

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, March 05, 2013 11:42 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001

H

From: PUBCOMMENT-OCC
Sent: Tuesday, March 05, 2013 11:01 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0015031001

*MWD
01/498*

From: jpcdkc@att.net [mailto:jpcdkc@att.net]
Sent: Tuesday, March 05, 2013 10:38 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: MR John Calderone

E-MAIL: jpcdkc@att.net

COMPANY:

ADDRESS: 10850 OLD STAGECOACH RD
CHAPPELL HILL TX 77426-6028

PHONE: 9793379725

FAX:

MWD

COMMENTS: I request a contested case hearing concerning Chappell Hill Service Company, LLC Permit No. WQ0015031001 with the decision of the State to allow the release of 400,000 gallons of water a day into Little Cedar Creek. My main concern besides mosquito's, water safety and erosion, is flooding. My property borders Little Cedar Creek on the north side of Little Cedar Creek and just a little east of where this water will enter Little Cedar Creek. A part of my property line is in the center of Little Cedar Creek. The subdivision which I reside in only has one access across a bridge on Little Cedar Creek Road, which is ground level, over Little Cedar Creek. During heavy rains, water from Little Cedar Creek flows over this bridge blocking any entrance or exit to or from the subdivision. There are 14 families who reside in this subdivision. It also causes the lower roads in our subdivision to flood, one being in front of my property. I also get flooding on the back of my property from Little Cedar Creek. I feel that any additional water added to Little Cedar Creek will add to the flooding issue. If this water is released at a time of heavy rain, the flood level in the subdivision will be made worse and could also cause Little Cedar Creek to drain at a much slower rate. Also the release of this water, by itself, could cause the problem of water flowing over the bridge.

July 5, 2012

Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105, P.O. Box 13087
Austin, TX 78711-3087

MWD
8/4/10

CHIEF CLERKS OFFICE

2012 JUL 26 PM 2:34

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: PROPOSED PERMIT NUMBER WQ0015031001
Chappell Hill Service Company, LLC
4201 Running River Lane
Washington, TX 77880

REVIEWED

JUL 30 2012

H

By *BP*

Dear Ms. Bohac:

I am requesting a contested case hearing on the above referenced permit. I own the property adjacent to the development which will be serviced by the wastewater treatment facility. The actual facility will be located 150 – 200 feet from my fence line. The proposed discharge of wastewater from this 102-acre development will adversely affect me. The wastewater will dump directly from the plant, over my property line, and across my pasture. My pasture currently contains only a dry swale, through which the developer plans to run up to 400,000 gallons of wastewater per day.

My pasture is used for grazing horses and cattle. In addition, a portion of my livelihood depends on this pasture, as I bale hay on it regularly. With up to 400,000 gallons of wastewater flowing across it per day, I will lose a large portion of my land. The back half of my pasture will be inaccessible, as wastewater will be flowing across the entire width. Currently, there is only water in my pasture when it rains heavily, and the water drains in 24-48 hours. Also, the quality of the wastewater will be questionable as to whether it is safe for livestock to drink. There have already been negative issues with water in this area having severe impacts on cattle that have ingested it.

I will be the initial recipient of this wastewater. The wastewater will flow where water does not regularly flow. My pasture has been referred to in the proposed permit as an “unnamed ditch”, and most recently, as a “tributary” to Little Cedar Creek. The low spot in my pasture is not a tributary to any body of water.

MWD

I strongly oppose the discharge of wastewater across my property. This has been my family's homestead for over 50 years; I make a portion of my living here; my children play on the property. Becoming the initial recipient of treated wastewater from a major development of commercial, residential, and retail establishments would be a huge problem for me, both financially and aesthetically. According to the developer, anyone in the town of Chappell Hill can tie into this facility, which could make my property the recipient of the majority of the town's human waste. I will see and hear the facility operating, and will smell the odor from it, regularly.

I am also extremely concerned that having the wastewater treatment facility right next to my property and the wastewater running right through the middle of my pasture will negatively impact the value of my property. There are other effective methods of handling the wastewater from this development which would not have such a negative impact on me and my property.

If you have any questions concerning my request for a contested case hearing, please feel free to contact me.

Respectfully,

Mark Cegielski
5159 Church Street
Chappell Hill, TX 77426
979-277-5050

A handwritten signature in cursive script that reads "Mark Cegielski". The signature is written in black ink and is positioned below the typed name and address.

Mark Cegielski
5159 Church Street
Chappell Hill, TX 77426



7011 3500 0003 6800 3980



U.S. POSTAGE
PAID
BRENNHAM, TX
77833
JUL 24, 12
AMOUNT
\$5.75
00027837-11



1000

78711

2012 JUL 26 PM 2:30

CHIEF CLERKS OFFICE

RETURN RECEIPT
REQUESTED

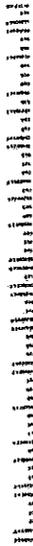
RECEIVED

JUL 26 2012

TCEQ MAIL CENTER
AR

Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105, P. O. Box 13087
Austin, TX 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



787113087 8012

TCEQ Public Meeting Form
December 11, 2012

11

Chappell Hill Service Company, LLC
Municipal Wastewater
Permit No. WQ0015031001

PLEASE PRINT

Name: Mark Cegielski

Mailing Address: 5159 Church St. B

Physical Address (if different): _____

City/State: Chappell Hill TX Zip: 77426

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: 979-277-5050

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

If yes, which one? My Lane

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

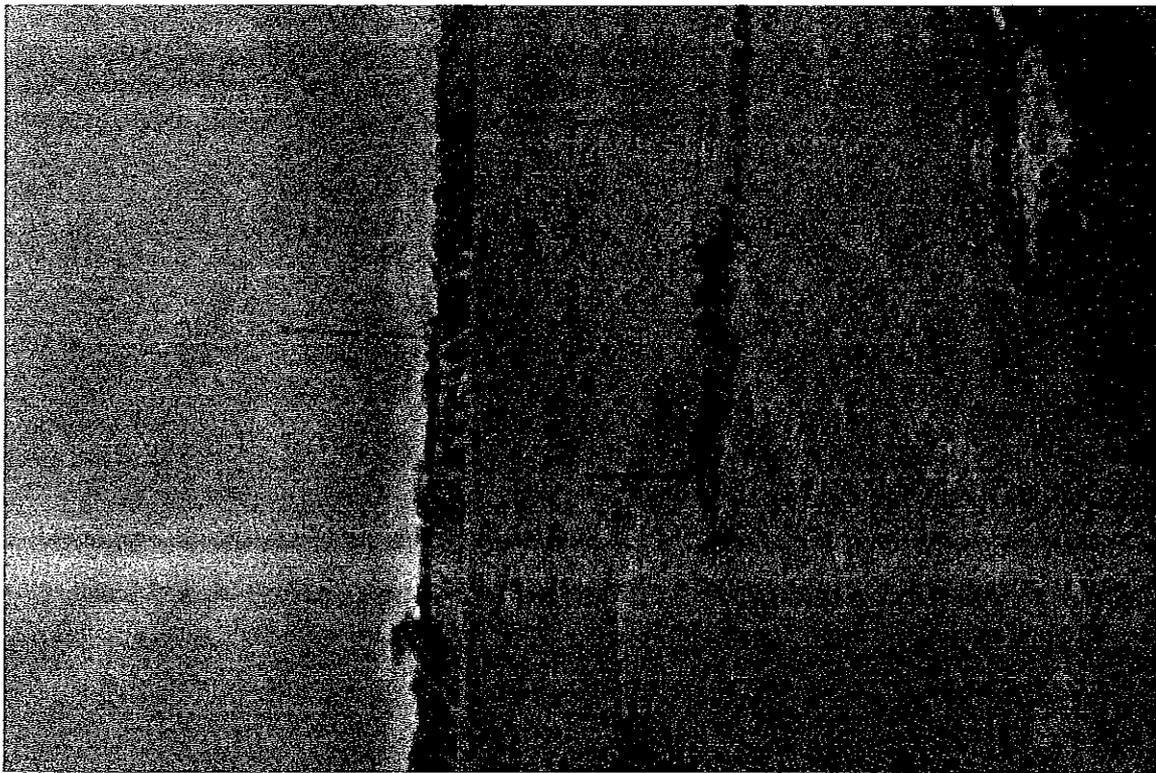
I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

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

mcw
↓

SUBMITTED BY
M. ARL CEGIELSKI



RECEIVED
DEC 11 2012
AT PUBLIC MEETING

mcw

Marisa Weber

From: PUBCOMMENT-OPA
Sent: Friday, May 04, 2012 1:56 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001

From: PUBCOMMENT-OCC
Sent: Friday, May 04, 2012 11:23 AM
To: PUBCOMMENT-OPA
Subject: FW: Public comment on Permit Number WQ0015031001

mwd
8/14/98

From: ldsnell@sbcglobal.net [mailto:ldsnell@sbcglobal.net]
Sent: Friday, May 04, 2012 10:58 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: Mark Cegielski

E-MAIL: ldsnell@sbcglobal.net

COMPANY:

ADDRESS: 5159 CHURCH ST
CHAPPELL HILL TX 77426-6317

PHONE: 9792775050

FAX:

mwd

COMMENTS: The proposed discharge of wastewater from this 102-acre development will adversely affect me. The wastewater will dump directly from the plant, over my property line, and across my pasture. This pasture is used for grazing cattle and horses. In addition, a portion of my livelihood depends on this pasture; I bale hay on it regularly. With up to 400,000 gallons of wastewater flowing across it per day, I will lose a large portion of my land. Currently, there is only water in my pasture when it rains, and the water drains in 1-2 days. Also, the quality of the wastewater will be questionable as to whether it is safe for livestock to drink. There have already been negative issues with water in this area having severe impacts on cattle who have ingested it. I strongly oppose the discharge of wastewater across my property. This has been my family's homestead for over 50 years; I make a portion of my living here; my children play on the property. Becoming the initial recipient of treated wastewater from a major development of commercial, residential, and retail establishments would be a huge problem for me, both financially and aesthetically. I request your assistance in this matter.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

July 10, 2012

2012 JUL 11 PM 3: 29

CHIEF CLERKS OFFICE

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

RE: Request For A Contested Case Hearing

From: Maureen E. O'Hare Holy and Thomas Holy
4069 Cottonwood Road
West, TX 76691
254-366-0950

MWD
8/14/08

REVIEWED

JUL 12 2012

By BP

H

Applicant's name: Chappell Hill Service Company, LLC
4201 Running River Lane
Washington, TX 77880

Permit No. WQ0015031001

Our property location: 9425 Spencer Lane
Chappell Hill, TX 77426

We are No. 4 on your Adjacent and Downstream Landowners Chart

We request a contested case hearing. We would be adversely affected by the proposed wastewater facility in a way not common to the general public. Our property is in very close proximity to the proposed facility and the discharge will be flowing across our property. The area of our property where the discharge would be traveling is low-lying, shallow and narrow. It was never intended to service wastewater from a development of the size and magnitude proposed. We have enclosed photos of it after a rain and the water is up to the banks. Additional water could jeopardize the cabin, house and yard on our property. We also have great concerns about the further erosion to the land that additional water will bring. The discharge also brings the breeding of mosquitoes, odors and potential human and animal health issues. We are concerned with the release of untreated wastewater when the rains exceed the facilities capacity and it will. Will the facility be well maintained in the future under currant ownership or in the event it is transferred to different ownership? We also believe it will adversely affect the property value. We did not and would not choose to purchase a property so close to a wastewater treatment facility.

Our property at 9425 Spencer Lane was purchased in 1998 as part of the American dream of land and home ownership. The desires of a few private developers to make a profit by

mw

crossing the land of others with their discharge is not what Texas property owners should have to worry about. It does not seem to matter whether doing this is right or wrong. They are doing it simply because they think they can. Please, we are asking that you don't assist them with their goal.

Sincerely,

Maureen E. O'Hare Holy and Thomas Holy

Maureen E. O'Hare Holy and Thomas Holy



03/24/12

Margen O'Hare Holy
9425 Spencer Lane
Chappell Hill, TX 77426
#4

03/24/12

Margen O'Hare Holy
9425 Spencer Lane
Chappell Hill, TX 77426
#4

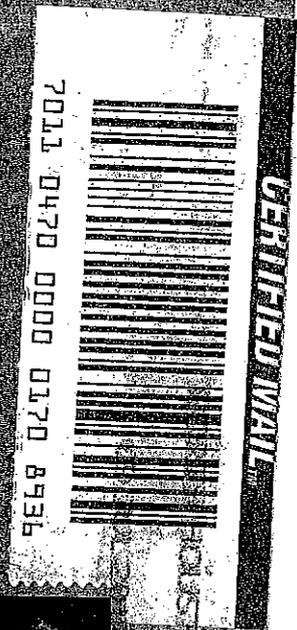
November 2011
4069 Eastman Road
Austin TX 78769

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RECEIVED Austin TX 78711-3087

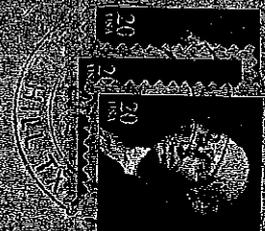
MAIL CENTER
FOURWAY

POSTAGE



CERTIFIED MAIL

Budget C. Bohrer, Director of the Clerk
Treasurer's Office
MC 105, PO Box 13087



NOV 20 11 10 58 AM

TCEQ Public Meeting Form
December 11, 2012

Chappell Hill Service Company, LLC
Municipal Wastewater
Permit No. WQ0015031001

RECEIVED
DEC 11 2012
AT PUBLIC MEETING

PLEASE PRINT

Name: Maureen & Thomas Joly

Mailing Address: 4069 Cottonwood Rd

Physical Address (if different): _____

City/State: West, TX Zip: 76691

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: _____

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

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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 form to the person at the information table. Thank you.

MW

① Tertiary system would be preferable to treat waste water.

② ~~scribble~~

~~scribble~~

RECEIVED
DEC 11 2012
AT PUBLIC MEETING

April 23, 2012

Office of the Chief Clerk, MC 103 TCEQ
P O Box 13087
Austin, TX 78711-3087

REVIEWED

APR 27 2012

By *[Signature]*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2012 APR 26 PM 2:29
CHIEF CLERKS OFFICE

From: Thomas and Maureen Holy
✓ 254-366-0950
✓ maurholy@aol.com

Mailing Address: 4069 Cottonwood Road, West, TX 76691

mwd
8/4/08

RE: Proposed Permit NO. WQ0015031001
Chappell Hill Water Quality Permit
Chappell Hill Service Company, LLC

We are against the granting of the water quality permit. It will adversely affect our property in a way not common to the general public. As you can see from your list of property owners along the discharge route, we (#4) are located a very short distance from the proposed plant.

The discharge of treated wastewater through our land will affect its value and our enjoyment of its use. We are greatly concerned with the amount of treated wastewater being proposed, the smell it will bring, the quality of it for health reasons and the noise generated by the plant facility.

In addition to all of this is the question of what will it do in the long run to the environment of the creek bed.

Furthermore, our property is in a low-lying area that catches run off from adjacent land when it rains. This saturates the ground and swells the creek bed to its capacity and this is already a problem even without the addition of treated wastewater. Just this past February 6, 2012 Ben Garcia with the USDA NRCS office in Brenham, TX came out to our property to access the situation with the drainage and to suggest possible remedies.

Attached to this letter are several photos from a recent rain. The photos show how the water fills the creek bed to capacity. They also show a wooden bridge over the creek, a building and wooden fence just yards from the creek's edge that would be in jeopardy if the water over flows its banks. Another photo shows how branches and debris are pushed over the creeks edge into the yard due to the height of the water from just rain alone.

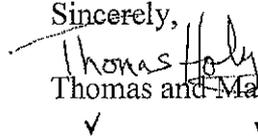
Additional water also means additional erosion of the creek bed and more sediment deposit problems. The creek bed was never intended to service wastewater from a development of the size and magnitude proposed. Those wishing to build the treatment

mwd

plant should look into creating a route for their wastewater, which will not create problems for others, as this will inevitably do.

We have everything to loose and nothing to gain from this permit.

Sincerely,

 
Thomas and Maureen Holy

✓

✓



03/24/12

Proposed Permit WQ0015031001

Owner #4 Maureen O'Hare Holy
Creek swells after rain to almost
full.

03/24/12

Proposed Permit NO.
WQ0015031001

Owner #4 Maureen Holy
Chappell Hill, TX



0 9/18/19

Proposed Permit NO.

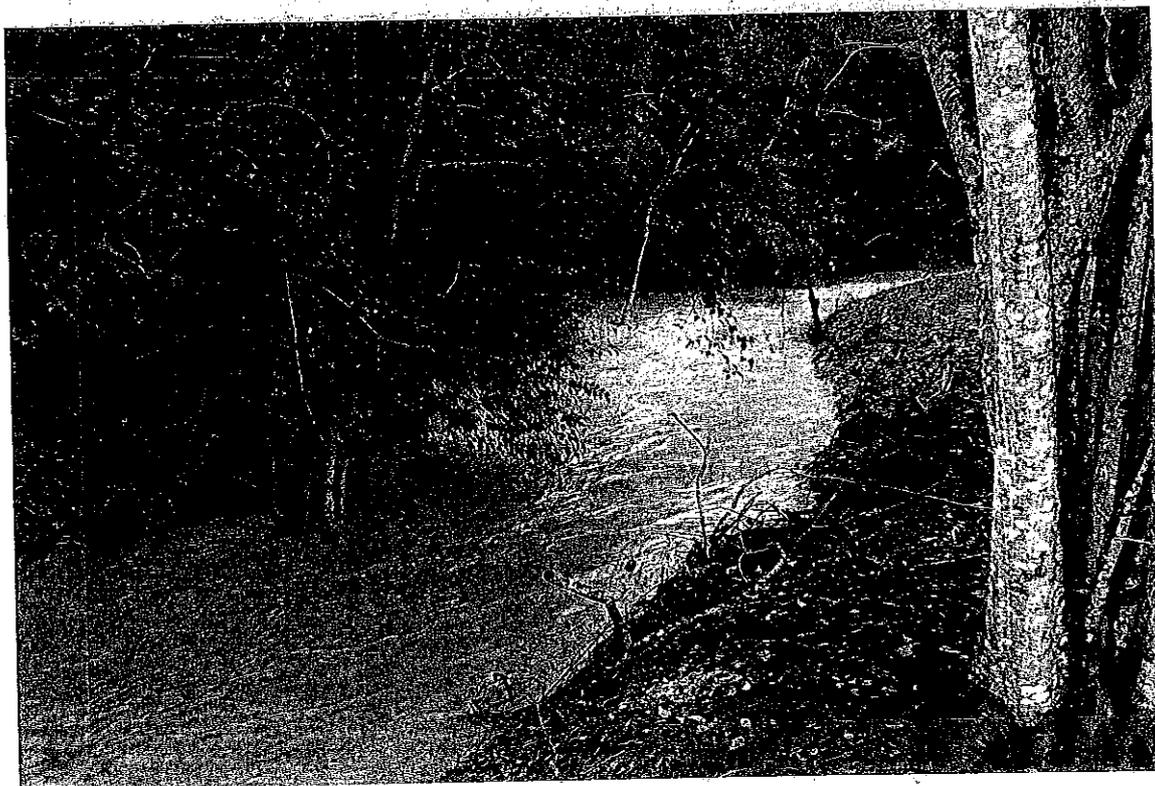
WQ0015031001

Owner #4 Maureen O'Hare Holly

0 03/18/19

Proposed Permit NO. WQ0015031001

Owner #4 Maureen O'Hare Holly
water from adjacent land uphill



0 03/24/12

Proposed Permit No WQ0015031001
Owner #4 Maureen O'Hare Holy

0 03/24/12

Proposed Permit NO. WQ0015031001
Owner #4 Maureen O'Hare Holy



04/19/15

Proposed Permit NO. WQ0015031001

Owner #4 Maureen O'Hare Holy

04/19/15

Proposed Permit NO. WQ0015031001

Owner #4 Maureen O'Hare Holy



1000



78711

U.S. POSTAGE
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BRENNHAM, TX
77833
APR 24 2012
AMOUNT

\$3.80

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2012 APR 24 11 2:13

CHIEF OF POLICE

Office of the Chief of Police

TO: MC105, TC EA

PO Box 13087

Austin, Texas

78711-3087

7010 1870 0001 9509 0675

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

CERTIFIED MAIL™



7010 1870 0001 9509 0675

From: Maryellen Holy
4069 Cottonwood Rd

West, TX 77669

RECEIVED

APR 26 2012

TJCOE MAIL CENTER

Ready Post.

Cushion Mailer

Marisa Weber

From: PUBCOMMENT-OPA
Sent: Wednesday, April 25, 2012 8:30 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001
Attachments: Wastewaterpermit1.doc

From: PUBCOMMENT-OCC
Sent: Tuesday, April 24, 2012 1:33 PM
To: PUBCOMMENT-OPA
Subject: FW: Public comment on Permit Number WQ0015031001

MWD
81498

From: maurholy@aol.com [<mailto:maurholy@aol.com>]
Sent: Tuesday, April 24, 2012 1:20 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: MRS Maureen O'Hare Holy

E-MAIL: maurholy@aol.com

COMPANY:

ADDRESS: 4069 COTTONWOOD RD
WEST TX 76691-1804

PHONE: 2543660950

FAX:

MWD

COMMENTS: Photos mentioned in the email will be mailed with the original letter.

We are against the granting of the water quality permit. It will adversely affect our property in a way not common to the general public. As you can see from your list of property owners along the discharge route, we (#4) are located a very short distance from the proposed plant.

The discharge of treated wastewater through our land will affect its value and our enjoyment of its use. We are greatly concerned with the amount of treated wastewater being proposed, the smell it will bring, the quality of it for health reasons and the noise generated by the plant facility.

In addition to all of this is the question of what will it do in the long run to the environment of the creek bed.

Furthermore, our property is in a low-lying area that catches run off from adjacent land when it rains. This saturates the ground and swells the creek bed to its capacity and this is already a problem even without the addition of treated wastewater. Just this past February 6, 2012 Ben Garcia with the USDA NRCS office in Brenham, TX came out to our property to access the situation with the drainage and to suggest possible remedies.

Attached to this letter are several photos from a recent rain. (Photos will be mailed with original letter.) The photos show how the water fills the creek bed to capacity. They also show a wooden bridge over the creek, a building and wooden fence just yards from the creek's edge that would be in jeopardy if the water over flows its banks. Another photo shows how branches and debris are pushed over the creeks edge into the yard due to the height of the water from just rain alone.

Additional water also means additional erosion of the creek bed and more sediment deposit problems. The creek bed was never intended to service wastewater from a development of the size and magnitude proposed. Those wishing to build the treatment plant should look into creating a route for their wastewater, which will not create problems for others, as this will inevitably do.

We have everything to loose and nothing to gain from this permit.

Sincerely,

Thomas and Maureen Holy

Marisa Weber

From: PUBCOMMENT
Sent: Monday, March 18, 2013 8:29 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001
Attachments: Request for Contested Case Hearing.pdf

H

From: PUBCOMMENT-OCC
Sent: Monday, March 18, 2013 7:35 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0015031001

*MWD
01498*

From: lanconeng@yahoo.com [<mailto:lanconeng@yahoo.com>]
Sent: Sunday, March 17, 2013 4:35 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: David S Lancaster

E-MAIL: lanconeng@yahoo.com

COMPANY:

ADDRESS: 1350 COPELYN SPRINGS RD
BRENHAM TX 77833-7294

PHONE: 7135044294

MWD

FAX:

COMMENTS: 17 March, 2013 Elizabeth and David S. Lancaster 1350 Copelyn Springs Rd Brenham, Texas 77833 Bridget C. Bohac Chief Clerk Texas Commission on Environmental Quality MC 105, P.O. Box 13087 Austin, Texas 78711-3087 We are writing to request a Contested Case Hearing concerning the application submitted by Chappell Hill Service Company, LLC, Application No. WQ0015031001. We are the owners of a property at 9500 Spencer Lane, Chappell Hill, Texas, 77426 and as such are "affected persons". The effluent discharge from this proposed waste water facility will be directed to (in terms used in the permit) "an unnamed tributary; thence to Little Cedar Creek; thence to New Year Creek; thence to the Brazos River.....". This "unnamed tributary" which is normally dry, bisects our property and is located less than 50 feet from our back porch (see illustration below). The proposed facility itself will be approximately 1400 feet from our house (see illustration below). We request this hearing on the following basis; 1) As stated in the "Executive Director's Response to Public Comments", Response 1 – "Neither does this permit authorize any invasion of personal rights...". It is our position that by continuously discharging through "unnamed tributary" bisecting our property, which is normally dry, there will be a continuous water level and we will lose access to three-fifths of our property. We consider this an invasion of our personal rights. 2) Also as stated in the "Executive Director's Response to Public Comments", Response 1 – the Court of Appeals ruled against the downstream landowners in the case of Domel v City of Georgetown, stating that the City of Georgetown (a local government entity) did not need permission from the downstream landowners to discharge across their property. It is our contention that there is a major difference between a municipality such as the City of Georgetown and a private, "for profit" organization such as Chappell Hill Service Company LLC. 3) As stated in Response 3, the Executive Director reviewed USGS topographic map and aerial photographs during his review. We contend that these do not reflect the true situation and request that a personal site inspection by the Executive Director (or his designee) is warranted. 4) With regard to the potential flooding caused by the effluent discharge and the run-off from the proposed sub-division, Response 5 states that "The draft permit would require CHSC to provide for the facility from a 100-year flood. It is not clear from the application how this would be accomplished. Again, the Executive Director has relied only on topographic maps and aerial photographs. A personal site visit is warranted. 5) Regarding the proximity of the facility to our property and the potential noise, light pollution and mosquitoes, etc, Response 6 states "the draft permit, however, does not limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of the property." A Contested Case Hearing can offer that relief. 6) With regard to how the discharge enters the "unnamed tributary" (refer to Response 8), it is our contention that the discharge would have to cross an affected landowner's property before it reaches the tributary. Again a personal site visit is warranted, not just topographical maps or aerial photographs. 7) Response 18 – "The TCEQ cannot require compensation of affected landowners or mitigation beyond what is required by the TWC or TCEQ's rules. However the scope of the TCEQ's regulatory jurisdiction does not affect or limit the ability of the landowner and the applicant to execute a private agreement or of a landowner to seek relief from a court. A Contested Case Hearing is such a relief. We definitely are concerned about the effect of this proposed facility on our property and that of our neighbors, who are similarly affected. We would appreciate your assistance in arranging for a Contested Case Hearing so that we can present a case for our concerns. Sincerely,

Elizabeth Lancaster Home phone: (979) 830-

0005 Cell no: (713) 504-9312

David S.

Lancaster Home phone: (979) 830-0005 Cell no: (713) 504-4294

17 March, 2013
Elizabeth and David S. Lancaster
1350 Copelyn Springs Rd
Brenham, Texas 77833

Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105, P.O. Box 13087
Austin, Texas 78711-3087

We are writing to request a Contested Case Hearing concerning the application submitted by Chappell Hill Service Company, LLC, Application No. WQ0015031001.

We are the owners of a property at 9500 Spencer Lane, Chappell Hill, Texas, 77426 and as such are "affected persons".

The effluent discharge from this proposed waste water facility will be directed to (in terms used in the permit) "an unnamed tributary; thence to Little Cedar Creek; thence to New Year Creek; thence to the Brazos River.....". This "unnamed tributary" which is normally dry, bisects our property and is located less than 50 feet from our back porch (see illustration below). The proposed facility itself will be approximately 1400 feet from our house (see illustration below).

We request this hearing on the following basis;

1) As stated in the "Executive Director's Response to Public Comments", Response 1 – "Neither does this permit authorize any invasion of personal rights...". It is our position that by continuously discharging through "unnamed tributary" bisecting our property, which is normally dry, there will be a continuous water level and we will lose access to three-fifths of our property. We consider this an invasion of our personal rights.

2) Also as stated in the "Executive Director's Response to Public Comments", Response 1 – the Court of Appeals ruled against the downstream landowners in the case of Domel v City of Georgetown, stating that the City of Georgetown (a local government entity) did not need permission from the downstream landowners to discharge across their property. It is our contention that there is a major difference between a municipality such as the City of Georgetown and a private, "for profit" organization such as Chappell Hill Service Company LLC.

3) As stated in Response 3, the Executive Director reviewed USGS topographic map and aerial photographs during his review. We contend that these do not reflect the true situation and request that a personal site inspection by the Executive Director (or his designee) is warranted.

4) With regard to the potential flooding caused by the effluent discharge and the run-off from the proposed sub-division, Response 5 states that "The draft permit would require CHSC to provide for the facility from a 100-year flood. It is not clear from the application how this would be accomplished. Again, the Executive Director has relied only on topographic maps and aerial photographs. A personal site visit is warranted.

5) Regarding the proximity of the facility to our property and the potential noise, light pollution and mosquitoes, etc, Response 6 states "the draft permit, however, does not limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of the property." A Contested Case Hearing can offer that relief.

6) With regard to how the discharge enters the "unnamed tributary" (refer to Response 8), it is our contention that the discharge would have to cross an affected landowner's property before it reaches the tributary. Again a personal site visit is warranted, not just topographical maps or aerial photographs.

7) Response 18 – "The TCEQ cannot require compensation of affected landowners or mitigation beyond what is required by the TWC or TCEQ's rules. However the scope of the TCEQ's regulatory jurisdiction does not affect or limit the ability of the landowner and the applicant to execute a private agreement or of a landowner to seek relief from a court. A Contested Case Hearing is such a relief.

We definitely are concerned about the effect of this proposed facility on our property and that of our neighbors, who are similarly affected. We would appreciate your assistance in arranging for a Contested Case Hearing so that we can present a case for our concerns.

Sincerely,

Elizabeth Lancaster

Home phone: (979) 830-0005

Cell no: (713) 504-9312

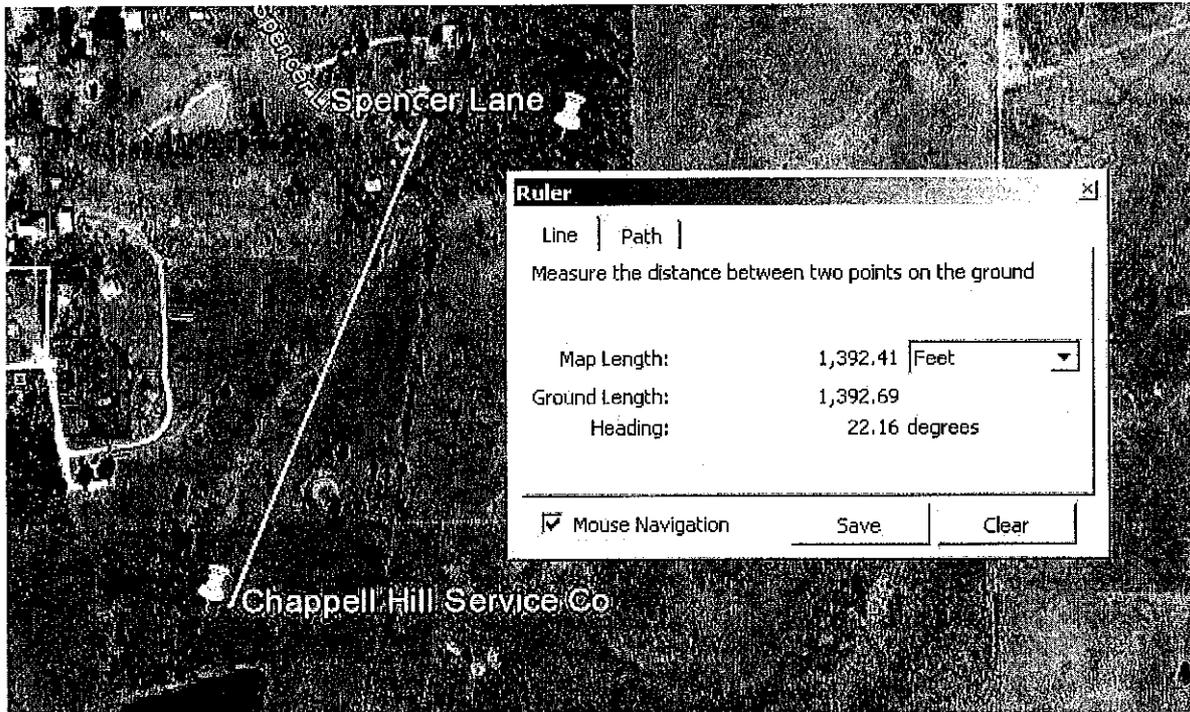
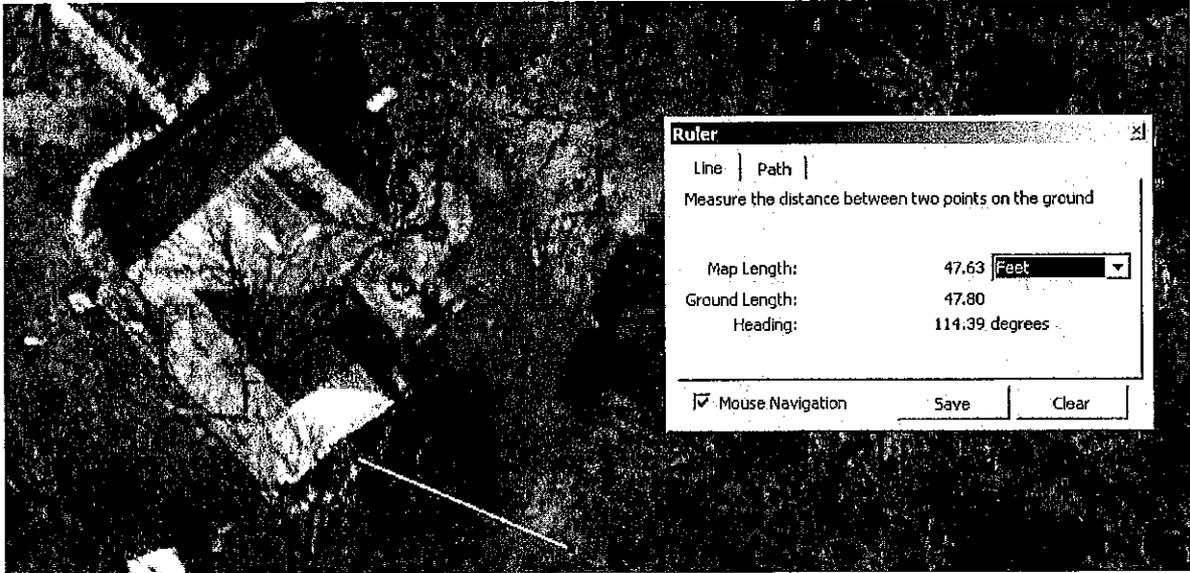
David S. Lancaster

Home phone: (979) 830-0005

Cell no: (713) 504-4294



Normally dry, this is the result of rains in Jan/Feb of 2012



TCEQ Public Meeting Form
December 11, 2012

2

Chappell Hill Service Company, LLC
Municipal Wastewater
Permit No. WQ0015031001

RECEIVED
DEC 11 2012
AT PUBLIC MEETING

PLEASE PRINT David
Name: ~~Elizabeth~~ Lancaster

Mailing Address: 9500 Spencer Lane

Physical Address (if different):

City/State: Chappell Hill Zip: 77426

This information is subject to public disclosure under the Texas Public Information Act

Email: LANCASTER@YAHOO.COM ✓
~~Elizabeth.lancaster@sbcglobal.net~~

Phone Number: 979-830-0005

(e) 713 504 4294

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

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal ORAL COMMENTS at tonight's public meeting.

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 form to the person at the information table. Thank you.

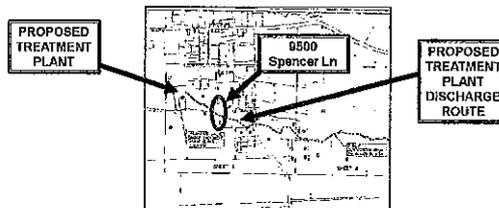
mw

CONCERNS/ QUESTIONS/ COMMENTS RELATING TO PERMIT APPLICATION

submitted by Chappell Hill Service
Company, LLC, Application No.
WQ0015031001

Liz and David Lancaster
5 December, 2012

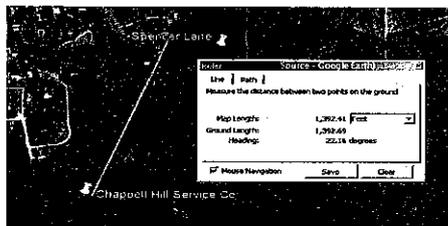
- We are Liz and David Lancaster.
- As we own the property at 9500 Spencer Lane, in Chappell Hill, we are "Affected Landowners" (No. 3).



• The effluent discharge from this proposed waste water facility will be directed to (in terms used in the permit) "an unnamed tributary; thence to Little Cedar Creek; thence to New Year Creek; thence to the Brazos River.....".

• This "unnamed tributary" is normally dry (no spring connected with it), is not a "creek" and should not be considered a "common connection" to a watercourse.

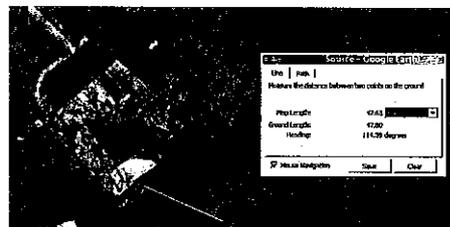
According to the permit application, the location of the treatment plant will be approximately 1400 feet from our back porch.



Approximate treatment plant location as viewed from our back porch.



The discharge will flow through the normally dry, "unnamed tributary" which is 47 feet from our back porch.



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AT PUBLIC MEETING

1
mu

View of the "un-named tributary" as viewed from our back porch.



7

Our concerns about this facility are numerous:

1. Does this applicant have the right to use a discharge path (normally not flowing) through our property without our permission?

8

PLEASE CONFIRM:

TPDES language that is **NORMALLY** included in water quality discharge permits:

"The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route."

9

PERMISSION HAS NOT BEEN REQUESTED, NOR HAS IT BEEN GRANTED

10

From the application:

4. DESCRIPTION OF IMBODIN WRECKING WATERS (with the following):

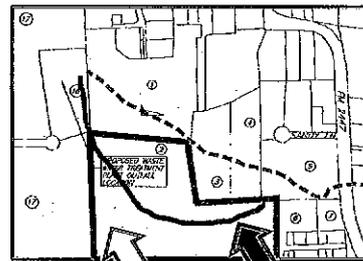
Name of the immediate receiving water: Unnamed ditch

a. Check the appropriate description of the receiving water:

- Stream
- Freshwater Swamp or Marsh
- Lake or Pond
- Surface area: _____ acres
- Average depth of the entire water body: _____ feet
- Average depth of water body within a 600-foot radius of the discharge point: _____ feet
- Man-made Channel or Ditch

If "man-made ditch", thence to the unnamed tributary, the "man-made ditch" should be re-routed around our property (and others).

11



OWNED BY ONE OF THE APPLICANTS

RE-ROUTE AS NECESSARY WHERE PERMISSION MAY BE GRANTED

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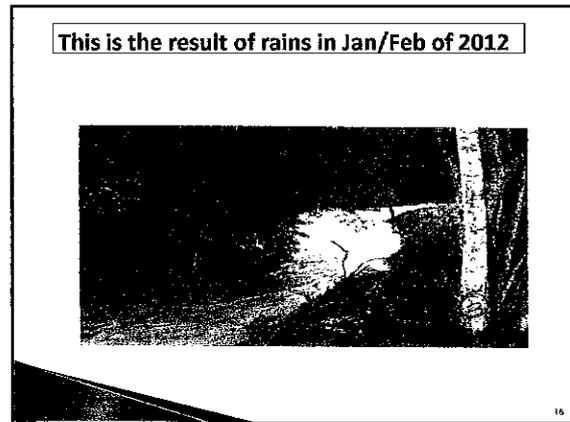
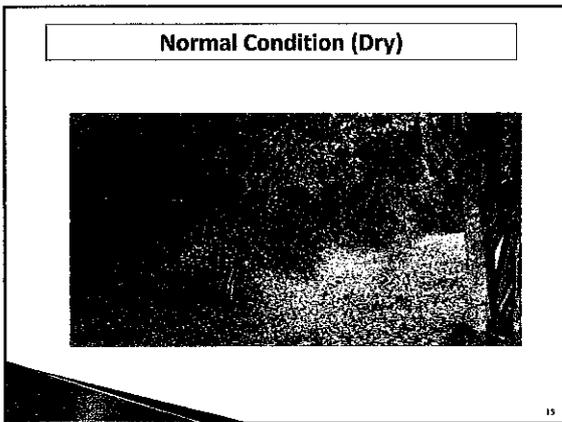
DEC 11 2012

AT PUBLIC MEETING

12

THE DEVELOPER HAS STATED THAT RE-ROUTING IS POSSIBLE, BUT WOULD BE TOO COSTLY

- 2. What specific due diligence has been performed to determine what the "constant" water level in the normally dry "unnamed tributary" will be due to the effluent discharge for the various design rates?
- 3. What specific due diligence has been performed to study the effects of the effluent discharge on the new "normal" water level in the "unnamed tributary" during rainy conditions such as experienced in Jan/Feb of 2012, or other flood conditions?
- 4. What will the effects be of erosion in the "unnamed tributary" due to constantly flowing discharge effluent?
- 5. Will run-off from the new subdivision combine with the discharge of the treatment plant in the "unnamed tributary"?



- 6. What will happen to the liquid level in aeration basins, etc with heavy rains – can there be overflow directly into the "unnamed tributary"?
- 7. Will there be chemical or other odors associated with this plant?
- 8. How does this treatment facility affect the Chappell Hill Water Supply Corporation's wells, which are very close to this proposed facility?
- 9. Are there potential human health concerns associated with this type of facility and its discharge?
- 10. Are there potential health concerns for livestock and other animals or existing plant life (pecan trees, which are located within a few feet of the discharge area, etc) associated with this type of facility and its discharge?

- 11. How will this facility affect our enjoyment of our property?
- 12. What happens to our property value?
- 13. What happens to our property's tax assessment?
- 14. How will this facility be maintained over time so that it does not pose a future threat?
- 15. How is the water quality monitored and who receives periodic reports on its condition and any violations/responses?
- 16. Will there be any notification of change of ownership of this facility and how is that notification effected?

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AT PUBLIC MEETING

Note that the developers have stated that they will probably sell the facility to a third party as soon as practical, as they are not in that type of business.

17. When a change in ownership occurs, how can we be assured that the new owner(s) will follow the same rules which the applicant agrees to?

19

SUMMARY:

- We are "Affected Landowners".
- The applicant does not have our permission for the conveyance of wastewater along the discharge route described in this permit (across our property).
- The "unnamed tributary" is normally dry and will be affected by subdivision runoff and waste treatment plant discharge.
- It is possible for the discharge to be re-routed where permission can be granted.
- We have numerous concerns which need to be addressed (and are listed in our letter of 01 July, 2012).

20

The application should at least, be amended to:

1. Address these concerns.
2. The applicant should be required to re-route the discharge where permission can be granted.
3. If (2) is not honored, the applicant should be required to clear out the "unnamed tributary" and maintain it so that potential flooding of individual property is not increased by the Treatment Plant discharge and/or run-off caused by the subdivision.
4. Require that subsequent owners of the Treatment Plant be bound by the terms of this permit.

21

RECEIVED
DEC 11 2012
AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT
Sent: Monday, July 02, 2012 1:13 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001
Attachments: Proximity to Site1.pdf

MWA
8/14/98

PM

From: PUBCOMMENT-OCC
Sent: Monday, July 02, 2012 8:21 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0015031001

From: lanconeng@yahoo.com [<mailto:lanconeng@yahoo.com>]
Sent: Sunday, July 01, 2012 6:12 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTITY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: David S Lancaster

E-MAIL: lanconeng@yahoo.com

COMPANY:

ADDRESS: 1350 COPELYN SPRINGS RD
BRENHAM TX 77833-7294

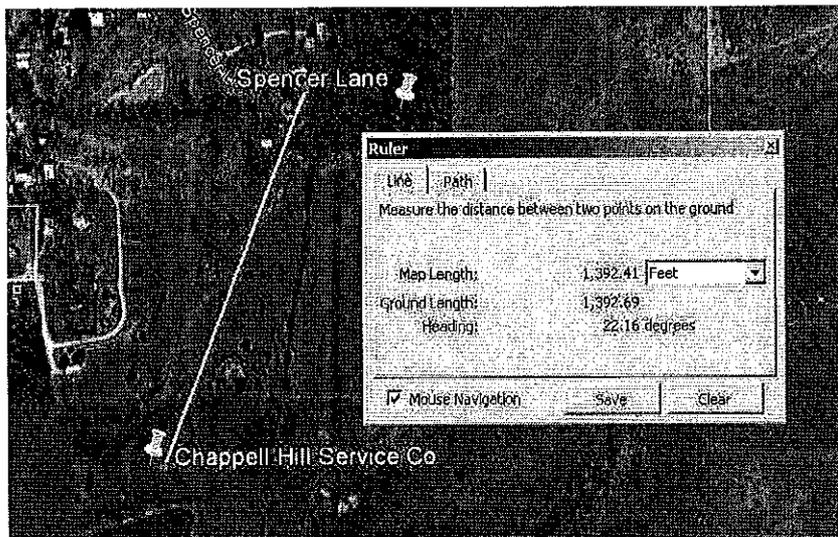
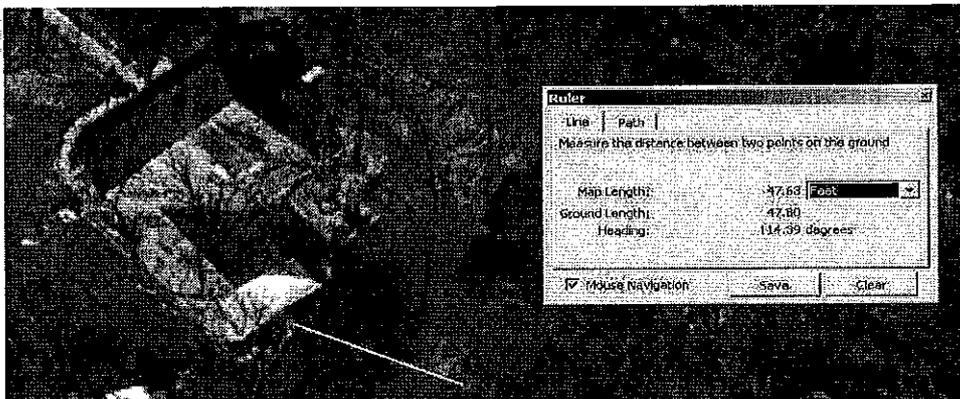
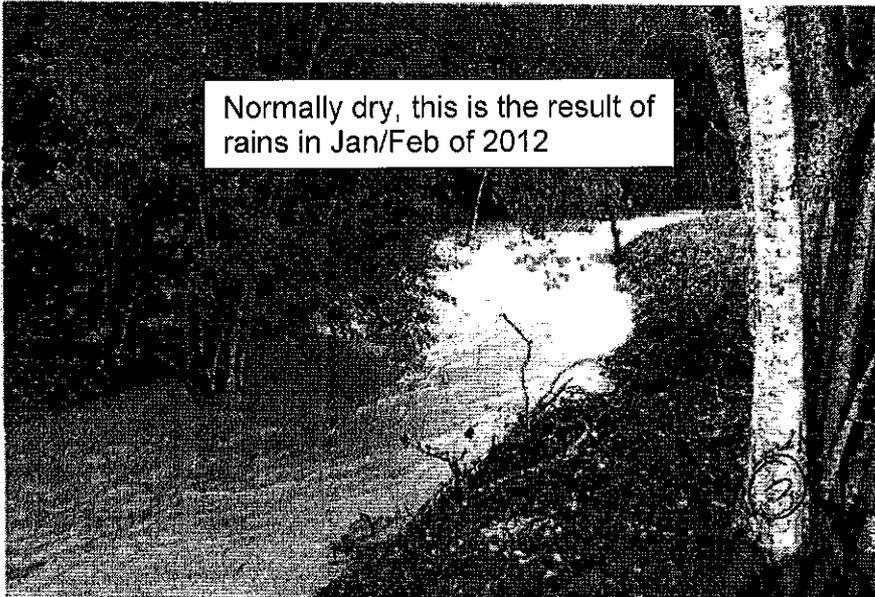
PHONE: 9798300005

FAX:

MWA

COMMENTS: We are writing to request a public meeting for the application submitted by Chappell Hill Service Company, LLC, Application No. WQ0015031001. We are the owners of a property at 9500 Spencer Lane, Chappell Hill, Texas, 77426 The effluent discharge from this proposed waste water facility will be directed to (in terms used in the permit) “an unnamed tributary; thence to Little Ceder Creek; thence to New Year Creek; thence to the Brazos River.....”. This “unnamed tributary” which is normally dry, bisects our property and is located less than 50 feet from our back porch (see illustration below). The proposed facility itself will be approximately 1400 feet from our house (see illustration below). Our concerns about this facility are numerous. 1. Does this company have the right to use a discharge path (normally not flowing) through our property without our permission? 2. What specific due diligence has been performed to determine what the “constant” water level in the normally dry “unnamed tributary” will be due to the effluent discharge for the various design rates? 3. What specific due diligence has been performed to study the effects of the effluent discharge on the new “normal” water level in the “unnamed tributary” during rainy conditions such as experienced in Jan/Feb of 2012, or other flood conditions? 4. What will the effects be of erosion in the “unnamed tributary” due to constantly flowing discharge effluent? 5. What will happen to the liquid level in aeration basins, etc with heavy rains – can there be overflow directly into the “unnamed tributary”? 6. Will there be chemical or other odors associated with this plant? 7. How does this treatment facility affect the Chappell Hill Water Supply Corporation’s wells, which are very close to this proposed facility? 8. Are there potential human health concerns associated with this type of facility and its discharge? 9. Are there potential livestock and other animal health concerns associated with this type of facility and its discharge? 10. How will this facility affect our enjoyment of our property? 11. What happens to our property value? 12. What happens to our property’s tax assessment? 13. How will this facility be maintained over time so that it does not pose a future threat? 14. How is the water quality monitored and who receives periodic reports on its condition and any violations/responses? 15. Will there be any notification of change of ownership of this facility and how is that notification effected? 16. If a change in ownership occurs, how can we be assured that the new owner(s) will follow the same rules which the applicant agrees to? Note that the developers have stated that they will probably sell the facility to a third party as soon as practical, as they are not in that type of business. We definitely are concerned about the effect of this proposed facility on our property and that of our neighbors, who are similarly affected. We would appreciate your assistance in arranging for a public meeting so that we can find answers to our concerns. Sincerely, Elizabeth Lancaster David S. Lancaster

9500 Spencer Ln Chappell Hill Tx 77426



Marisa Weber

From: LANCONENG@YAHOO.COM
Sent: Wednesday, April 04, 2012 5:33 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: David S Lancaster

E-MAIL: LANCONENG@YAHOO.COM

COMPANY:

ADDRESS: 1350 COPELYN SPRINGS RD
BRENHAM TX 77833-7294

PHONE: 9798300005

FAX:

COMMENTS: My wife and I own property at 9500 Spencer Lane, Chappell Hill, Tx 77426. Our property directly joins the property on which the proposed waste water treatment plant and discharge are located. We have not been contacted at all by the TECQ, or Chappell Hill Service Company. As this discharge appears to be directly affecting our property, we want to be placed on the permanent mailing list for this application. We reserve the right to request a contested case hearing in future, when we get more information on the subject.

mwd
81498

IP+

OPA

APR 05 2012

BY *DL*

mwd

REVIEWED H

JUL 17 2012

By bp

Laura Snell
3718 Chevy Chase
Houston, TX 77019

MWD
81498

June 29, 2012

Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105, P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

2012 JUL 16 PM 3:07

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Proposed Permit No. WQ0015031001
Chappell Hill Service Company, LLC
4201 Running River Lane
Washington, TX 77880

Dear Ms. Bohac,

I am requesting a contested case hearing on the above proposed permit. I own two properties in Chappell Hill, which are located adjacent to the proposed wastewater treatment facility. The properties are 9330 Spencer Lane and 9159 Church Street. I have owned the property on Spencer Lane for 18 years, and it has been my family's country home all this time.

I feel very strongly that the quality and quantity of the wastewater from this proposed facility would adversely impact the well-being of myself, my family, my home, my properties, my livestock, and my pets.

The proposed permit calls for treated wastewater from a development of

:

- 663 single family units
- 80 apartments
- 4 restaurants
- 1 hotel with 60 rooms
- 2 medical offices

MC

In addition, the developer has told us that the plan is for this wastewater facility to also service anyone in the town of Chappell Hill who would like to tie into it. My neighbors and I do not want to be the recipients of anyone's wastewater, especially that of the entire town. The developer has also told us that the plan is to sell the facility to a third party in the next few years. I am concerned about a change of ownership and increase in size of the facility. I fear that we will eventually have the town water company plant right amidst our properties. This receiving low spot in the pasture was never intended to service wastewater from a development of the proposed size and magnitude that is planned.

My properties share fences with the initial property on which the wastewater will be dumped. That property belongs to Mark Cegielski, 5159 Church Street. I will be able to see the facility, hear it, and smell the odor from the plant. The aesthetics of my property that my family and I love are being destroyed by the land development that this facility will support. The wastewater being dumped into and flowing through the properties is just another insult to the integrity of our properties.

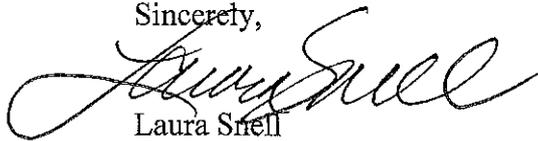
My five miniature horses often run in Mark Cegielski's pasture, and I do not want them drinking wastewater. My two dogs also run through the ditch in some of the properties, and I do not want them drinking wastewater. I do not want them ingesting chemicals.

I also am concerned that the location of the wastewater facility will negatively affect my property value.

I understand that development is inevitable, but I don't understand why it has to be to the detriment of me and my neighbors, when there are alternative solutions to the handling of wastewater from this development.

I hope that you will honor this request for contested case hearing. Please feel to contact me if you have any questions.

Sincerely,



Laura Snell
713-870-5223

3718 Chevy Chase
Houston, TX 77019

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL™



7011 0470 0003 3373 5648



U.S. POSTAGE
PAID
GATLINBURG, TN
37738
JUL 13 12
AMOUNT

\$5.75

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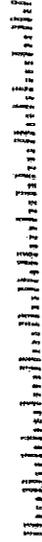
JUL 6 2012

TCEQ MAIL CENTER

CLERKS OFFICE
16 PM 2:54

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105, P.O. Box 13087
Austin, TX 78711-3087



78711308787

Marisa Weber

From: PUBCOMMENT
Sent: Monday, June 18, 2012 9:54 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015031001

From: PUBCOMMENT-OCC
Sent: Friday, June 15, 2012 3:32 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0015031001

*MWA
8/14/12*

From: ldsnell@sbcglobal.net [mailto:ldsnell@sbcglobal.net]
Sent: Friday, June 15, 2012 1:51 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0015031001

REGULATED ENTY NAME CHAPPELL HILL SERVICE CO WWTF

RN NUMBER: RN106339187

PERMIT NUMBER: WQ0015031001

DOCKET NUMBER:

COUNTY: WASHINGTON

PRINCIPAL NAME: CHAPPELL HILL SERVICE COMPANY LLC

CN NUMBER: CN604035626

FROM

NAME: Laura Snell

E-MAIL: ldsnell@sbcglobal.net

COMPANY:

ADDRESS: 3718 CHEVY CHASE DR
HOUSTON TX 77019-3012

PHONE: 7138705223

FAX:

MWA

COMMENTS: I am objecting to the placement of this proposed wastewater treatment plant in Chappell Hill. My neighbors and I feel very strongly that the quality and quantity of this wasteewsater discharge would adversely impact the well-being of ourselves, our families, our homes, our properties, and our livestock and pets. The wastewater would flow directly through many of the properties. The properties would be the recipients of up to 400,000 gallons of wastewater per day, flowing directly through the middle of the properties. The "unnamed ditch" through which the water would flow is usually totally dry and very narrow. It was never intended to service wastewater from a development of this size and magnitude. In addition, the developer has told us that the plan is for this facility to service anyone in the the town of Chappell Hill who would like to tie into it. We do not want to be the recipients of the town's wastewater. We also feel that this proposed plant will negatively affect our property values. We are requesting your assistance. Laura Snell