

R. L. BOLLETER  
119 MARSHALL JOHNSON AVE. SO.  
PORT LAVACA, TX 77979  
Telephone: 361.893.5402 Fax: 361.893.5402  
lbolleter@aol.com

August 3, 2010

Office of the Chief Clerk  
MC105, TCEQ  
P O Box 130087  
Austin, TX 78711-3087

DIS  
7/32/15

H  
2010 AUG - 9 AM 10: 57  
CHIEF CLERKS OFFICE  
TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Re: Internal Control No. 03012010-D02

Dear Madam:

I have requested a contested case hearing on the above referenced MUD. I assume we will get a fair hearing, but an event yesterday suggested otherwise.

Part of our difference of opinion with the petitioner's plan concerns a proposal to build a new sewer plant. We believe the existing plant to be useful and certainly upgradeable if it becomes necessary.

Anita Koop, the failed developer of Sunnilandings and a petitioner was photographed yesterday touring the plant with a TCEQ employee who arrived in a TCEQ car. Ms. Koop, who owns property adjacent to the MUD and until recently advertised that property for sale is well beyond being simply a petition signer.

Please look into the TCEQ visit. If your representative was on official business to inspect the plant I have no complaint. However, if she requested that Ms. Koop accompany her, then I certainly do have a complaint.

Sincerely,



R. L. Bolleter

MW

R. L. Bolleter  
119 Marshall Johnson Ave. So.  
Port Lavaca, TX 77979

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 AUG -9 AM 10: 57

CHIEF CLERKS OFFICE

Office of the Chief Clerk  
MC105, TCEQ  
P O Box 130087  
Austin, TX 78711-3087

RECEIVED

AUG 09 2010

TCEQ MAIL CENTER  
NR



USA  
FIRST-CLASS  
FOREVER



R. L. BOLLETER  
119 MARSHALL JOHNSON AVE. SO.  
PORT LAVACA, TX 77979  
Telephone: 361.893.5402 Fax: 361.893.5402  
lbolleter@aol.com ✓

July 26, 2010

Office of the Chief Clerk  
MC 105 TCEQ  
P O Box 130087  
Austin, TX 78711-3087

DIS  
7/22/10

2010 JUL 28 AM 10:26  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

RE: Internal Control No: 03012010-D02

Dear Sir:

I am well aware that the enclosed letters and memos are not part of the official process when seeking a contested case hearing. I have followed that process in another letter to you in which I formally requested a contested case hearing.

However, events and secrecy on the part of petition leaders force me to present my case before TCEQ makes a decision on whether or not to grant a hearing.

Events included, for example, very short notice of the item even being on the Calhoun County Commissioners Court agenda. I am partially crippled and do not get to the Court like I used to. Anyway the Court supported the petition with very few facts. I point out some of the missing items in the enclosed letter to Neil Fritsch, my commissioner.

Several of my neighbors have requested that their names be removed from the petition after learning the costs. I don't know the process and am assuming their names will be removed.

Yes, I could telephone you at every turn, but I write better than I speak. You will note that I have even asked petition leaders to withdraw their petition. They are apparently hoping to get their MUD political unit approved before telling us much else.

mw

Except for the sudden Commissioner's Court meeting we have heard nothing from petition leaders for over a year. Hopefully TCEQ can get some details from them. We have tried without any luck. Most petition signers did so because they were told it will protect the bay, but were not told or did not really understand how much it would cost.

I have battled to protect this bay for more than twenty years. It can be done with TCEQ support for far less money. For starters, we sure don't need another sewer plant two blocks away from the present one.

Yours very truly,

A handwritten signature in black ink, appearing to read 'R. L. Bolleter', with a long horizontal flourish extending to the right.

R. L. Bolleter

Cc: Sandy Haas  
J. Towers  
Paul Lawson

R. L. BOLLETER  
119 MARSHALL JOHNSON AVE. SO.  
PORT LAVACA, TX 77979  
Telephone: 361.893.5402 Fax: 361.893.5402  
lbolleter@aol.com

July 22, 2010

Commissioner Neil Fritsch  
24627 State Highway 172  
Port Lavaca, Texas 77979

Commissioner:

I am astounded that you could support the South Port Alto MUD, at least in its present form. Do you realize that the project will cost users 57 cents on each \$100 of their property valuation? The much hated Port O'Connor MUD levy is only 19 cents. I believe a 57 cent mill rate is even higher than that of Calhoun County.

Your newspaper comment that the County is "committing no money to it" and therefore it is okay is pure politics. I am actually ashamed to hear my commissioner say that costs don't matter as long as someone else picks up the bill.

Your actions in support of this project are apparently based on very few, if any, facts. Look into it. Have the appraisal district supply you with the correct numbers. Hopefully they have corrected their errors which resulted in the earlier \$100,000,000 MUD valuation. Petitioners used that number to calculate an 8 cent mill rate, rather than the correct mill rate of 57 cents. Petition leaders were informed of a correction in October, 2009, and yet proceeded with their plan. **THE PETITION SHOULD BE WITHDRAWN.** Withdrawal of the Commissioners Court support would certainly help. Others, who signed the petition, are asking that their names be removed.

Also look into verifying comments attributed to you in the Port Lavaca Wave about the existing sewer plant. I can only hope that your comments were based on a study by a qualified engineer. Off the cuff remarks are not useful when discussing a whole new system. I personally do not know much about sewer plants except that I know for sure that concrete tanks do not rust. I also know that the existing plant is modular and thus expandable and was originally built to handle homes on all the

CHIEF CLERKS OFFICE

2010 JUL 28 AM 10:26

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

lots in Sunnilandings, which is somewhere around 200. There are currently 30 Sunnilandings homes on the system and 104 within the proposed MUD.

Commissioner, I truly believe that the case for a MUD has been misrepresented to you and to some, but not all, Port Alto residents. We care deeply about protecting Carancahua Bay and feel we have been let down by Health Department officials over the years. We must do something, but this current project is not the answer. I have asked a younger and very bright man to help us come up with an answer. He will need your help.

Sincerely,

R. L. Bolleter

Cc: Sandy Haas

P. S. Commissioner, I would consider it appropriate to enter this letter into the Court record.

R. L. BOLLETER  
119 MARSHALL JOHNSON AVE. SO.  
PORT LAVACA, TX 77979  
Telephone: 361.893.5402 Fax: 361.893.5402  
[lbolleter@aol.com](mailto:lbolleter@aol.com)

July 19, 2010

CHIEF CLERKS OFFICE

2010 JUL 28 AM 10:26

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

To My Neighbors – especially those who signed the MUD petition

Leaders of the MUD petition drive as well as those who signed the petition are serious about protecting Carancahua Bay. It is a very worthwhile endeavor, but the numbers used just don't add up. The petition should be recalled.

Here is why! The actual property tax valuation for area included in the MUD is \$14,000,000, not \$100,000,000. The really big \$100,000,000 number was used in the last publicly available calculation of a mill rate.

In case you don't already know, the basis for calculating your tax, a mill rate, is arrived at by dividing annual debt service costs by total property valuation divided by 100. The mill rate is stated in terms of cents per \$100. The annual debt service costs last available to me is \$79,845.08.

Using a \$100,000,000 total valuation for homes within the MUD boundary yields a mill rate of 8 cents per \$100 in valuation. Using the real total valuation of \$14,000,000 yields a mill rate of 57 cents per \$100 in valuation. No matter how you slice up the \$100,000,000 by say, removing Sunnilandings, you are still stuck at \$14,000,000 and a 57 cent mill rate.

A simple calculation will give each of you your MUD tax costs. Divide your assessed value by 100 and multiply by 0.57. You will see that it is a pretty big number, which must then be added to \$720 in fees. If you don't mind that, let it ride. If you do mind, ask leaders of the petition to withdraw the petition. Then ask them to do what they have avoided. Sit down with us and discuss serious alternatives, of which there are several good ones. Protecting Carancahua Bay will always be the object.

If petition leaders refuse to recall the petition or simply don't respond to the request, take it upon yourself to write TCEQ and ask to have your name removed. Please do this before July 30. Be sure to give the TCEQ control number which is 03012010-D02.

**Finally, I have requested a contested case hearing. Hopefully this can be resolved without that formal legal proceeding. Signing a petition does have consequences even if your intent is benevolent.**

**Sincerely,**

**R. L. Bolleter**

**Address for TCEQ**

**Office of the Chief Clerk  
MC 105 TCEQ  
P.O. Box 130087  
Austin, TX 78711-3087**

**Petitioners are South Port Alto Municipal Utility District of Calhoun County.  
Internal Control No: 03012010-DO2**

**Cc: Judge Pfiefer  
Commissioner N. Fritch**

R. L. Bolleter  
119 Marshall Johnson Ave. So.  
Port Lavaca, TX 77979

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 JUL 28 AM 10:25

CHIEF CLERKS OFFICE

Office of the Chief Clerk  
MC 105 TCEQ  
P O Box 130087  
Austin, TX 78711-3087

RECEIVED

JUL 28 2010

TCEQ MAIL CENTER  
NR

USA FIRST-CLASS FOREVER



26 JUL 2010 PM 1:15

78711-3087



R. L. Bolleter  
119 Marshall Johnson Ave. So.  
Port Lavaca, Tx 77979

July 19, 2010

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 JUL 21 AM 10:27

CHIEF CLERKS OFFICE

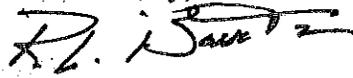
Office of the Chief Clerk  
MC105, TCEQ  
P O Box 130087  
Austin, TX 78711-3087

DIS  
7/21/10

1. From: Robert L. Bolleter  
119 Marshall Johnson Ave. S  
Port Lavaca TX  
Tel: 361.893.5402 Fax: 361.893.5402
2. Petitioners are South Port Alto Municipal Utility District of Calhoun County.  
Internal Control No. 03012010-D02
3. I request a contested case hearing.
4. My request for a contested case hearing is based on two principal factors.
  - a. I have a Health Department approved aerobic septic system and do not wish to be forced into an ill conceived and expensive MUD.
  - b. Petitioners are planning a system that includes a new commercial sized aerobic treatment plant. There is an existing fully functioning and TCEQ inspected plant about 300 yards from the proposed MUD boundary. The existing plant is modular in construction and thus can be enlarged if it becomes necessary. Most petition signers are not hooked up to the existing plant. Many would hook up if convinced that rules against dumping gray water and even raw sewage into Carancahua Bay will be enforced.
5. I live at 119 Marshall Johnson Ave. South, about in the middle of the proposed MUD.

If TCEQ favors my request for a contested case hearing, I will retain an attorney to assist in presenting my case.

Sincerely,



R. L. Bolleter

MW

R. L. Bolleter  
119 Marshall Johnson Ave. So.  
Port Lavaca, TX 77979

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 JUL 21 AM 10:27  
CHIEF CLERKS OFFICE

Office of the Chief Clerk  
MC105, TCEQ  
P O Box 130087  
Austin, TX 78711-3087

RECEIVED  
JUL 21 2010  
TCEQ MAIL CENTER  
NIM

787113087

787113087



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Frederick J. Dennick, Jr., P.E.  
402 Gladeview Drive  
Round Rock, TX 78681-4917  
512.769.6681  
512.388.3895 Fax  
[fred@dennick.org](mailto:fred@dennick.org) ✓

2010 JUL 26 PM 2:59  
H  
CHIEF CLERKS OFFICE

2010-07-23

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

SUBJECT: South Port Alto Municipal Utility District of Calhoun County  
TCEQ Internal Control No.: 03012010-D02

I request a contested case hearing in regard to the Subject.

This petition is from:

Frederick J. Dennick, Jr. and Jane F. Dennick

The petitioners are property owners within the proposed district. The petitioner's property is located at:

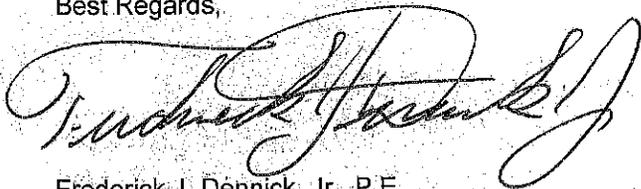
630 Marshall Johnson Drive South

The petitioner's property is described as:

Lot 42, Arnold Koop

The creation of this proposed district directly affects this property in a way not common to the general public by including it within its taxing boundary.

Best Regards,



Frederick J. Dennick, Jr., P.E.  
Texas Registration Number: 48537  
Texas Firm Number: F-1168

Attachments: Notice of District Petition  
Calhoun County CAD Petitioner's Property Information

DIS  
7/22/15

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. 03012010-D02

PETITION. Petitioner (over 50 individuals in number and listed in exhibit "A") filed a petition for creation of South Port Alto Municipal Utility District of Calhoun County ("District") with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner is the holder of title to a majority, in value of the land to be included in the proposed District; (2) there is no other conservation or reclamation district in Calhoun County, Texas with the same name; and (3) the proposed District will contain approximately 56.6 acres located within Calhoun County, Texas. The filed engineer's report states the proposed District is not within the corporate boundaries of any city or within the extraterritorial jurisdiction of any city, town or village in Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "B" and is depicted in the vicinity map designated as Exhibit "C", both of which are attached to this document.

The petition further states that the proposed District will: purchase, construct, acquire, improve, extend, maintain, and operate a wastewater system for residential and commercial purposes; maintain, and operate additional facilities, systems, plants, and enterprises consistent with the purposes for which the District is created and permitted under State law.

According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$1,890,000.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the address above. For additional information, individual members of the general public may contact the District Creation Team at 512-239-4691. Si desea informacion en Español, puede Hamar al 512-239-0200. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Issued: June 10,2010

Exhibit A

Signers of Petition or Listed on the Central Appraisal District Certificate

South Port Alto Municipal Utility District of Calhoun County  
TCEQ Internal Control No. 03012010-D02

Kristen E. Posey	Ian Clinkscales	Robert A. Smith	Shirley I. Reed
Patricia L. Mills	Ronald Clinkscales	Marsha Smith	Remes C. Heiny, Jr.
Lesley Koop	Willard E. Ulbricht	Robert Busby	Sue Ann Heiny
Gloria Koop	Lee B. Ulbricht	Linda Busby	Martha McCumpsey
Frank Zboril	Alton K. Easton	Henry H. Ahrens, II	Darrell Atkinson
Marianne Zboril	Audrey D. Shultz	Sharon Ahrens	Donna Atkinson
Rhonda Martinica	Easton	Avis Payne Lessor	Robert Ferguson
Stephen Martinica	Myron E. Goforth	Charles E. Doyle, Jr.	Eveleyn Ferguson
Regina M. Schneider	Dorothy A. Goforth	Stephen McCarty	Thomas Balckwell
Anita L. Koop	Monroe Lee King, Jr.	Gerald F. Kallina	Thomas E. Blackwell, Jr.
Roy R Floyd, Jr.	Jane Ann King	Christine L. Withee	Dick Koop
Joyce Lovelace	Eugene A. Netardus	Terrance D. Withee	Cindy W. Speck
Les Bunge, Jr.	Beatrice B. Netanius	Jason L. Kallina	Lance Speck
L. Kristine Carpenter	HJ.Houck	Patrick A. Kallina	Frank H. Reading, Jr.
Naiser	Virgie Houck	Raymond P. Jacob	Nelda O. Reading
Doris Ellis	SharJaD. Goad	Carrol Jacob	McHenry Lee
Mary Moody	Ronald Crain	Laval R. Bolling, Jr.	Carol Ann Lee
Millard Brisbois	Evelyn Crain	Jennet A. Bolling	James D. Moers
Lucille Brisbois	Michael Glibert, II	Thomas G. Post	Rhonda Lynn Moers
Kimberly Hyatt	Jill Gilbert	Carol Post	Frank W.Marek
Donald P. Hyatt	Josephine H.	Larry Obenhaus	Gloria Marek
Elizabeth Powell	Harrington	Lynn A. Obenhaus	Jon T. CutskaJ
Michael Powell	C. Michael	James David Sansing	Weide K. Cutshall
Cornelia Cobb Norman	Harrington	IK.. Warford	TimothyRaub
Peterson	Kenneth P. Kingdon	Edward C. Warford	
Priscilla Cobb WISSink	Joe Ann Kingdon	CarenSmith	
Ronald J. Crist	Cathy Smith	Keith I. Smith	
Carol Crist	Gregory Cox	Bruce Kacal	
Joe Freeman	Carrie Guevara	Gary W. Kacal	
Suzann Freeman	Stephanie Rene	Edna E. Kacal	
Anna K. Williams	Guevara	Randy Kacal	
Robby Williams	James E. Koop Jr.	Beverly Hensley	
Joyce S. Erfurdt	William R. Clark	Jerry Hensley	
Kristie Sievers	Shelia Koop	NeldaZwabr	
Mark Sievers	Anne J. Clark	Chester L. Zwahr	
Michael Anderson, Jr.	Billy A. Forrester, Jr.	Frederick I. Dennick	
David Sappington	Evelyn Saucier	JoeL. Reed	

Continued

## Exhibit B

DESCRIPTION of a parcel of land situated in and a part of the William Arnold Survey, A-2, Calhoun County), Texas being described as follows:

BEGINNING at the Southeast corner of a 2.675 acre Tract designated as Reserve "8" according to the recorded plat of Sunlandings Phase I in Volume Z, Page 527 of the Calhoun Plat Records and in the Northeast line of Lot 2, Block 1 of the Marshall Johnson Subdivision according to the recorded plat in Volume Z, Page 105 of the Calhoun County Plat Records;

THENCE, in a Northwesterly direction with the Southwesterly lines of said Reserve "6" to an interior corner of said Reserve "B";

THENCE, in a Southwesterly direction with the Northwest line of Johnson Avenue to the East corner of Lot 42, Block 1 of the said Marshall Johnson Subdivision;

THENCE, in a Northwesterly direction with the Northeast line of said Lot 42 and the Southwest line of White Marlin Drive to the common corner of said Lot 142 and Lot 311 of Sunlandings Phase I;

THENCE, in a Southwesterly direction with the common line of Sunlandings Phase I and Marshall Johnson Subdivision to the South line of County Road No. 306 and the North corner of Lot 601 of Enchanted Harbor Section Two according to the recorded plat in Volume Z, Page 439 of the Calhoun County Plat Records;

THENCE, in a Westerly direction with the South line of County Road No. 306 to the Northeast corner of Lot 518 of Enchanted Harbor Section Two, same being the Northeast corner of Track 10 of Sunlandings Phase II according to the recorded plat in Volume Z, Page 536 of the Calhoun County Plat Records;

THENCE, in a Southwesterly direction with the Northwesterly or Oceanview Drive according to the recorded plat of Enchanted Harbor Section Two same being the Northwest line of Sunfish Lane according to the recorded plat of Sunlandings Phase II, pass the South line of Sunlandings Phase II and continuing with the Northwest line of Oceanview Drive to the Southeast corner of Lot 584 in the North line of Lot 567 of Enchanted Harbor Section Two;

THENCE, in a Westerly direction with the South lines of Lots 584 and 585, same being the North lines of Lots 567 and 586 to the common corner of Lots 585 and 586 in the East line of Triton Drive according to the recorded plat of said Enchanted Harbor Section Two;

THENCE, in a Southerly direction with the East line of said Triton Drive and its projection pass the common corners of Lots 506 and 507 of Enchanted Harbor Section Two in the North line of a 7.24 acre tract saved and excepted out of a 60.57 acre tract of land as described in Volume 178, Page 239 of the Calhoun County Official Records and continuing to the existing South line of County Road No. 314;

THENCE, in a Westerly direction S 66° 47' 33" W with the existing South line of said County Road No. 314 approximately 502.77 feet to the Northwest corner of a proposed 5 acre Wastewater Treatment Plant site;

THENCE, in a Southerly direction S 24° 35' 00" E crossing into the said 60.57 acre tract of land approximately 452.31 feet to the Southwest corner of the said proposed Wastewater Treatment Plant site;

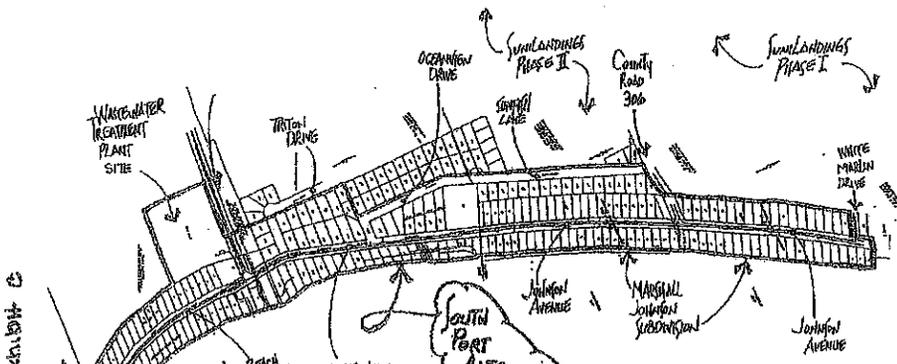
THENCE, in a Easterly direction N 65° 25' 00" E with the South line of the said proposed Wastewater Treatment Plant site approximately 494.88 feet to the common corner of Lots 43 and 42 of the Arnold Koop Subdivision according to the recorded plat in Volume Z, Page 144 of the Calhoun County Plat Records;

THENCE, in a Southeasterly direction with the West line of the Arnold Koop Subdivision, same being the East line of the said 60.57 acre tract, to the Southwest corner of Lot 27 in the said Arnold Koop Subdivision being in the North line of a 1119.62 acre tract as described in Volume 388, Page 737 of the Calhoun County Official Records;

THENCE, in a Easterly direction with the South line of the Arnold Koop Subdivision and the North line of the said 1119.62 acre tract to the existing shoreline of Carancahua Bay;

THENCE, in a Northerly direction with the existing shoreline of Carancahua Bay and the East line of Arnold Koop Subdivision, Enchanted Harbor Section Two and Marshall Johnson Subdivision to the Northeast corner of Lot 2, Block 1 of the said Marshall Johnson Subdivision;

THENCE, in a Westerly direction with the North line of said Lot 2, Block 1 to the PLACE OF BEGINNING, encompassing approximately 56.6 acres. (Enchanted Harbor Section 2)



Calhoun CAD

[Property Search](#) [Login](#)

Property Search Results > 1 - 1 of 1 for Year 2010

[New Search](#)

Click the "Details" or "Map" link to view more information about the property or click the checkbox next to each property and click "View Selected on Map" to view the properties on a single map.

Property Address     Legal Description

Property ID	Geographic ID	Type	Legal Description	Owner Name	Appraised Value	
24949	S0405-00000-0032-00	Real	ARNOLD KOOP, LOT 42	DENNICK FREDERICK J JR	\$58,040	 <a href="#">View Details</a>

Page: 1

[View Selected on Map](#)

Questions Please Call (361) 552-4560

Website version: 1.2.2.2

Database last updated on: 7/21/2010 8:36 PM

© 2010 True Automation, Inc. All Rights Reserved. Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Harry G. Forbes, Jr.  
433 Crestwind Drive  
San Antonio, Texas 78239

2010 JUL 27 AM 9:44

H  
CHIEF CLERKS OFFICE

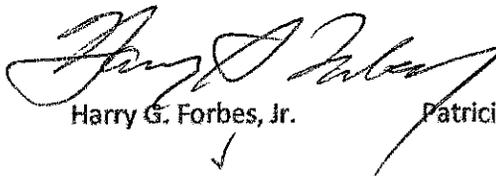
July 24, 2010

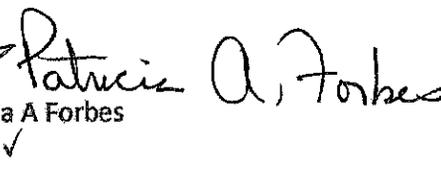
Office of the Chief Clerk  
MCI05 TCEQ  
PO Box 130087  
Austin, Texas 78711-3087

DIS  
73215

1. From: Harry G. Jr & Patricia A. Forbes  
223 Marshall Johnson Avenue North  
Port Lavaca, TX  
Tel: 361 893 5164 (Port Alto) 210 590 4468 (San Antonio) 210 215 1640 (Cell)
2. Petitioners are South Port Alto Municipal Utility District of Calhoun County, Internal Control No. 03012010-D02
3. My request for a contested case hearing is based on the following:
  - a. Petitioners are planning a system that includes a new commercial-sized aerobic treatment plant. There is an existing fully functioning and TCEQ-inspected and compliant plant less than 300 yards from the proposed MUD boundary. The existing plant is modular in construction and can be enlarged if it becomes necessary. We are not hooked up to this system; however, the people directly across the street from us are hooked up to it. If given an opportunity, we would be very agreeable to being hooked up to this system. We have been advised that it would require a lift system be installed to accomplish this. The cost estimates to include the houses on our side of the street are much lower than the estimated almost \$2 million proposed for the MUD to install a completely new system.
  - b. We do not want to be saddled with an additional taxing authority and a debt of \$2 million to be paid back by a very small number of residents, especially when there are other alternatives that are much less costly. Additionally, we already have a fully functioning septic tank which has given us absolutely no trouble in the 7 years we have owned the home.
  - c. This is a second home for us and the taxes and insurance are already exorbitantly high due to its location. Since we are not full-time residents in Calhoun County, we have no opportunity to vote on issues such as this, but have to live with the full effects of these decisions.
4. Our home is located at 223 Marshall Johnson Avenue, North -- at the north end of the proposed MUD.

Sincerely,

  
Harry G. Forbes, Jr.

  
Patricia A. Forbes

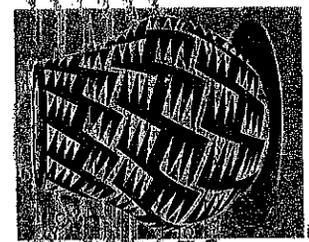
MW

...very difficult to  
...the people do only  
...and can be  
...with 300 years  
...of the world

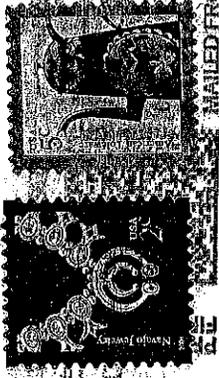
...to be used  
...the system  
...the people do only

...of the world  
...the system  
...the people do only

...of the world  
...the system  
...the people do only



Acoma pot USA37

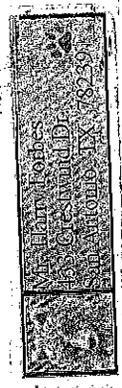
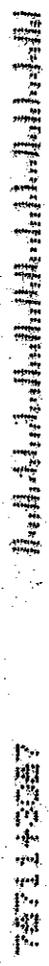


RECEIVED

JUL 27 2010

TCEQ MAIL CENTER  
JR

Office of the Chief Clerk  
MC 105 TCEQ  
PO Box 130087  
Austin TX 78711-3087



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2010 JUL 27 AM 9:44  
CHIEF CLERKS OFFICE

CLAUDIA D. HAAS  
522 MARSHALL JOHNSON AVENUE SOUTH  
PORT LAVACA (PORT ALTO), TEXAS 77979-5340  
(281) 768-0120

July 25, 2010

U.S. Certified Mail  
Return Receipt Requested

DIS  
7/32/10

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

✓ CHIEF CLERKS OFFICE

2010 AUG - 2 PM 3:04

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Re: TCEQ Internal Control Number 03012010-D02  
South Port Alto Municipal Utility District of Calhoun County

Dear Ms. Castañuela:

In connection with the above referenced matter, please consider this letter a request for a contested case hearing. In accordance with your notice dated June 10, 2010 I submit the following information:

- 1) Claudia D. Haas  
522 Marshall Johnson Avenue South  
Port Lavaca, Texas 77979  
Daytime phone number: (281) 768-0120  
No fax
- 2) Please see attached Exhibit A, the name of Petitioners  
TECQ Internal Control Number 03012010-D02
- 3) I request a contested case hearing.
- 4) I am affected by the petition in a way not common to the general public as follows:

I have already invested a Norweco Singular Bio-Kinetic  
Wastewater System which utilizes the most up to date wastewater

MW

Ms. LaDonna Castañuela, Chief Clerk  
July 25, 2010  
Page 2

treatment technology at a cost of over \$6,000.00 and can not afford the additional cost as proposed by the SPA MUD.

The proposed SPA MUD would increase my property taxes.

- 5) My property is located within the boundaries of the proposed South Port Alto Municipal Utility District more specifically described as Enchanted Harbor Section 2, Lot 644 and Enchanted Harbor Block 16, Lots 593, 594 and 646.

My proposed adjustment to the petition would be to retract it in its entirety due to the fact that the existing waste water treatment system located at Sunny Landing subdivision which borders the North end of the proposed SPA MUD has the capacity to handle South Port Alto waste water treatment.

Please be advised that a property owner of a large contiguous area (**not inclusive in the MUD, therefore not taxed**) which after development of the MUD would increase the potential development value of this private individuals property and is inequitable to the proposed SPA MUD property owners.

If you have any question, or need additional information, please do not hesitate to contact me.

Sincerely,



Claudia D. Haas  
Property Owner, South Port Alto, Texas

Enclosure: Exhibit A

**Exhibit A**

**Signers of Petition or Listed on the Central Appraisal District Certificate**

**South Port Alto Municipal Utility District of Calhoun County  
TCEQ Internal Control No. 03012010-D02**

Kristen E. Posey	Jan Clinkscales	Robert A. Smith	Shirley J. Reed
Catricia L. Mills	Ronald Clinkscales	Marsha Smith	Remes C. Hoiny, Jr.
Lesley Koop	Wilbard E. Ulbricht	Robert Busby	Sue Ann Heiny
Gloria Koop	Lee B. Ulbricht	Linda Busby	Martha McCampsey
Frank Zboril	Alton K. Easton	Henry H. Ahrens, II	Darrell Atkinson
Marianne Zboril	Andrey D. Shultz	Sharon Ahrens	Donna Atkinson
Rhonda Martinica	Easton	Avis Payne Lessor	Robert Ferguson
Stephen Martinica	Myron E. Goforth	Charles E. Doyle, Jr.	Eveleyn Ferguson
Regina M. Schneider	Dorothy A. Goforth	Stephen McCarty	Thomas Bulckwell
Anita L. Koop	Monroe Lee King, Jr.	Gerald F. Kallina	Thomas B. Blackwell, Jr.
Roy E. Floyd, Jr.	Jane Ann King	Christine L. Withee	Dick Koop
Joyce Lovelace	Eugene A. Netardus	Terrance D. Withee	Cindy W. Speck
Les Bunge, Jr.	Beatrice B. Netardus	Jason L. Kallina	Lance Speck
L. Kristine Carpenter	H.J. Houck	Patrick A. Kallina	Frank H. Reading, Jr.
Naiser	Virgie Houck	Raymond P. Jacob	Nelda O. Reading
Doris Ellis	Sharla D. Goed	Carrol Jacob	McHenry Lee
Mary Moody	Ronald Crain	Laval H. Bolling, Jr.	Carol Ann Lee
Millard Brisbois	Evelyn Crain	Jemeth A. Bolling	James D. Moers
Lucille Brisbois	Michael Glibert, II	Thomas G. Post	Rhonda Lynn Moers
Kimberly Hyatt	Jill Gilbert	Carol Post	Frank W. Marek
Donald P. Hyatt	Josephine H.	Larry Obenhaus	Gloria Marek
Elizabeth Powell	Harrington	Lynn A. Obenhaus	Jim T. Cutskall
Michael Powell	C. Michael	James David Sausing	Weide K. Cutshall
Cornelia Cobb Norman	Harrington	J.K. Warford	Timothy Raub
Peterson	Kenneth P. Kingdon	Edward C. Warford	
Priscilla Cobb Wissink	Joe Ann Kingdon	Caren Smith	
Ronald J. Crist	Cathy Smith	Keith L. Smith	
Carol Crist	Gregory Cox	Bruce Kacal	
Joe Freeman	Carrie Guevara	Gary W. Kacal	
Suzann Freeman	Stephanie Rene	Edna E. Kacal	
Anna K. Williams	Guevara	Randy Kacal	
Robby Williams	James E. Koop Jr.	Beverly Hensley	
Joyce S. Erfurd	William R. Clark	Jerry Hensley	
Kristie Sievers	Shelia Koop	Nelda Zwahr	
Mark Sievers	Anne J. Clark	Chester L. Zwahr	
Michael Anderson, Jr.	Billy A. Forrester, Jr.	Frederick J. Dennick	
David Sappington	Evelyn Saucier	Joe L. Reed	

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 AUG -2 PM 3:04  
CHIEF CLERKS OFFICE

Claudia Boas  
592 Marshall Johnson Ave  
Port Lavaca TX 77979-5340

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 AUG -2 PM 3:15

CHIEF CLERKS OFFICE

42 Casa Blanca Dr.  
Inez, Texas 77968  
July 29, 2010

RE: TCEQ Internal Control No. 03012010-D02  
Contested Case Hearing

DIS  
73215

Office of the Chief Clerk, MC105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Chief Clerk,

The following information is submitted for your review regarding the reference above:

- Frank & D'Ann Hurta  
42 Casa Blanca Drive  
Inez, Texas 77968  
Home number: 361.582.4709; Cell number 361.649.5810
- South Port Alto Municipal Utility District of Calhoun County, Texas  
Petitioners listed as exhibit "A" filed with TCEQ  
TCEQ Internal Control Number 03012010
- We request a contested case hearing.
- **WE DO NOT NEED a public sewer system. We purchased extra lots fourteen years ago to be able to install a licensed septic system which is still working well. There is much to address and question in this matter to get factual information regarding the need to even create this MUD. There is a State licensed public sewer system and treatment plant operating in South Port Alto fairly close to the boundary which was submitted to TCEQ. We understand it could be expanded for much less money to serve the needs of those who need sewer. Jesse Wood owns and operates this system. Why not approach him to expand the system at MUCH LESS COST? We are concerned there was some deception of the long range cost/purpose of this project, as the petition was initially being presented for signatures. We wouldn't sign it, and others have asked to be taken off the petition when they realized what they had actually signed. Another one of our concerns is the motivation/benefit to some individuals in this small group at the cost of**

MW

others. If sewer was their only objective, they would be talking to Jesse Wood. This seems so reasonable, but the petitioners will not consider this alternative or answer questions regarding the impact a MUD would have on us now or in the future. We also question whether the petitioner actually owns title to a majority of the land value in the proposed "district." Since our homestead is in Victoria County, we can not vote on this matter and only have a voice through your Commission. It is mindboggling to us that we could be obligated to pay, and pay, and pay for something we do not need, by a vote of approximately 10% of the land owners in this small fishing village. WE ARE IN OUR MID 60'S AND TAXING US FOR THIS PROJECT WOULD DEFINITELY PLACE AN ADDITIONAL FINANCIAL HARDSHIP ON US, AS WE TRY TO HOLD ON TO OUR DREAM OF OWNING A SMALL BAY PROPERTY FOR THE ENJOYMENT OF OUR CHILDREN AND GRANDCHILDREN.

- **Our property description: Enchanted Harbor, Block 16, Lot 590, 591, 596, 597, and Enchanted Harbor Sec 2, Lot 643, Calhoun County, Texas. This is within the proposed boundary of the MUD.**

Sincerely,

  
M/M Frank J. Hurta, Jr.





**PEPPER-LAWSON**  
CONSTRUCTION, L.P.

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY H

2010 JUL 26 PM 3:02

CHIEF CLERKS OFFICE

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

Via Facsimile Transmission to (512) 239-3311

DIS  
73215

Re: TCEQ Internal Control No. 03012010-D02; Petition to Create South Port Alto  
Municipal Utility District of Calhoun County, Texas

Ladies and Gentlemen:

By this letter, I request a contested case hearing on the above-referenced matter. My  
contact information is as follows:

Name: Paul E. Lawson  
Mailing Address: P.O. Box 219227, Houston, Texas 77218  
Daytime Phone No.: (713) 882-2158  
FAX No.: (281) 371-2029

The Petitioners in this matter, TCEQ Internal Control No. 03012010-D02, are listed on  
Exhibit A to the Notice of District Petition included herein and made a part hereof for all  
purposes.

I am a property owner within the boundaries of the proposed district and I, along with  
numerous other similarly situated property owners, will be adversely affected by the  
petition in a way not common to the general public, as follows:

The area within the proposed district includes a number of residences that are  
used partly as full time residences, but predominantly as second homes, with  
virtually no taxable commercial property. The Petitioners are predominantly  
owners of residences within the proposed district that were constructed using  
inadequate, undersized or improperly constructed and maintained conventional  
septic tank systems and field line areas. They seek to create the district to  
finance, construct and operate a sanitary sewer system to improve sewer services  
to and the value of their properties at an unfair and disproportionate cost and  
expense burden to me and to other similarly situated property owners. My  
residence, and many others that are similarly situated, were constructed using  
modern, aerobic treatment systems that are situated on adequately sized discharge  
areas purchased by me and others in the form of additional lots in order to  
properly accommodate these sewage systems. As such, my property, and the  
property of many other similarly situated owners, will not derive any benefit from  
the creation of the proposed district; the creation of the proposed district, the

P.O. Box 219227, Houston, Texas 77218-9227 TEL (281) 371-3100  
4555 Katy-Hockley Cut-Off Road, Katy, Texas 77493 FAX (281) 371-2029

MW

incurrence of debt by the district, and the imposition by the district of unnecessary taxes and charges will have a punitive effect on my property and other similar properties that have already incurred the additional costs to construct and operate proper sewage systems; and my property and other similar properties, based upon the size and taxable value of residences utilizing proper sewage systems, when compared to residences using inadequate systems, will be disproportionately taxed on an ad valorem and a usage basis to finance a sewage system only to benefit others who have, by their own (in)actions, inadequate systems and who will pay a disproportionately smaller tax or charge.

In addition, based upon my familiarity with municipal utility districts, and as an experienced contractor in the construction of sewage systems, I believe it is not economically feasible to create and operate a municipal utility district over an area of only 56.6 acres of sparsely populated land and that a more efficient and cost effective system serving only those properties with inadequate sewage systems can be easily designed and constructed. There currently exists a water system that serves all of the Petitioners and all others within the proposed district. That operator also operates a Wastewater Treatment Plant that serves an immediately adjacent area. This existing plant has more than enough capacity to serve all of the Petitioners who need wastewater services. All of the Petitioners, except a small minority, are a great deal closer to the existing plant than to the proposed facility location. Accordingly, the proposed district is not feasible from either an engineering or economic standpoint, is not necessary and does not benefit my property and a significant portion of the properties proposed to be included within the district.

A legal description of my affected property is included. I respectfully request that the petition be denied or, alternatively, that my property be excluded from the boundaries of the proposed district.

Yours very truly,



Paul E. Lawson

Attachments:

Notice of District Petition  
Legal Description

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. 03012010-D02

**PETITION.** Petitioner (over 50 individuals in number and listed in exhibit "A") filed a petition for creation of South Port Alto Municipal Utility District of Calhoun County ("District") with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner is the holder of title to a majority in value of the land to be included in the proposed District; (2) there is no other conservation or reclamation district in Calhoun County, Texas with the same name; and (3) the proposed District will contain approximately 56.6 acres located within Calhoun County, Texas. The filed engineer's report states the proposed District is not within the corporate boundaries of any city or within the extraterritorial jurisdiction of any city, town or village in Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "B" and is depicted in the vicinity map designated as Exhibit "C", both of which are attached to this document.

The petition further states that the proposed District will purchase, construct, acquire, improve, extend, maintain, and operate a wastewater system for residential and commercial purposes; maintain, and operate additional facilities, systems, plants, and enterprises consistent with the purposes for which the District is created and permitted under State law.

According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$1,890,000.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

The Wane.  
Sat. June 26, 2010

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the address above. For additional information, individual members of the general public may contact the District Creation Team at 512-239-4691. Si desea información en Español, puede llamar al 512-239-0200. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Issued: June 10, 2010

Exhibit A

Signers of Petition or Listed on the Central Appraisal District Certificate

South Port Alto Municipal Utility District of Calhoun County  
TCEQ Internal Control No. 03012010-D02

Kristen B. Posey	Jan Clinkscales	Robert A. Smith	Shirley J. Reed
Patricia L. Mills	Ronald Clinkscales	Marsha Smith	Remes C. Heiny, Jr.
Lesley Koop	Willard E. Ulbricht	Robert Busby	Sue Ann Heiny
Gloria Koop	Lee B. Ulbricht	Linda Busby	Martha McCampsey
Frank Zboril	Alton K. Easton	Henry H. Ahrens, II	Darrell Atkinson
Marianna Zboril	Audrey D. Shultz	Sharon Ahrens	Donna Atkinson
Rhonda Martinica	Easton	Avis Payne Lessor	Robert Ferguson
Stephen Martinica	Myron E. Goforth	Charles E. Doyle, Jr.	Eveleyn Ferguson
Regina M. Schneider	Dorothy A. Goforth	Stephen McCarty	Thomas Blackwell
Anita L. Koop	Monroe Lee King, Jr.	Gerald P. Kallina	Thomas E. Blackwell, Jr.
Roy E. Floyd, Jr.	Jane Ann King	Christine L. Withee	Diak Koop
Joyce Lovelace	Bugene A. Netardus	Terrance D. Withee	Cindy W. Speck
Les Bunge, Jr.	Batrice B. Netardus	Jason L. Kallina	Lance Speck
L. Kristine Carpenter	H.J. Houck	Patrick A. Kallina	Frank H. Reading, Jr.
Neiser	Virgie Houck	Raymond P. Jacob	Nelda O. Reading
Doris Ellis	Sharla D. Goad	Carol Jacob	McHenry Lee
Mary Moody	Ronald Crain	Laval H. Bolling, Jr.	Carol Ann Lee
Millard Brisbois	Evelyn Crain	Jenneth A. Bolling	James D. Moers
Luella Brisbois	Michael Glibert, II	Thomas G. Post	Rhonda Lynn Moers
Kimberly Hyatt	Jill Gilbert	Carol Post	Frank W. Marek
Donald P. Hyatt	Josephine H.	Larry Obenhaus	Gloria Marek
Elizabeth Powell	Harrington	Lynn A. Obenhaus	Jon T. Cutskall
Michael Powell	C. Michael	James David Sansing	Weide K. Cutshall
Conelia Cobb Norrman	Harrington	J.K. Warford	Timothy Raub
Peterson	Kenneth P. Kingdon	Edward C. Warford	
Priscilla Cobb Wissink	Joe Ann Kingdon	Caren Smith	
Ronald I. Crist	Cathy Smith	Keith L. Smith	
Carol Crist	Gregory Cox	Bruce Kacal	
Joe Freeman	Carrie Guevara	Gary W. Kacal	
Suzann Freeman	Stephanie Rens	Edna E. Kacal	
Anita K. Williams	Guevara	Randy Kacal	
Robby Williams	James E. Koop Jr.	Beverly Hensley	
Joyce S. Bifirdt	William R. Clark	Jerry Hensley	
Kristie Sievers	Shelia Koop	Nelda Zwahr	
Mark Sievers	Anne J. Clark	Chester L. Zwahr	
Michael Anderson, Jr.	Billy A. Forrester, Jr.	Frederick J. Dennick	
David Sappington	Evelyn Saucier	Joe L. Reed	

Legal Description

(509 Marshall Johnson Avenue, Port Lavaca, Texas 77979)

0.66 ACRE SURVEY  
LOTS 647 – 649 OF  
ENCHANTED HARBOR, SECTION TWO  
VOLUME Z, PAGE 439 OF THE  
CALHOUN CO. PLAT RECORDS  
AND THE ADJOINING 20.00'  
VOLUME 223, PAGE 573  
CALHOUN CO. OFFICIAL RECORDS  
WILLIAM ARNOLD SURVEY  
ABSTRACT NO. 2  
CALHOUN COUNTY, TEXAS

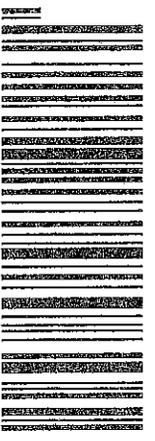
LOTS NUMBERED FIVE HUNDRED AND SEVEN (507) AND FIVE  
HUNDRED AND EIGHT (508) AND FIVE HUNDRED AND NINE (509),  
ENCHANTED HARBOR, SECTION II, a subdivision of lands in the William  
Arnold League, Abstract #2, Calhoun County, Texas, according to the plat of said  
subdivision of record in Volume "Z", Page 439, of the Plat records of Calhoun  
County, Texas.

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

JUL 26 PM 3:02  
CHIEF CLERKS OFFICE

MAIL ROOM  
RECORDS  
GENERAL INVESTIGATIVE  
DIVISION  
PROPERTY  
TRAINING  
OFFICE  
ADMINISTRATIVE  
SERVICES  
COMMUNICATIONS  
DIVISION  
LABORATORY  
PLANNING  
AND  
DESIGN  
DIVISION  
REGULATORY  
AFFAIRS  
DIVISION  
LEGAL  
COUNSEL  
DIVISION  
OFFICE  
OF  
GENERAL  
COUNSEL  
OFFICE  
OF  
THE  
COMMISSIONER  
OFFICE  
OF  
THE  
SECRETARY

MC105



7002 0660 0004 8106 8866

REGISTERED MAIL



**PEPPER-LAWSON**  
CONSTRUCTION, L.P.  
P.O. Box 219227  
Houston, Texas 77218-9227

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

RECEIVED

JUL 26 2010

TCEQ MAIL CENTER  
JC

JUL. 20. 2010 56PM

Received:

Jul 20 2010 01:48pm

NO. 7427 P. 2

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



**PEPPER-LAWSON**  
CONSTRUCTION, L.P.

H

2010 JUL 20 PM 1:54

CHIEF CLERKS OFFICE

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

Via Facsimile Transmission to (512) 239-3311

DIS  
73215

Re: TCEQ Internal Control No. 03012010-D02; Petition to Create South Port Alto  
Municipal Utility District of Calhoun County, Texas

Ladies and Gentlemen:

By this letter, I request a contested case hearing on the above-referenced matter. My  
contact information is as follows:

Name: Paul E. Lawson  
Mailing Address: P.O. Box 219227, Houston, Texas 77218  
Daytime Phone No.: (713) 882-2158  
FAX No.: (281) 371-2029

The Petitioners in this matter, TCEQ Internal Control No. 03012010-D02, are listed on  
Exhibit A to the Notice of District Petition included herein and made a part hereof for all  
purposes.

I am a property owner within the boundaries of the proposed district and I, along with  
numerous other similarly situated property owners, will be adversely affected by the  
petition in a way not common to the general public, as follows:

The area within the proposed district includes a number of residences that are  
used partly as full time residences, but predominantly as second homes, with  
virtually no taxable commercial property. The Petitioners are predominantly  
owners of residences within the proposed district that were constructed using  
inadequate, undersized or improperly constructed and maintained conventional  
septic tank systems and field line areas. They seek to create the district to  
finance, construct and operate a sanitary sewer system to improve sewer services  
to and the value of their properties at an unfair and disproportionate cost and  
expense burden to me and to other similarly situated property owners. My  
residence, and many others that are similarly situated, were constructed using  
modern, aerobic treatment systems that are situated on adequately sized discharge  
areas purchased by me and others in the form of additional lots in order to  
properly accommodate these sewage systems. As such, my property, and the  
property of many other similarly situated owners, will not derive any benefit from  
the creation of the proposed district; the creation of the proposed district, the

P.O. Box 219227, Houston, Texas 77218-9227 TEL (281) 371-3100  
4555 Katy-Hockley Cut-Off Road, Katy, Texas 77493 FAX (281) 371-2029

MW

incurrence of debt by the district, and the imposition by the district of unnecessary taxes and charges will have a punitive effect on my property and other similar properties that have already incurred the additional costs to construct and operate proper sewage systems; and my property and other similar properties, based upon the size and taxable value of residences utilizing proper sewage systems, when compared to residences using inadequate systems, will be disproportionately taxed on an ad valorem and a usage basis to finance a sewage system only to benefit others who have, by their own (in)actions, inadequate systems and who will pay a disproportionately smaller tax or charge.

In addition, based upon my familiarity with municipal utility districts, and as an experienced contractor in the construction of sewage systems, I believe it is not economically feasible to create and operate a municipal utility district over an area of only 56.6 acres of sparsely populated land and that a more efficient and cost effective system serving only those properties with inadequate sewage systems can be easily designed and constructed. There currently exists a water system that serves all of the Petitioners and all others within the proposed district. That operator also operates a Wastewater Treatment Plant that serves an immediately adjacent area. This existing plant has more than enough capacity to serve all of the Petitioners who need wastewater services. All of the Petitioners, except a small minority, are a great deal closer to the existing plant than to the proposed facility location. Accordingly, the proposed district is not feasible from either an engineering or economic standpoint, is not necessary and does not benefit my property and a significant portion of the properties proposed to be included within the district.

A legal description of my affected property is included. I respectfully request that the petition be denied or, alternatively, that my property be excluded from the boundaries of the proposed district.

Yours very truly,



Paul E. Lawson

Attachments:

Notice of District Petition  
Legal Description

JUL 20 2010 1:56PM

NO. 7427 P. 4

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. 03012010-D02

**PETITION.** Petitioner (over 50 individuals in number and listed in exhibit "A") filed a petition for creation of South Port Alto Municipal Utility District of Calhoun County ("District") with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner is the holder of title to a majority in value of the land to be included in the proposed District; (2) there is no other conservation or reclamation district in Calhoun County, Texas with the same name; and (3) the proposed District will contain approximately 56.6 acres located within Calhoun County, Texas. The filed engineer's report states the proposed District is not within the corporate boundaries of any city or within the extrajurisdictional jurisdiction of any city, town or village in Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "B" and is depicted in the vicinity map designated as Exhibit "C", both of which are attached to this document.

The petition further states that the proposed District will purchase, construct, acquire, improve, extend, maintain, and operate a wastewater system for residential and commercial purposes; maintain; and operate additional facilities, systems, plants, and enterprises consistent with the purposes for which the District is created and permitted under State law.

According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$1,890,000.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

*The Wave*  
*Vol. June 2010*

JUL 20, 2010 1:57PM

NO. 7427 P. 5

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting to determine whether a contested case hearing will be held. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the address above. For additional information, individual members of the general public may contact the District Creation Team at 512-239-4691. Si desea información en Español, puede llamar al 512-239-0200. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Issued: June 10, 2010

Exhibit A

Signers of Petition or Listed on the Central Appraisal District Certificate

South Port Alto Municipal Utility District of Calhoun County  
TCEQ Internal Control No. 03012010-D02

Kristen B. Posey	Jan Clinkcales	Robert A. Smith	Shirley J. Reed
Catricia L. Mills	Ronald Clinkcales	Marsha Smith	Rames C. Helmy, Jr.
Lesley Koop	Willard B. Ulbricht	Robert Busby	Sue Ann Reiny
Gloria Koop	Leo B. Ulbricht	Linda Busby	Martha McCumpsey
Frank Zboril	Alton K. Easton	Henry H. Atkins, II	Darrell Atkinson
Martina Zboril	Audrey D. Shultz	Sharon Atkins	Donna Atkinson
Rhonda Martinica	Boston	Avis Payne Lessor	Robert Ferguson
Stephen Martinica	Myron E. Gorbath	Charles E. Doyle, Jr.	Evelyn Ferguson
Regina M. Schneider	Dorothy A. Gorbath	Stephen McCarty	Thomas Balckwell
Antia L. Koop	Manroe Lee King, Jr.	Gerald R. Kallina	Thomas R. Blackwell, Jr.
Roy B. Floyd, Jr.	Jane Ann King	Christine L. Wilhee	Dick Koop
Joyce Lovelace	Eugene A. Nefardus	Tomando D. Wilhee	Cindy W. Speck
Lee Buage, Jr.	Beatrice B. Nefardus	Jason L. Kallina	Lance Speck
L. Kristine Carpenter	H.J. Houtek	Patrick A. Kallina	Frank H. Reading, Jr.
Nelsor	Virgie Houtek	Raymond P. Jacob	Nelda O. Reading
Doris Ellis	Sharda D. Goad	Carol Jacob	McHenry Lee
Mary Moody	Ronald Crain	Laval H. Bolling, Jr.	Carol Ann Lee
Millard Brabant	Evelyn Crain	Jenneth A. Bullog	James D. Moers
Lucille Brabant	Michael Glibert, II	Thomas G. Post	Rhonda Lynn Moers
Kimberly Hyatt	Jill Gilbert	Carol Post	Frank W. Marek
Donald P. Hyatt	Josephine H.	Larry Oberhaus	Gloria Marek
Elizabeth Powell	Harrington	Lynn A. Oberhaus	Jon T. Cutshall
Michael Powell	C. Michael	James David Sansing	Welda K. Cutshall
Christine Cobb Norman	Harrington	J.K. Warford	Timothy Raub
Peterson	Kenneth P. Kingdon	Edward C. Warford	
Friscoilla Cobb Wissink	Joe Ann Kingdon	Caten Smith	
Ronald J. Crist	Cathy Smith	Keith L. Smith	
Carol Crist	Gregory Cox	Bruce Kabel	
Joe Freeman	Charlie Guevara	Gary W. Kacal	
Suzanne Freeman	Stephanie Rene	Edna B. Kacal	
Arlene E. Williams	Guevara	Randy Kacal	
Ruby Williams	James B. Koop Jr.	Beverly Hensley	
Joyce E. Buford	William R. Clark	Jerry Hensley	
Kristie Stevens	Sheba Koop	Nelda Zwahr	
Mark Stevens	Aune J. Clark	Chester L. Zwahr	
Michael Anderson, Jr.	Billy A. Foustler, Jr.	Frederick J. Dennick	
David Sappington	Evelyn Saucier	Joe L. Reed	

Legal Description

(509 Marshall Johnson Avenue, Port Lavaca, Texas 77979)

0.66 ACRE SURVEY  
LOTS 647 – 649 OF  
ENCHANTED HARBOR, SECTION TWO  
VOLUME Z, PAGE 439 OF THE  
CALHOUN CO. PLAT RECORDS  
AND THE ADJOINING 20.00'  
VOLUME 223, PAGE 573  
CALHOUN CO. OFFICIAL RECORDS  
WILLIAM ARNOLD SURVEY  
ABSTRACT NO. 2  
CALHOUN COUNTY, TEXAS

LOTS NUMBERED FIVE HUNDRED AND SEVEN (507) AND FIVE HUNDRED AND EIGHT (508) AND FIVE HUNDRED AND NINE (509), ENCHANTED HARBOR, SECTION II, a subdivision of lands in the William Arnold League, Abstract #2, Calhoun County, Texas, according to the plat of said subdivision of record in Volume "Z", Page 439, of the Plat records of Calhoun County, Texas.

JUL. 20. 2010 1:56PM

Received:

Jul 20 2010 01:48pm

NO. 7427 P. 1  
TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



2010 JUL 20 PM 1:53  
CHIEF CLERKS OFFICE

P. O. BOX 219227  
HOUSTON, TEXAS 77218-9227

TEL (281) 371-3100

FAX (281) 371-2029

### TELECOPY COVER SHEET

FROM: Paul Lawson DATE: July 20, 2010

TO: \_\_\_\_\_

FIRM NAME: Texas Commission on Environmental Quality

FAX NO.: 512-239-3311

REFERENCE: \_\_\_\_\_

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 6

REMARKS:

PLEASE CALL IF YOU DO NOT RECEIVE ALL PAGES (281) 371-3100

James C. Towers  
P. O. Box 508  
Point Comfort, Texas 77978  
361 893 5904  
July 31, 2010

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 AUG -2 PM 3:03

CHIEF CLERKS OFFICE

Office of the Chief Clerk  
MC 105, TCEQ  
P. O. Box 1300878  
Austin, TX 78711-3087

From: James C. Towers  
64 Warsaw Landing  
Port Alto, Texas  
Tel: 361 893 5904  
Email: [jctowers@jcti.biz](mailto:jctowers@jcti.biz) ✓

DIS  
7/32/10

1. My name is James C. Towers.
2. Petitioners are South Port Alto Municipal Utility District of Calhoun County, Internal Control No. 03012010-D02
3. I request a contested case hearing. My request for a contested case hearing is based on:

Petitioners are planning a system that includes a new commercial sized treating plant that is of such a small capacity that the waste could be treated within the capacity of an already existing treating plant located adjacent to one of the boundaries of the proposed district. In addition, there are actually about 250 homes along the Western shore of Carancahua Bay that need to be connected to proper treatment systems. About 34 homes, located in the Sunilandings subdivision are already connected to a system originally supplied by Process Engineered Equipment, Inc. of Corpus Christi, TX. That system was designed for over 100 homes, a hotel, marina and yacht club processing. The Sunilandings subdivision went into bankruptcy years ago and only about 34 homes exist there today. There will probably never be any more homes and certainly the hotel and yacht club will never become a reality. See Figure 1 below.

4. I would be impacted is several ways. If the proposal is approved the effluent discharge for the new plant would be very near where I gather oysters in the winter which I eat. I have no way of testing these oysters for contamination except to eat them. The commercial reefs there need protection. There is also the improvement in treatment plant operations that would follow connection of all the Port Alto homes to it (both and North and South community sections). The existing plant sees very wide swings in throughput because there are so few permanent residents like myself in South Port Alto. Then on weekends and holidays throughput increases suddenly shocking the system. With the addition of North Port Alto connections more permanent residents would be connected.

MWJ

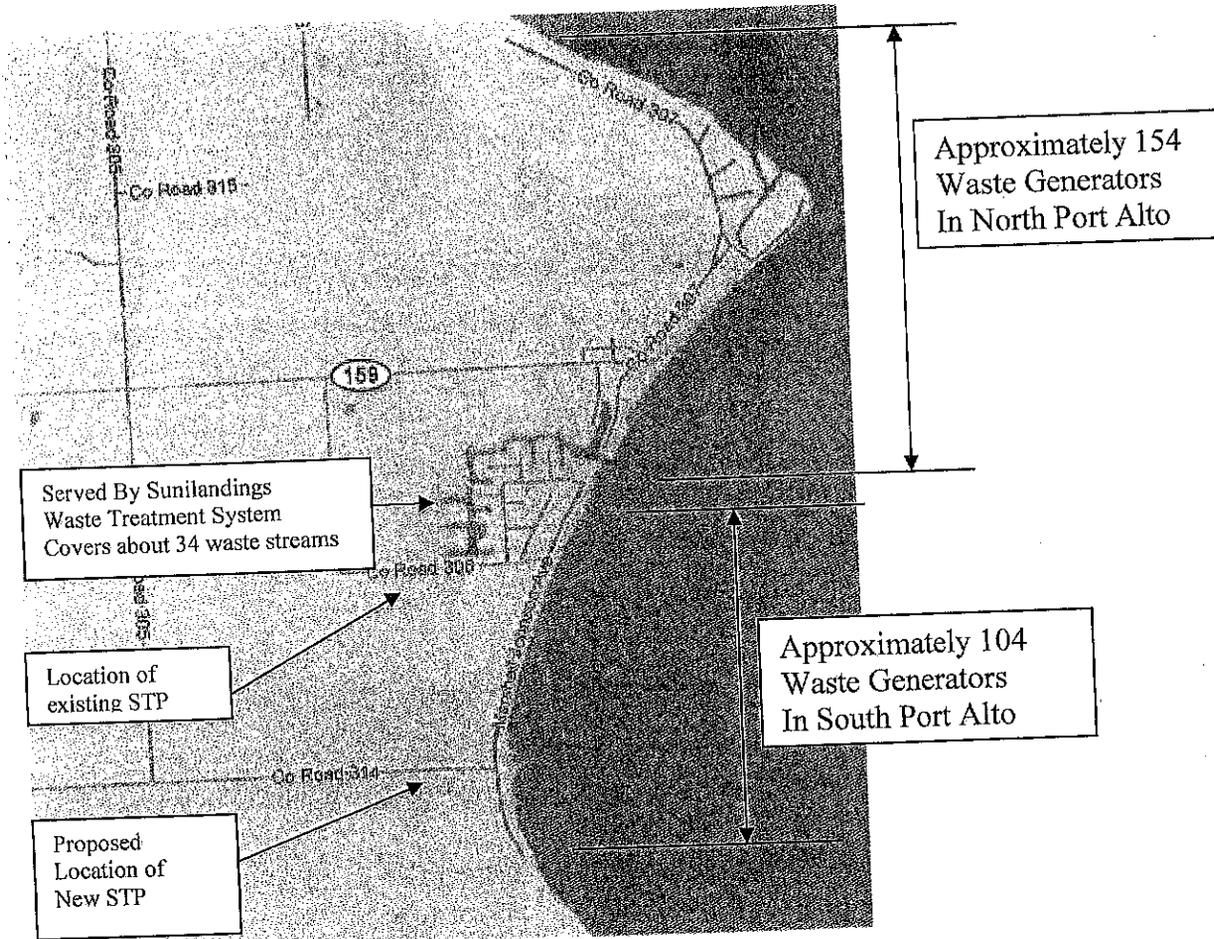


Figure 1

Also, the land proposed for the location of the new sewage processing plant is in an area where I understand a permanent easement exists as it was part of a protected area set aside by Corps of Engineers Permit Number 17026(02) in July 1990 which requires that the hydrology of the tidal and non-tidal wetlands in this area not be altered. The existing site is much better as it was built of fill with a protective dyke to avoid being washed away during storm surges. The effluent of that plant is much further from commercial oyster reefs that are located at the southern end of Carancahua Bay.

5. My property is in Sunilandings. I own 21 lots there. The closest boundary to any of my properties is a few hundred feet. I am not disputing the need to solve the waste treatment problems of our community. I feel the current proposal does not address the majority of the pollution sources affecting our bay and any TECQ action should.

Sincerely

*James C. Towers*  
 James C. Towers

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 AUG -2 PM 3:03  
CHIEF CLERKS OFFICE

J.C. TOWERS  
P.O. Box 508  
Point Overlook,

Tx 77978

OFFICE OF THE CLERK

ME 105 TCEQ

P.O. Box 1302878

AUSTIN, TX 78711-3287



Enchanted Harbor & Sunilandings Utilities

2301 Nancy Lou St.  
El Campo, TX 77437  
979-637-0010  
jwood@jwnet.net ✓

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 JUL -6 AM 10:07

CHIEF CLERKS OFFICE

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

DIS  
73215

June 30, 2010

Re: South Port Alto MUD, TCEQ Control No. 03012010-D02

Dear Chief Clerk:

I request a contested case hearing for the above petition.

As the CCN holder for the area in which they have listed on their petition I would like to protest encroachment into my TCEQ protected area. If more than that is required I respectfully submit the following:

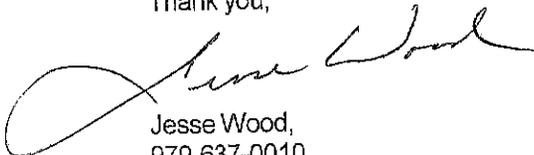
The tax revenue numbers that the petitioners were using are base on false numbers.

When the MUD was first proposed at a general meeting of the public 2008 the general consensus was that a sewer line in the area of interest was needed to replace the old septic tanks. After a meeting to discuss the final update to the MUD was held on September 1, 2008 there were many questions that needed to be answered. Since that time the main MUD organizers have refused to communicate with me and several others. After researching the proposed MUD taxable dollar numbers we found a 3 fold flaw in the taxable property values the effect of which would result in much higher taxes than stated in literature distributed by the promoters. We approached the Calhoun County Tax office and after making them aware of the flawed software thus the flawed numbers they agreed with our findings and thanked us profusely and we proceeded to forward our finding on to the MUD organizers. We have yet to hear anything from them. I believe they are obligated to revise the numbers and give the public the correct information but they have not.

I also would like to question the signatures on the petition as many have called, written, or emailed their request that in light of the new data that their names be removed from the petition.

As the CCN holder I have yet to receive my written notice from the petitioners as I believe is required.

Thank you,



Jesse Wood,  
979-637-0010  
Sunilandings Utilities Wastewater CCN #20739  
Sunilandings Utilities Water Utility CCN #12525  
Enchanted Harbor Water Utility CCN #12683

MW

Enchanted Harbor & Sunilandings Utilities

2301 Nancy Lou St.  
El Campo, TX 77437  
979-637-0010  
jwood@jwnet.net

DIS  
73215

I have a very important question that I need clarification on.

*The petition states that: (1) the Petitioner is the holder of title to a majority in value of the land to be included in the proposed District.*

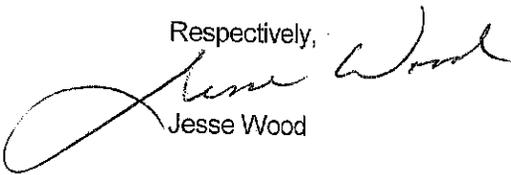
This is fine with me but as I read the rules concerning voting rights once a MUD had been formed that "only permanent residence, ie: registered voters in the county where the MUD resides have the right to vote".

Since this is a weekend community of about 135 homes in which only about 10 or so are full time residences. This tells me that the owners of the other 125 homes will NOT be allowed to vote on ANY MUD issues. They will have absolutely NO say in anything the MUD wants to do even though it is their tax dollars that will be spent.

The good people of Port Alto need to be absolutely, 100% clear on this issue.

A written response is something I can copy and forward to all the folks who want clarity on this. They will not and should not depend on a verbal confirmation from a single person such as myself.

Respectively,



Jesse Wood

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 JUL - 6 AM 10:07

CHIEF CLERKS OFFICE



COMMUNITY  
SERVICES  
DIVISION

JUL 06 09 AM 10:07

CHIEF CLERKS OFFICE

Sunlandings/Enchanted

Harbor Utilities

2301 Nancy Lou

El Campo, TX 77437

TCOEO MAIL CENTER

MM

JUL 06 2010

RECEIVED

2010 JUL -6 AM 10:07

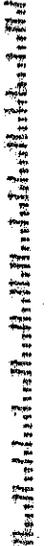
CHIEF CLERKS OFFICE

IN HOUSE MAIL

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



Requested Hearings  
Request



7503+111284