



September 10, 2009

Office of Chief Clerk  
ATTN: Agenda Docket Clerk (MC 105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

VIA ELECTRONICALLY AT <http://www10.tceq.state.tx.us/epic/efilings/>

Re: Eagle Star Investments, LLP  
Proposed TPDES Permit No. WQ0014918001  
(TX0131725)  
(CN603401118; RN105610877)

Dear Sir or Madam:

Brown & Gay Engineers, Inc. (BGE) is responding on behalf of our client, Eagle Star Investments, LLP (the applicant) in response to the contested case hearing request made by Jesus Gallegos on January 26, 2009. The applicant is requesting that the Commissioners deny the contested case hearing based on all comments being addressed.

The applicant submitted the permit application in July 2008 and identified all downstream landowners and properties next to the wastewater site. The permit application also identified that the buffer zone requirements were going to be met with nuisance odor control. TCEQ contacted BGE in May 2009 and informed us of the comments made by Mollie McLean regarding location and Jesus Gallegos concerns of odor. BGE worked with Mr. David Akoma in the Permits Division in addressing all of the comments. BGE provided an additional map addressing Ms. McLean's concern about the location of the wastewater treatment plant (WWTP) and TCEQ concurred that the location in the permit was correct. BGE also supplied TCEQ with details regarding how nuisance odor control was going to be achieved to address Mr. Gallegos's comments. BGE submitted an email on May 21, 2009 stating the WWTP was to be enclosed with a conventional framed structure attached to a reinforced concrete grade beam around the entire plant. The structure will be vented and each vent will be outfitted with scrubbers to remove nuisance odors. BGE has put together literature on the type of odor scrubbers that would be proposed and found examples of existing plants with this type of enclosure. BGE is prepared to submit a nuisance odor prevention request for approval by the Executive Director in care of the TCEQ Wastewater Permitting Section prior to construction. TCEQ responded to both public comments on May 29, 2009 explaining the permit had sufficiently addressed all public comments.

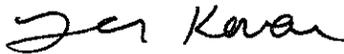
BGE received a call from TCEQ's mediation department on August 11, 2009 inquiring if the applicant would be interested in mediation with Mr. Gallegos to address his issues with the WWTP. After conferring with the applicant, BGE called TCEQ on August 20, 2009 and agreed to a mediation meeting. The applicant was and is fully prepared to meet with Mr. Gallegos to address his issues and assure him

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that the nuisance odor issue has been addressed. TCEQ subsequently called and stated that they were unsuccessful in contacting Mr. Gallegos to setup the mediation meeting.

The applicant feels that they have taken all necessary steps to address these matters and to cooperate with both TCEQ and the concerned public. If TCEQ needs any additional information or has any questions, please contact me at (281) 588-8700 or lkovar@browngay.com

Sincerely,



Lindsay J. Kovar, P.E.  
Project Engineer

C: Daniel C. Goodwin, Goodwin Financial Group  
Sam Zabaneh, BGE