

2007 NOV -5 AM 11:28

CHIEF CLERKS OFFICE

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: CLAY JARVIS / Seaside Partners Ltd

Address: PO BX 50

City/State: Rockport TX **Zip:** 78381

Phone: (210) 831-4858 / 361-205-1618

☒ **Please add me to the mailing list.**

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

If yes, which one? LAMAR Point Preserve / Seaside Partners Ltd.

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 <u>any time</u> during the meeting)

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

MW

MWD
55340

OPA
DEC 05 2007
BY

December 6, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC -5 PM 3:39
CHIEF CLERKS OFFICE

Via Facsimile: 512.239.3311

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

Re: TPDES Permit # WQ 0011624001
Public Comments
Opposing permit application

Dear Sirs,

By this letter I register my comments regarding the above-referenced permit application.

As a Texas resident for the past 48 years, I have come to love the Texas coastal bays. The bays are beautiful and compelling. I have spent many hours fishing in the Goose Island area.

As a long-time Austin resident, I am very familiar with the impact of "state of the art" wastewater systems like the one proposed by this permit. The systems are "state of the art" in name only; to the nearby natural waters, they are nothing but dangers. The impact of this project has not been sufficiently studied; its negative impacts underestimated.

Texans deserve a "No" vote from the Commission on this application.

Thank you for the opportunity to express my concerns.

Yours,

Dohn Larson
1008 East 44th Street
Austin, Texas 78751

MW

MWD
55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 27 AM 10: 07

CHIEF CLERKS OFFICE

OPA

MAR 27 2007

BY

TPDES PERMIT PROTEST TEMPLATE

Date

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is Rose Marie Leland. My address is 59 Magnolia/Lamar, Rockport, Tx 78382. My telephone number is (361) 729-7298.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

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Please add any additional protests or suggestions below:

My husband, Edward Harrison Leland, deceased, was a civil Engineer. He supervised construction of a sewage treatment plant built in 1951 in the small town of Moulton, Texas. I know the ~~about~~ action to discharge effluent into the bay connected to the canal behind our home would be strongly opposed by him. Our entire family has enjoyed fishing, skiing, boating & just enjoying the bay. Please stop this action planned.

Sincerely
Rose Marie Leland

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAR 27 AM 10: 55
CHIEF CLERKS OFFICE

Rose Marie Leland — 3-19-2007
Signature — Date

GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

Robin A. Melvin
512.480.5688
512.480.5888 (fax)
rmelvin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 OCT 23 AM 9:54

CHIEF CLERKS OFFICE

OPA

OCT 23 2007

October 22, 2007 MWD 55340 BY

OPA

OCT 23 2007

BY

VIA TELECOPY AND FIRST CLASS MAIL

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

Re: Application of Aransas County Municipal Utility District Application for a Major Amendment to Permit No. WQ0011624001

Dear Chief Clerk:

The Texas Chapter of the Coastal Conservation Association ("CCA Texas") submits the following comments on the draft permit that the Executive Director has prepared in this application.

CCA Texas is a nonprofit organization whose purpose is the conservation and restoration of Texas' coastal marine resources. Since its founding in 1977, CCA Texas has had a strong interest in maintaining the health of Texas' bays and estuaries.

In general, CCA Texas is opposed to permits authorizing the discharge of wastewater in the vicinity of Texas' bays and estuaries because of the impact that these discharges may have on natural marine breeding habitats.

If such wastewater discharge permits are issued, then they should prohibit direct discharges into the bay and require discharge into natural or constructed emergent intertidal wetland, as this draft permit does. They should also include as maximum limits, the 5 mg/l $CBOD_5$, 5 mg/l TSS, 2 mg/l NH_3-N, and 0.5 mg/l Total Phosphorus effluent limitations included in this draft permit, with a Total Nitrogen limitation of 8 mg/l or less.

MW

CCA Texas appreciates the opportunity to comment on this draft permit. Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions.

Sincerely,

Robin A. Melvin

Robin A. Melvin

RAM/mah
cc: Ben F. Vaughan, III
Robby Byers
Lauren Kalisek

GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION
401 CONGRESS AVENUE
SUITE 2200
AUSTIN, TEXAS 78701-3619

RECEIVED
OCT 23 2007
TCEQ MAIL CENTER
JR

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

GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

MWD
55340

Robin A. Melvin
512.480.5688
512.480.5888 (fax)
rmelvin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 22 AM 10:44
CHIEF CLERKS OFFICE

October 22, 2007

VIA TELECOPY AND FIRST CLASS MAIL

OPA
OCT 22 2007
BY

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

Re: Application of Aransas County Municipal Utility District Application for a Major Amendment to Permit No. WQ0011624001

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CCA Texas appreciates the opportunity to comment on this draft permit. Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions.

Sincerely,

Robin A. Melvin

Robin A. Melvin

RAM/mah
cc: Ben F. Vaughan, III
Robby Byers
Lauren Kalisek

GD HM

GRAVES DOUGHERTY HEARON & MOODY

A PROFESSIONAL CORPORATION

401 Congress Ave., Suite 2200
Austin, TX 78701
512.480.5600
www.gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

FAX TRANSMITTAL

TO: **LaDonna Castanuela**
Office of the Chief Clerk
Texas Commission on Environmental Quality

FAX #: 239-3311
File: A10200.2

FROM: **Robin Melvin**

FAX #: 480-5888

RE: Application of Aransas County Municipal Utility District Application for a Major Amendment to Permit No. WQ0011624001

DATE: October 22, 2007

TIME: 10:30A

TOTAL PAGES INCLUDING COVER: 3

Notes, comments, special instructions:

PLEASE SEE ATTACHED:

LETTER
ARANSAS COUNTY MUD DIST. #1
APPLICATION FOR A MAJOR AMENDMENT
PERMIT NO. WQ0011624001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 22 AM 10:44
CHIEF CLERKS OFFICE

PLEASE NOTE
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE RECIPIENT NAMED ABOVE. YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OTHER THAN BY THE INTENDED RECIPIENT IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND PLEASE RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

465

If there are problems concerning this fax, please contact Molly at 512.480.5799.

GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

Robin A. Melvin
512.480.5688
512.480.5888 (fax)
rmelvin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

MWD
53340

June 26, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 27 PM 2:31
CHIEF CLERKS OFFICE

OPA PM
JUN 28 2007
BY

VIA TELECOPY AND FIRST CLASS MAIL

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

Re: Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Amendment; Permit No. WQ0011624001

Dear Chief Clerk:

I represent the Texas Chapter of the Coastal Conservation Association ("CCA Texas"). On behalf of CCA Texas, I request a public meeting on Permit No. WQ0011624001 of Aransas County Municipal Utility District No. 1.

CCA Texas is a nonprofit organization whose purpose is the conservation and restoration of Texas' coastal marine resources. Since its founding in 1977, CCA Texas has had a strong interest in maintaining the health of Texas' bays and estuaries. CCA Texas has 40,000 members. Some of these members fish in and around Aransas Bay and have an interest in maintaining natural marine breeding habitats in the area of Aransas Bay. CCA Texas believes that a public meeting will allow interested parties to ask questions about and make comments on an application that could effect the water quality of the Bay.

Please place CCA Texas on the permanent mailing list for this application. I am the person who will be responsible for receiving all official communications and documents for the CCA.

MW

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

Robin A. Melvin

RAM/mah
cc: Venable Proctor
Ben F. Vaughan, III
Pat Murray

GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

Robin A. Melvin
512.480.5688
512.480.5688 (fax)
rmelvin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

MWD 55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 26 PM 11:24
CHIEF CLERKS OFFICE

June 26, 2007

VIA TELECOPY AND FIRST CLASS MAIL

OPA PM
JUN 28 2007
BY

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

Re: Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Amendment; Permit No. WQ0011624001

Dear Chief Clerk:

I represent the Texas Chapter of the Coastal Conservation Association ("CCA Texas"). On behalf of CCA Texas, I request a public meeting on Permit No. WQ0011624001 of Aransas County Municipal Utility District No. 1.

CCA Texas is a nonprofit organization whose purpose is the conservation and restoration of Texas' coastal marine resources. Since its founding in 1977, CCA Texas has had a strong interest in maintaining the health of Texas' bays and estuaries. CCA Texas has 40,000 members. Some of these members fish in and around Aransas Bay and have an interest in maintaining natural marine breeding habitats in the area of Aransas Bay. CCA Texas believes that a public meeting will allow interested parties to ask questions about and make comments on an application that could effect the water quality of the Bay.

Please place CCA Texas on the permanent mailing list for this application. I am the person who will be responsible for receiving all official communications and documents for the CCA.

MWD

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

Robin A. Melvin

Robin A. Melvin

RAM/mah

cc: Venable Proctor
Ben F. Vaughan, III
Pat Murray

MWD
55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 30 PM 2:58

CHIEF CLERKS OFFICE

OPA

APR 02 2007

BY KY

TPDES PERMIT PROTEST TEMPLATE

Date

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is DONALD O'CONNOR. My address is 45 FRONT ST. My telephone number is (210) 490-6348.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

MW

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

Donald O'Connor — Signature

3/25/07 — Date

HOLIDAY BEACH PROPERTY OWNERS' ASSOCIATION, INC.
a non-profit corporation
104 St. Charles Loop West
Rockport, TX 78382
361-729-8929

Webpage: www.holidaybeachtx.org
Email: hbpoa@charter.net

MUD 55340

OPA IPR

DEC 18 2006

BY JN

December 6, 2006

LaDonna Castanueia, Chief Clerk, MC105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087

Re: Aransas County MUD No. 1 Permit Application No. WQ0011624001

Dear Ms. Castanueia:

The Board of Directors of Holiday Beach Property Owners' Association, Inc. (HBPOA) met on November 18, 2006 and discussed the referenced permit's intent to permit discharge of effluent into the bay system. By a majority vote, the members of the HBPOA voted to write this letter expressing opposition to the permit and any effluent discharge into the bay system.

As a homeowners association, the board members felt there is potential for damage to the bay system and, as a result, property values of this recreational area. HBPOA requests the TCEQ reject this permit and not allow any discharge of processed sewage into the bay systems.

In addition, the HBPOA requests to be put on the mailing list for this application, as well as the permanent and county mailing list.

Sincerely,

HOLIDAY BEACH PROPERTY OWNERS' ASSOCIATION, INC.
Board of Directors

By James Otto
James Otto, President

162880330

Have formal oral comment. (5)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ Public Meeting Form

Monday, October 22, 2007

2007 NOV -5 AM 11:28

CHIEF CLERKS OFFICE

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: Bill Reitmann

Address: P.O. Box 1367

City/State: Sinton **Zip:** Tx

Phone: (361) 364-6400

☐ **Please add me to the mailing list.**

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

If yes, which one? Texas Department of Transportation

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

Have formal oral comment. (9)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ Public Meeting Form

Monday, October 22, 2007

2007 NOV -5 AM 11:28

CHIEF CLERKS OFFICE

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: JIM SMARR

Address: P.O. BOX 58

City/State: Fulton, TX **Zip:** 78358

Phone: (361) 463-

☐ **Please add me to the mailing list.**

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

If yes, which one? TEXAS RECREATIONAL FISHING ALLIANCE

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 <u>any time</u> during the meeting)

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

MW

MUD
53340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 26 AM 10: 45

CHIEF CLERKS OFFICE

TPDES PERMIT PROTEST TEMPLATE

Date

OPA

MAR 27 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is MICHAEL SOLIS My address is 47 MAGNOLIA. My telephone number is (713) 249 3832

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

MW

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

I STRONGLY OPPOSE ISSUANCE OF THIS PERMIT. I HAVE LIVED, FISHED AND USED THE AREA WATER FOR OVER FORTY YEARS. I WANT MY CHILDREN TO ENJOY THE CLEAN WATER I GREW UP WITH. PLEASE VISIT THE AREA AND SEE WHAT A BEAUTIFUL PLACE THIS IS. I KNOW YOUR HEART & INTEREST WILL DRIVE YOU TO KEEP THE ENVIRONMENTAL VIOLATION FROM TURNING PLACE.

THANK YOU

Signature [signature] Date 3/20/07

MWD
55340

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAR 28 AM 10: 09

CHIEF CLERKS OFFICE

TPDES PERMIT PROTEST TEMPLATE

Date

OPA

MAR 28 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is KENNETH H. & DONNA C. STEWART My address is 8 NEPTUNE DR. My telephone number is (361) 729-9026.

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

MW

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Please add any additional protests or suggestions below:

Donna Stewart 25/ Mar 2007

Kenneth L. Stewart 25 Mar, 2007

Signature Date

April 18, 2008

MWD
55340

OPA
APR 23 2008
BY

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 23 AM 10: 23
CHIEF CLERKS OFFICE

RE: Aransas County MUD No. 1 Permit Application No. WQ0011624001
Withdrawal of Protest Letter

Dear Commissioners:

I am writing this letter regarding our formal complaint to your department against the MUD1 District regarding the permit for the new sewage treatment plant located on South Lake Drive, Rockport, TX. In our original complaint, we sited concerns regarding the "buffer zone" that must be placed around the parameter of the plant. Our property is located at the corner of South Lake Drive and St. Charles Bay Drive, Rockport, TX, just slightly south of the existing plant. Had the buffer zone been implemented around the plant, it would have had serious and devastating impacts on our property resulting in rendering our property, that we intend to live on, completely useless.

We have received the notices from your department assuring that the treatment plant will be relocated from its original site, to a new site which will take our property completely out of the buffer zone. As of this date, we have also been assured by the MUD1 Board President and the General Manager, that the buffer zone will no longer affect our property. With the conditions that our property will not be adversely affected by the buffer zone around the plant, we would like to pursue withdrawing our formal complaint against MUD1 with your department.

We would also like to take this time to ask the Commission to please contact us immediately should any changes take place in this permit process that would affect our property directly and request "close scrutiny of the permit parameters" after approval.

Should you have any questions or concerns regarding this letter, please do not hesitate to contact us at the address below. Thank you for your considerations in this matter.

Sincerely,

Harold & Dinah Sullivan

Harold and Dinah Sullivan
8111 Co. Rd. 38
Gunnison, CO 81230

or

16 St. Charles Bay Drive
Rockport, TX 78382

c: MUD1

MW

September 23, 2007

MWP
55340

OPA

OCT 01 2007

BY

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 SEP 27 PM 3:38
CHIEF CLERKS OFFICE

RE: Permit No. WQ0011624001

Dear Director:

This letter is a response to your public meeting notice dated September 12, 2007, regarding the MUD1 sewage disposal plant permit, located at the address and location on the public meeting notice. Our property is located directly across the street from the plant on the corner of South Lake Drive and St. Charles Bay Drive (Lamar) Rockport, Tx. This property is approximately 100 feet from the plant. We live on this property at least six months out of the year, every year, and plan on living on the property permanently within two years.

We strongly contest one of the conditions of the permit for the MUD1 plant. Specifically, the buffer zone that would be located around the plant. By imposing the buffer zone around the plant at its present location, the buffer zone will render our property useless, uninhabitable, and unsaleable, which does have an extreme adverse affect on us that is uncommon to the general public. AGAIN, we ask that in the permitting process, the plant be relocated approximately 75 feet towards the existing golf course which is not inhabited by any human dwellings so that our property will be completely out of the buffer zone and we may live on it.

The MUD1 attorney, has threatened us with emanate domain, but we will fight it with the knowledge that there is uninhabited land that the plant can be relocated on. If the plant were relocated approximately 75-100 feet north of the end of South Lake Drive, the buffer zone would not only NOT AFFECT our property, but also not affect three other properties that are occupied with permanent full time residents.

We ask that you please take all of this information into consideration in your permit processing.

Thank you for your time in this matter.

Harold and Dinah Sullivan
16 St. Charles Bay Drive
Rockport, TX 78382

8111 County Road 38
Gunnison, CO 81230

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

NOTICE OF APPLICATION AND PRELIMINARY DECISION
AND
NOTICE OF PUBLIC MEETING
FOR
TPDES MUNICIPAL WASTEWATER AMENDMENT

PERMIT NO. WQ0011624001

APPLICATION AND PRELIMINARY DECISION. Aransas County Municipal Utility District No. 1, 1338 Eighth Street, Rockport, Texas 78382, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TCEQ Permit No. 11624-001 to authorize a discharge of treated domestic wastewater to a receiving body of water, and an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 88,000 gallons per day via irrigation to a daily average flow not to exceed 263,000 gallons per day via discharge to a receiving body of water. The current permit authorizes the disposal of treated domestic wastewater via irrigation of 44.4 acres of public access land. TCEQ received this application on June 30, 2006.

The facility is located approximately 1,100 feet south of 8th Street and approximately 500 feet west of Park Road 13 (Palmetto Drive) in the Lamar Peninsula in Aransas County, Texas. The treated effluent will be discharged to a series of two unnamed ponds along State Highway 35; thence to Aransas Bay in Segment No. 2471 of the Bays and Estuaries. The unclassified receiving water uses are high aquatic life uses for the series of two ponds. The designated uses for Segment No. 2471 are exceptional aquatic life uses, oyster waters and contact recreation. Applying the antidegradation policy and implementation procedures to the applicant's proposed discharge point to the tidal ponds in accordance with §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, a Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. With a 5 mg/l BOD5/5 mg/l TSS/2 mg/l NH3-N/0.5 mg/l Total Phosphorus effluent set as proposed in the application and adding the previously agreed requirement of a total nitrogen limit of 8 mg/l, a Tier 2 antidegradation review has preliminarily determined that no significant degradation of water quality in Aransas Bay, having exceptional aquatic life use, and the ponds, having high aquatic life use, is expected. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the action is consistent with the applicable CMP goals and policies.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Aransas County Navigation District No. 1 Office, 911 Navigation Circle, Rockport, Texas.

PUBLIC COMMENT/PUBLIC MEETING. The TCEQ will hold a public meeting for this application. You may submit public comments or request an additional public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds 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.

A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application and the Executive Director's preliminary decision, but these informal comments made during the informal period will not be considered by the Commissioners before reaching a decision on the permit and no formal response will be made. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they

Sullivan
8711 Co Rd 38
Gunnison, Co
81230

7007 0710 0000 3001 6486

CERTIFIED MAIL™

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

UNITED STATES POSTAL SERVICE

0000 78711

U.S. POSTAGE
PAID
GUNNISON, CO
81230
SEP 24, '07
AMOUNT
$5.21
00023769-03

RETURN RECEIPT REQUESTED

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

RECEIVED
SEP 27 2007
TCEQ MAIL CENTER
MM

Permit # WQ0011624001

78711+3087 B012

MWD 55340

OPA

JUN 05 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUN -4 PM 2:29

CHIEF CLERKS OFFICE

May 29, 2007

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

RE: Aransas County Municipal Utility District No. 1, Rockport, Texas, 78382

Dear Director:

This letter is in regards to the Aransas County Municipal Utility District No. 1 (MUD1), in Lamar, Rockport, Texas. The public hearing notice that I am contacting you about is permit no. WQ0011624001. Although I am not sure if MUD1 is using this particular permit number for the expansion of the existing sewer plant, in which I am writing to you about.

I own property (two lots, Lot 16 & 17, St. Charles Bay Drive, Goose Island Estates) near the MUD1 wastewater disposal plant on South Lake Drive, Lamar, Rockport, Texas. I have been in contact with the District Board of Directors of MUD1, and directly in contact with Mr. Kelly in regard to the expansion of the plant. He had told us that the District has applied for permits through your agency for the expansion of the plant. I have been to many of the public meetings of the MUD1 and have been told so many things regarding this project and my property. Recently we received a contract for permanent easement for a buffer zone. After reviewing this contract, we have discovered that Mr. Kelly has told us nothing but lies about how this will affect our property. This buffer zone will adversely and totally affect our property to the point of rendering it completely useless and valueless. In April of 2007, I was able to get a market analysis of our property and was told that vacant land (in which ours is not, we live there six to seven months out of the year) was valued at $25,000.00 per lot, with improvements, additional amounts of value. The District's offer to us was $10.00. The District will not even try to work with us in relocating the plant 50 feet north by northeast which would completely eliminate our involvement in the entire project.

At this time, we are in the process of seeking legal counsel regarding this matter. Since the District not only owns more property towards the north by northeast of the plant and could possibly relocate the plant in that direction to where it will not affect us at all, it also owns other properties to where the plant could be completely relocated and not affect any landowners. We also are seeking legal counsel to find out our recourse on an anti emanate domain lawsuit against the District since they have threatened us with one. So, due to this information, I respectfully request that you, acting as the permitting agency, revoke the permit that the MUD1 is applying for until such matters regarding private landowners be completely resolved.

Since we have purchased this property to be able to relocate permanently and live on these lots, as our retirement home, the MUD1 has made this a questionable consideration. With this in mind, we adamantly contest the MUD1 sewage/wastewater plant expansion project. I feel that the District needs to seriously consider the relocation of the plant 50 feet toward the north. Even if it did encroach into private lands in that direction, those lands are not developed or occupied. I find it hard to believe that the District is considering using the existing tanks as they are old and outdated and leak especially during heavy rain storms. I have watched numerous times, water overflowing the

MC

tanks. When we called the District to tell them, they just say there is nothing they can do about it. So by building a new structure behind the existing one (as looking from South Lake Drive) then removing the old structure, that small amount of space would be ample to completely remove us from the buffer zone. If the District does use the existing structure, I believe it should be considered as pouring good money into bad. Which is a huge waste of federal, state, and taxpayers money.

I have also requested in person, written minutes to the MUD1 public meetings. As of this date, I have not received one copy of their minutes. I felt it was very important to receive these minutes since we need to know what is updated on the project. Apparently the Directors do not feel I am important enough to receive them and I do not know how the State of Texas conducts public hearings and meetings, but in the State of California, the Brown Act would allow me to receive the minutes to the public meetings or the District would be seriously out of compliance. I personally requested the minutes in writing at the April 2007 meeting, so it should be in the recording of that meeting.

I have also asked if the Environmental Impact Report for this project has addressed the fact that the plant expansion project will adversely affect a number of private property owners. I was told by a Board of Directors member that if I thought I could read the EIR, go ahead. That is not an answer that a member of a public board should give.

With all of this in mind, as of this date, May 29, 2007, we hereby contest the permit for the MUD1 sewage disposal expansion, and request that you consider revoking the permit for the project until such time private property owners have been eliminated from the current situation with the MUD1 District.

Please do not hesitate to contact us regarding this letter:

Thank you for your time in this matter.

Sincerely,

Harold and Dinah Sullivan

Harold and Dinah Sullivan (970) 596-1326
8111 County Road 38
Gunnison, CO 81230

Have formal oral comment (8)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ Public Meeting Form

Monday, October 22, 2007

2007 NOV -5 AM 11:28

CHIEF CLERKS OFFICE

Aransas County Municipal Utility District No. 1
Proposed Permit
TPDES WQ0011624001

OPA RECEIVED
OCT 22 2007
AT PUBLIC MEETING

PLEASE PRINT:

Name: Joseph Sympson

Address: 2 S. Lake Dr.

City/State: Lamar **Zip:** 78382

Phone: (361) 727-0031

☑ **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

MWD
55340

TPDES PERMIT PROTEST TEMPLATE

Date 3/17/07

OPA

MAR 22 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAR 20 AM 10: 19
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
P O Box 13087, MC 105
Austin, Texas 78711-3087

Re: Water Quality Permit Application of Aransas County MUD #1 in Aransas County WQ0011624001

Dear Ms. Castanuela:

My name is Edward/Sane Wicker My address is 42 Front St., Rockport, TX My telephone number is (361) 358 9207

I am a property owner on the Lamar Pennisula. The Lama Peninsula is located in Aransas County between Copano Bay and Matagorda Bay. I own and occupy a residence on the peninsula. My family and I create in and on the waters of the bays surrounding the peninsula. We fish for seafood in the bays, in and around our properties, the state park and offshore from other private property. We consume our catch. Our contact with these public waters is significant and is fundamental to our use and enjoyment of our property.

Aransas County MUD #1, which currently operates a local sewer system irrigating effluent onto a golf course, has filed an application to treat sewage and discharge the effluent into the bay. I strongly oppose this application for the following reasons:

1. Discharge of sewage effluent, particularly improperly processed sewage, into the bay will present a direct hazard to human health and safety and to public waters. There are alternative methods of disposal available to ACMUD#1. The district currently irrigates a golf course. This sewer expansion is to benefit large-scale developers, which should be capable of providing adequate undeveloped land to facilitate land application of the discharge. As a political subdivision, ACMUD#1 has the legal authority to acquire suitable discharge land on its own.

2. ACMUD#1 has a very poor history of fiscal management and utility operation. The district is bankrupt and has not demonstrated the financial, managerial or technical resources to insure safe operation of an expanded sewer system.

MW

3. I question whether the proposed water quality treatment standards of the permit will protect human health and safety and state waters. The discharge of pathogens, heavy metals and toxins into the bay will directly affect the waters my family and I are in routine contact with. They would have a direct adverse effect on marine life. These same elements may indirectly affect us through introduction into the marine food chain.

Please add any additional protests or suggestions below:

I have addressed this issue many times. How much does it take for you in office to understand there is NO waste water treatment plant on the Lamar Penn. owned & op. by Lamar Water Dist. There is no place on the penn. to dump raw sewage and certainly none at all anywhere in our bay. They are polluted due to the years of dumping raw sewage at the bridge. When is this going to be about the right way? When will it be what is best for the people, game, fish and bays? It appears to be about putting $ in some peoples

Jane Weber 3/17/07

Signature Date

pockets at a tremendous expense to all of us who live here. There is NOT ~~enough~~ enough H2O or sewage for those who are here.

DO THE RIGHT THING!!

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*

MUD 55340

OPA

MAR 2 2 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 3, 2006

Jane Wicker
P. O. Box 880
Beeville, Texas 78104

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 NOV 13 AM 10 48
CHIEF CLERKS OFFICE

Re: Aransas County MUD #1/Water Quality TPDES Permit #WQ0011624001

Thank you for your letter expressing your concerns regarding Aransas County MUD #1/Water Quality TPDES Permit #WQ0011624001. Your request has been received by Texas Commission on Environmental Quality (TCEQ) staff responsible for processing such requests.

All requests for hearings, if timely filed and authorized by statute or rule, are considered by the Commissioners. You will be notified in writing when your request is scheduled for consideration. The Commissioners will consider your request during a regularly scheduled Commission meeting that is open to the public, and a determination will be made as to whether or not the request will be granted. If your request is granted, the matter will be referred to the State Office of Administrative Hearings (SOAH). The SOAH hearing will be a formal, legal proceeding, conducted in a manner similar to civil trials in state district court. While not required, parties are usually represented by legal counsel.

A copy of your comments and concerns will be forwarded by the Chief Clerk to the agency staff responsible for reviewing the permit application and, regardless of the outcome of your request, if timely filed, they will be considered by the staff prior to the final decision on the application. You will be added to the mailing list and receive a copy of the formal written response to all timely filed comments.

The TCEQ appreciates your interest in environmental issues. If you have any further questions, please feel free to contact any member of our staff at 1-800-687-4040.

Sincerely,

Jodena N Henneke

Jodena N. Henneke, Director
Office of Public Assistance

cc: LaDonna Castañuela, Chief Clerk
Firoj Vahora, Permits Division
Kerrie Qualtrough, Environmental Law Division

Prior communications. Take time to read these. If you go through with current plans it is obvious your agenda does not concern public health at all or our habitat.

MW

LAMAR COMMUNITY WATER SUPPLY CORPORATION
P.O. Box 1441, Fulton, TX 78358 FAX: 361-727-1190

2 November 2005

Judge Pete Lowry
District Court of Travis County
P.O. Box 1748
Austin, TX 78767

Dear Judge Lowry:

The purpose of this letter is to outline the reasons that we are submitting the enclosed Motion to Replace the Receiver currently in control of the Lamar Water Supply Corporation (LWSC). On 2 August 2001 Mr. Patrick King was appointed Receiver of Lamar Water Supply Corporation (approximately 205 connections), I.D. No. 0040018 and the conjoined wastewater system (33 connections) TNRCC Permit No. 10669-01 all of which is located in Aransas County. A few months later rate increases of approximately 45 % for water and 150% for sewer were imposed. Despite this increase no visible signs of improvement are apparent after four years.

A complete lack of any preventative maintenance for more than a decade had resulted in a failed sewer system and a failing water system which led to the receivership action. Two key problems plaguing all water/sewer users were: the water contamination with fine brown-reddish particulate material which clouds the water, soils laundry, prevents bathing/cooking, and coats/clogs appliances such as water heaters and softeners eventually causing failure; and the failed package wastewater treatment plant discharging essentially untreated sewage into Aransas Bay. From the beginning Mr. King insisted that the sewer problem must be resolved before a water solution could be considered. We (water users) recommended a replacement sewer treatment package plant (then available at approximately $100,000, and even a possible lease-purchase arrangement). The sewer is limited to the Sea-Gun area, where, besides the 30 plus individual cabins and an Exxon station, a major owner of the undeveloped land is Aransas Bay Investments (ABI). Four years ago Mr. King and ABI came up with their idea of pumping the sewage to Aransas County Municipal Utility District I (ACMUDI) for treatment, but sizeing the system for an added 135 connections for the future development proposed by ABI. In a public meeting Mr. King promised ACMUDI that all of the necessary improvements would be at no cost to ACMUDI. However, the development has not happened, the sewer has not been fixed, and the water is still contaminated. Although we don't oppose utilization of ACMUDI facilities, our concerns are the continued delay by Mr. King and ABI, and the promises by Mr. King placing LWSC in jeopardy of subsidizing a sewer operation that would primarily benefit ABI profits.

Frustrated by an unresponsive Receiver who seems able to ignore a failed sewer

restoration of both water and sewer systems to bring the system to current TCEQ standards. Our sewer improvement plan includes the options of an on-site package treatment plant or transferring the sewage of 35 users to ACMUDI with provision for future increase to 170 users depending on the ABI development and their shared funding. The water plant and distribution lines replacements include future provision for added water users at the Sea-Gun development. Priority is given to the plant to include: water treatment, pump, controls/ operational building, iron-manganese removal, ground storage tanks, pressure tank, auxiliary power, security fence, and office/operator building. Future expansion for Sea-Gun users includes added large capacity well, added water storage capacity, increased water treatment capability, and replacement of undersized water distribution lines all of which are considered in the overall plan developed by Naismith Engineering, Inc.

It is our contention that "home rule" is the best assurance that Lamar's unique residential requirements and immediate need to restore our system can be met. It should be common practice for capable water/sewer users, home owners, and property owners to receive preference to manage and operate the system they depend upon. Thus the LCWSC Board of Directors respectfully submits the enclosed motion to replace the current receiver.

As outlined above LCWSC has the financial backing to purchase and initially operate the existing LWSC until the first month's revenue becomes available. Upon transfer of the ownership and CCNs improvement loan funding proposals which have been solicited/ submitted can be finalized.

The organizational and operational plans, structure, procedures, forms, and by-laws have been established. Current knowledgeable facility operators have agreed to continue the plant operations. A detailed improvement plan and estimated costs has been completed by Naismith Engineering, Inc. and submitted to USDA RD. The current receiver will be replaced by the LCWSC Board of Directors who have considerable business, teaching, law, engineering, management, government and industry experience.

Thus LCWSC has the necessary financial resources, management expertise, and technical knowledge to manage and direct the operation of the water/sewer utilities. In addition to the knowledge and understanding required for successful operation, the LCWSC members and Board of Directors have a personal interest as users in assuring an up-to-date and problem free utility system.

For the LCWSC Board of Directors

Donald Gyorog, President

ENC:
Motion to Replace Receiver

LAMAR COMMUNITY WATER SUPPLY CORPORATION
P.O. Box 1441, Fulton, TX 78358 FAX: 361-727-1190

September 12, 2005

Mr. Patrick King
Receiver, Lamar Water Supply Corporation
Professional General Management Services, Inc.
1600 Stagecoach Ranch Road
Dripping Springs, TX 78620

Judge Pete Lowry
District Court of Travis County
ATTN: Lorraine Elzia
P.O. Box 1748
Austin, TX 78767

SUBJECT: Offer to Purchase Lamar Water Supply Corporation (LWSC)

This letter is being sent to both the Receiver and the Court since our earlier letters (May 17, 2005 and June 13, 2005) have gone unanswered. In March 2005 the Lamar water users formed the Lamar Community Water Supply Corporation (LCWSC), a non-profit user-owned corporation for the purpose of acquiring and transferring the operation and ownership of the existing LWSC from the current Receiver. It is our understanding that the only indebtedness of LWSC is the unpaid Aransas County tax.

Lack of preventative maintenance for many years has resulted in an advanced state of deterioration of both the sewer and the water treatment facilities as evidenced by past TCEQ inspections. This effects all of the property owners, homeowners, and water/sewer users that compose the eligible membership of LCWSC. Our engineer concurred in our observation that the most cost effective approach to up-grading the facilities would be to demolish and replace all the failed/failing components. The improvement plan we propose includes: replace the failed sewer treatment facility which now continues to discharge essentially untreated sewage into the bay; replace the water ground storage and pressure tanks which have not been maintained and evidence corrosion and leakage; demolish and remove the rotted out storage buildings; replace the control and un-safe chlorine treatment "shed" with a permanent building to house pumps, controls, a safe chlorine treatment area, and add an iron-manganese filtration unit to alleviate the current constant water fouling problem plaguing all water users; add a back-up generator to maintain water service during our frequent power outages; add an office/operator modular building; and add security fences for the safety of the facilities. Estimates for the total cost of these improvements range from $700,000 to $900,000.

The LCWSC Board of Directors offers to purchase the existing LWSC for an amount of $7100.00. We believe this is a fair offer based on the large investment we will make to up-grade the facilities as described in the previous paragraph. For the purchase price the deliverables will include transfer from the LWSC Receiver to the ownership of LCWSC: all LWSC property, equipment, distribution lines, sewer lines, and all connecting equipment and facilities; all LWSC records of business, fiscal, maintenance, and operations of water and sewerage systems; all engineering drawings and specifications of the physical plants and distribution lines; all office software and equipment purchased with LWSC funds; the CCN's for both water and sewer services; and clear title without outstanding debts or liens.

Your timely response prior to our next Board meeting scheduled for October 8th would be appreciated so that we can plan the necessary actions to expedite the transfer of the WSC operation.

FOR THE BOARD OF DIRECTORS

Robert Humble
Vice President, LCWSC

CF:
TCEQ, Earl Lott
Assistant Attorney General, Grant Gurley
Office of Senator Armbrister
Aransas County Judge
Aransas County Attorney

Jane:

I have edited letter to assure accuracy as far as I know. Also I looked back in my files and a request to renew the sewer discharge permit was submitted in 1992 and tabled. TCEQ (TNRCC then) wrote in 1999 that the permit application would expire if $4800 were not paid. It was not and so the plant has been operating without a discharge permit since about 1993 and a whole new permit must be granted. At the meeting with AC MUDI on 3/24/05 King stated that he had looked at historic use figures and actual water use at Sea-Gun (therefore sewer drainage) was 2500 gallons per day, not the TCEQ design requirement flow of 10 to 11 thousand gallons per day. Given 2500 gallons at 8.33 pounds per gallon that is 10.4 tons of sewer water per day, and 365 days per year gives 3800 tons per year!

I recommend that you also address your letter to the Sierra Club because they are active in this pollution kind of problem. By the way it's a good letter.

Edited version:

I am a homeowner on the Lamar Peninsula in Aransas County. I have owned a home there for eight years and in all this time there have always been problems with the Lamar Water Company's delivery of clean, uninterrupted water service, and draining of sewage into Aransas Bay.

The water company was put into receivership in August 2001. At that time the Receiver was directed to, "improve the system so the customers can reliably receive continuous and adequate water and wastewater service" ,and "promptly to sell the water and wastewater utilities and all of their assets to a new owner". To date the system has not been upgraded or sold. The sewer system has been operating for at least a decade without a permit ,and water and sewer systems conditions continue to decay.

The citizens of Lamar have formed the non-profit user-owned Lamar Community Water Supply Corporation (LCWSC) in order to purchase the utility and replace the failed system. Don Gyorog and Bob Humble serve on the Board of Directors. Purchase offers from the Board to the Receiver have been ongoing for months but the Receiver simply ignores all communications without any answer and continues to collect his fees. At a public meeting the Receiver stated that the average sewage flow was about 2500 gallons per day or approximately 3800 tons of raw sewer water is dumped annually into Aransas Bay.

The water supplied to the homes is low grade and probably would not meet state standards, it certainly doesn't meet mine. Often the water is turned off to repair some broken parts, and when returned to service it is more contaminated than ever with reddish-brown fine particulate. The charges for our water more than doubled when the Company went into Receivership four years ago without any upgrade. I question whether the water is really safe to drink.

How can this happen today when there are so many regulations regarding health issues, and County and State Officials to enforce them? Where is the Texas Commission on Environmental Quality and the Environmental Protection Agency in all this? What about the wildlife in the Bay? I will not eat an oyster harvested out of Aransas Bay. How can contamination be allowed anywhere like this? And for 10 years this situation has been present. Not in a third world country or the remote areas of America but here in Aransas County. Local and State authorities are aware and have been aware of this pollution.

Why must any citizen of this county, state, and country have to endure an unsanitary sewage plant and poor water quality? Why should the wildlife in and around Aransas and Copano Bays suffer the consequences of pollution one more day?

A Concerned homeowner in Lamar
Jane Turner Wicker

treatment plant, contaminated water, and a further decaying water facility, the LWSC water users formed a non-profit user-owned water supply corporation in February 2005 at a meeting that Mr. King attended. In March 2005 Articles of Incorporation were filed for the new Lamar Community Water Supply Corporation (LCWSC) under Chapter 67 of the Texas Water Code. All persons owning property in the area served by water or sewer are eligible members of the corporation. Thus LCWSC is not a private or profit making business, but is directed by an unpaid volunteer Board of Directors composed of members elected by the members.

The Court Order appointing Mr. King as Receiver directed that the water and wastewater utilities be promptly sold to a new owner. Based on this premise we sent the following written communications to Mr. King:
28 February 2005- Thanking Mr. King for attending the meeting at which LCWSC was formed for the purpose of assuming ownership, and asking Mr. King to help by providing list of users and operational data for planning and design purposes;
17 May 2005- A letter to record our intent and offer of ownership transfer and operation, and to again request detailed operational information for planning and submission of funding proposals;
13 June 2005- Follow up letter again requesting information and emphasizing our intent and determination to transfer operation;
12 September 2005- (addressed to Mr. King and Judge Lowry) Follow up offer to purchase letter also detailing our plans and minimum cost to upgrade system;
These communications were not answered. Mr. King was also contacted by telephone in mid-October and refused comment saying that he had not decided on his answer. The letters were copied to TCEQ and the Assistant Attorney General but that didn't help. Mr. King has simply ignored our requests and other than the Court that appointed him, no one else seems to have any control or responsibility.

Since March we have accomplished the following:
Established By-Laws, developed operational plans and approved our Tariff;
Developed management plans, prepared and approved all operating forms;
Set up accounts and record keeping forms;
Have agreement with JK Management and Mr. McHugh to continue as operators;
Have funding commitment and letter of credit for purchase of LWSC;
Established detailed list and priority of required system improvements;
Contacted vendors and internet search for system cost estimates;
Selected Naismith Engineering, Inc. as our engineering consultants;
Submitted grant proposal to USDA RD for engineering study;
Submitted a pre-application proposal for USDA RD loan for the complete restoration of the water and sewer systems;
Through discussions with TWDB regarding the Rural Water Assistance Fund established an alternative source of funds after transfer of the CCNs.
Without Mr. King, and with the same rates as today, we would have approximately $20,000 per year which could re-pay an improvement loan of almost $250,000. Our

detailed improvement plan developed with Naismith Engineering, Inc. includes a complete

Jane T. Wicker
42 Front St.
Rockport, TX.
November 21, 2005

I am a homeowner on the Lamar Peninsula in Aransas Bay. I have owned a home there for eight years and in all this time there have always been problems with the Lamar Water Company's delivery of clean, uninterrupted water service.

The water company was put into receivership in August 2001. At that time the Receiver was directed to immediately upgrade the system so that it might get a permit. The Receiver was also directed to sell the company as soon as possible.To date the system has not been upgraded or sold. The county has not received the tax owed for years. The water system has been operating for at least a decade without a permit because of the condition of the decaying equipment.

The citizens of Lamar have formed the Lamar Water Supply Corp. in order to purchase the plant. Don Gyrog and Robert Humble serve on it's board of directors. Negotiations have been ongoing for months but the Receiver is not inclined to sell. A recent inspection of the sewage plant, according to the receiver, indicated that approximately 547 tons of raw sewage is dumped annually into Aransas Bay.

The water supplied to the homes is low grade and probably would not meet state standards, it certainly doesn't meet mine. Often the water is turned off to repair some broken parts. The charges for our water more than doubled when the company went into Receivership four years ago without any upgrade. I question whether the water is really safe to drink.

How can this happen today when there are so many regulations regarding health issues and county and state officials to enforce them? Where is the Environmental Protection Agency in all this? What about the wildlife in the bay? I will not eat an oyster harvested out of Aransas Bay. How can contamination be allowed anywhere like this? And for 10 years this situation has been present. Not in a third world country or the remote areas of America but here in Aransas County. Local and state authorities are aware and have been aware of this pollution.

Why must any citizens of this county and state and country have to endure an unsanitary sewage plant and poor water quality? Why should the wildlife in and around Aransas and Copano bay suffer the consequences of pollution one more day? No wonder there is flesh eating bacteria in the bays.

A concerned homeowner in Lamar.

Jane Turner Wicker