

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, May 15, 2015 8:48 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015245001
Attachments: PublicHearing request20151.pdf

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From: dcaudle18@gmail.com [<mailto:dcaudle18@gmail.com>]
Sent: Thursday, May 14, 2015 9:55 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015245001

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REGULATED ENTY NAME CONVENIENCE STORE 3180 AT FM 565

RN NUMBER: RN107229965

PERMIT NUMBER: WQ0015245001

DOCKET NUMBER:

COUNTY: CHAMBERS

PRINCIPAL NAME: 3180 MAVERICK INVESTMENTS LLC

CN NUMBER: CN603802075

FROM

NAME: Dana Byal

E-MAIL: dcaudle18@gmail.com

COMPANY:

ADDRESS: 4344 S FM 565 RD
BAYTOWN TX 77523-9459

PHONE: 7137033107

FAX:

COMMENTS: Please see attached document for Public Hearing Request

M.W.

5/14/2015

Dana Byal
4344 FM 565 South
Baytown, TX 77523
Dcaudle18@gmail.com
713-703-3107

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

RE: 3180 Maverick Investments, LLC
Permit No. WQ0015245001

To Whom it May Concern:

Request for Public Hearing:

In this field the TCEQ recommends that, "...'affected Persons' describe how and why you would be adversely affected by the application..." Yet in the responses of this communication TCEQ has stated that they are not responsible for flooding, mosquito control, property devaluation, etc. due to excess drainage from the proposed site. TCEQ should require the applicant to demonstrate that there will be no adverse impact in the entire area affected, not just water quality. TCEQ is the Commission on Environmental Quality; TCEQ's charge is not relegated only to the foot print of a package plant.

Response 2and 3:

Adding up to the proposed 15,000 gallons per day in an open dry ditch will cause increased flooding, and mosquito control concerns. During rain events our entire property becomes inundated with surface water. The current water conveyance system cannot accommodate the average amount of rainfall causing water to back-up onto our property. Discharge from a waste water treatment facility will contribute to that risk.

Response 4 & 6:

States, "The proposed draft permit requires Maverick to meet the design criteria for domestic waste water treatment plants..." This is not a domestic waste water treatment facility, it is for commercial purpose.

Response 6:

According to Maverick Investments "Buffer Plan, Attachment 19", the 150 feet is measured from the middle of the facility to the adjacent property. According to TAC 309.13 (e) (1), "wastewater treatment plant units may not be located closer than 150 feet to the nearest property line."
(Please see attached reference)



Additionally I am very concerned about the written response that states, "Nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit." Eluding to make one to believe that TCEQ really does not know either.

Response 9:

The facility is located within the City of Baytown Extraterritorial Jurisdiction (ETJ); therefore Maverick Investments is required to submit civil/site, and platting plans to the City of Baytown as well as Chambers County. Although, the City of Baytown does not provide water and sewer in the ETJ, the municipality does regulate all drainage and water shed associated with new development. 15,000 gallons per day is a significant impact to the water shed, that TCEQ should be considering and communicating with the City of Baytown and Chambers County.

Response 10:

States, ".... the primary business will be operating a convenience store...." The developer is planning to add 3 additional commercial buildings to the site totaling 40,000 square feet, in addition to the existing convenience store. Therefore this WWTP is for a much larger development.

On a side note, the "Procedural Background" information included in this response indicates that information was published in The Baytown Sun. The local newspaper is a "purchase/subscription only" form of media; therefore those who do not pay for the paper have no access to the information. In today's digital media, I encourage TCEQ to use the many additional modalities to be completely transparent.

Furthermore, the submission at the county should also be in the form of a PDF that can be viewed on the internet at TECQ's website. Currently, affected citizens are required to travel to the county court house during operating hours to view the documents that cost \$1.00 per page to copy.

Additionally, TCEQ should partner with municipalities and counties to facilitate a holistic methodology where these projects are located to gain knowledge of the entire project, rather than operating in a "silo mentality". With the exponential growth that Texas is experiencing, operating as a team will be the only way to ensure projects do indeed meet regulation, and do what is best for the great Texas environment, while protecting private property rights of the citizens of Texas.

The current process facilitates the developer, and puts a hardship on affected citizens.

Regards,

Dana Byal

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, January 05, 2015 8:39 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015245001
Attachments: TCEQ3180WWTPJan2015a1.pdf

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From: dcaudle18@gmail.com [mailto:dcaudle18@gmail.com]
Sent: Sunday, January 04, 2015 3:39 PM
To: donotreply
Subject: Public comment on Permit Number WQ0015245001

REGULATED ENTY NAME CONVENIENCE STORE 3180 AT FM 565

RN NUMBER: RN107229965

PERMIT NUMBER: WQ0015245001

DOCKET NUMBER:

COUNTY: CHAMBERS

PRINCIPAL NAME: 3180 MAVERICK INVESTMENTS LLC

CN NUMBER: CN603802075

FROM

NAME: MRS Dana Byal

E-MAIL: dcaudle18@gmail.com

COMPANY:

ADDRESS: 4344 S FM 565 RD
BAYTOWN TX 77523-9459

PHONE: 7137033107

FAX:

COMMENTS: Please review the attached comments

MWD

TCEQ Permit Number WQ0015245001

The information depicted in the hard copy and the online resubmittal is inconsistent. Much of the information still indicates the nearest city is Brookshire. Below demonstrates one of the many inconsistencies:



Customer	Site Associated with This Customer					Compliance History for customer at this Site (If no Site appears in the same row, this is the Customer's overall compliance history.)			
	Name	City or Nearest City	County	TCEQ Region	Related Numbers	Rating	Classification	Date Rated	Date Posted
3180 MAVERICK INVESTMENTS LLC	CONVENIENCE STORE 3180 AT FM 565	BROOKSHIRE	CHAMBERS	REGION 12 - HOUSTON	<ul style="list-style-type: none"> ▪ TX0135348 ▪ WQ0015245001 	0	UNCLASSIFIED	09/01/2014	11/15/2014

The project drawings submitted at the county are rudimentary and not to scale, and do not follow requirements as described in TCEQ Chapter 309. Additionally, these plans do not depict the exact location of the proposed waste water treatment facility, nor current water well location serving the current convenient store. Additionally this information is provided on an incomplete, non-approved plat.

The road side ditch of 565 has not had any improvements for 30 years and is currently inadequate during rain events as show below where the excess water simultaneously infiltrates the entire road side ditch and private property.





This is the 565 roadside ditch where the discharge is proposed to flow during the dry season demonstrating no standing water. To discharge into this antiquated drainage system will cause a public nuisance as defined by the Texas Health and Safety Code, from, but not limited to, standing water, odor, and additional mosquito infestation.

Furthermore a waste water treatment facility with road side discharge will degrade the value and hinder future development of adjacent property.

The re-submitted plans are inconsistent and do not adequately demonstrate no adverse impact to local property owners. Furthermore the submittal at the county office does not effectively address all requirements of the Chapter 309, Domestic Waste Water Effluent Limitation and Plant Siting, Subchapter B Location Standards. Additionally the resubmitted application lacks documents from Texas Department of Transportation and others, as *required* on the application. It only depicts the project engineer's personal statements with-out any back up documentation from the required authorities.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 11, 2014 2:47 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015245001
Attachments: WWTP2.pdf

From: dcaudle18@gmail.com [<mailto:dcaudle18@gmail.com>]
Sent: Sunday, August 10, 2014 3:42 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0015245001

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REGULATED ENTY NAME CONVENIENCE STORE 3180 AT FM 565

RN NUMBER: RN107229965

PERMIT NUMBER: WQ0015245001

DOCKET NUMBER:

COUNTY: CHAMBERS

PRINCIPAL NAME: 3180 MAVERICK INVESTMENTS LLC

CN NUMBER: CN603802075

FROM

NAME: MRS Dana Byal

E-MAIL: dcaudle18@gmail.com

COMPANY:

ADDRESS: 4344 S FM 565 RD
BAYTOWN TX 77523-9459

PHONE: 7137033107

FAX:

COMMENTS: After Speaking with the contractor of the proposed construction, and further review of the plans for the waste water treatment plant, we have discovered the location of the facility has been falsely represented. On page 11,12 & 17 of 18, the permit states that the facility will be located on the NW corner of 3180 & 565. It is actually planned to be located on the south side of 565 South, approximately 900' west, of the South West

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corner of FM 3180 & 565, in the Extraterritorial Jurisdiction of the City of Baytown. This causes an even greater concern, than before. Questions about the project: 1. Has property owner #10 from Attachment #3, given right of way approval for flow onto his property? 2. The permit at the court house does not include any engineering documents, only very crude hand drawn descriptions that are not to scale or sealed by the engineer of record. 3. Has TxDOT, given approval to drain into the 565 ditch? 4. Has City of Baytown given Plat, Drainage, and Project approval? 5. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit letter that went out to 28 residents is misleading by stating the incorrect location, the NW corner of 3180 & 565. 6. The application is riddled with mistakes: • Page 11 of 18: o Section B – Incorrect location o E. Nearest city is stated to be Brookshire. o i. Primary business is stated as being Convenience store, but Attachment 12 states existing convenience store, restaurants, shopping center, and miscellaneous. • Page 12 of 18 o City or town in which the outfall is or will be located Brookshire. o City or Town which the disposal site is or will be located, Brookshire is scratched out and Cove is written in, it is actually located in the Baytown ETJ. • Page 17 of 18 - #3. Location description that includes street/highway, city/vicinity, and county. Again states Northwest corner of FM 3180 @ 565 – Brookshire, Chambers County. • Page 18 of 18 question #10 states, “Does your property involve any of the following:” o Disturbance of vegetation or wetlands o To dump 15,000 gallons a day, and 5,475,000 million per year into an existing ditch will cause a huge disturbance. o 11 & 12 Unanswered. View of the existing ditch where proposed 15000gal./day is to be dumped. July 2014 • Page 15 of 44 - The documents at the court house state proposed effluent to be dumped into Hackberry gully/Cotton Bayou. Whereas, the Notice of Application states to a road side ditch: thence to an unnamed ditch; then to Cotton Bayou. It will not enter Hackberry Gully according to Attachment 1 Furthermore the only site plan included in the court document is an incomplete plat that dates back to the year 2010. Has this property been properly platted through the City of Baytown, since it is located in the Extraterritorial Jurisdiction? What are the proposed setbacks from the neighboring residential property? In addition to these concerns the property is already poorly maintained with tall grass and weeds around the development, and the Right of Way is full of left over debris that was never cleaned from the first phase of construction. Along with the debris, I have been told by the contractor that the current waste water treatment area is not working and is a slush pit. Tall weeds and Cat Tails growing out of it indicate this information is true. Lastly, it is obvious that this application was assembled to mislead those most affected by the project. We adamantly object to any further consideration of the permit, as it will have an adverse impact on the environment, property values, standard of living and enjoyment of residential property in this area.

Notice of Receipt of Application and
Intent to Obtain Water Quality Permit.
Proposed permit number: WQ0015245001

After Speaking with the contractor of the proposed construction, and further review of the plans for the waste water treatment plant, we have discovered the location of the facility has been falsely represented. On page 11,12 & 17 of 18, the permit states that the facility will be located on the **NW corner of 3180 & 565**. It is actually planned to be located on the south side of 565 South, approximately **900' west, of the South West corner of FM 3180 & 565, in the Extraterritorial Jurisdiction of the City of Baytown**. This causes an even greater concern, than before.

Questions about the project:

1. Has property owner #10 from Attachment #3, given right of way approval for flow onto his property?
2. The permit at the court house does not include any engineering documents, only very crude hand drawn descriptions that are not to scale or sealed by the engineer of record.
3. Has TxDOT, given approval to drain into the 565 ditch?
4. Has City of Baytown given Plat, Drainage, and Project approval?
5. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit letter that went out to 28 residents is misleading by stating the incorrect location, the **NW corner of 3180 & 565**.
6. The application is riddled with mistakes:
 - Page 11 of 18:
 - Section B – Incorrect location
 - E. Nearest city is stated to be Brookshire.
 - I. Primary business is stated as being Convenience store, but Attachment 12 states existing convenience store, restaurants, shopping center, and miscellaneous.
 - Page 12 of 18
 - City or town in which the outfall is or will be located Brookshire.
 - City or Town which the disposal site is or will be located, Brookshire is scratched out and Cove is written in, It is actually located in the Baytown ETJ.
 - Page 17 of 18 - #3. Location description that includes street/highway, city/vicinity, and county. Again states Northwest corner of FM 3180 @ 565 – Brookshire, Chambers County.
 - Page 18 of 18 question #10 states, "Does your property involve any of the following:"
 - Disturbance of vegetation or wetlands
 - To dump 15,000 gallons a day, and 5,475,000 million per year into an existing ditch will cause a huge disturbance.
 - 11 & 12 Unanswered.

Notice of Receipt of Application and
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View of the existing ditch where proposed 15000gal./day is to be dumped. July 2014

- Page 15 of 44 - The documents at the court house state proposed effluent to be dumped into Hackberry gully/Cotton Bayou. Whereas, the Notice of Application states to a road side ditch; thence to an unnamed ditch; then to Cotton Bayou. It will not enter Hackberry Gully according to Attachment 1

Furthermore the only site plan included in the court document is an incomplete plat that dates back to the year 2010. Has this property been properly platted through the City of Baytown, since it is located in the Extraterritorial Jurisdiction?

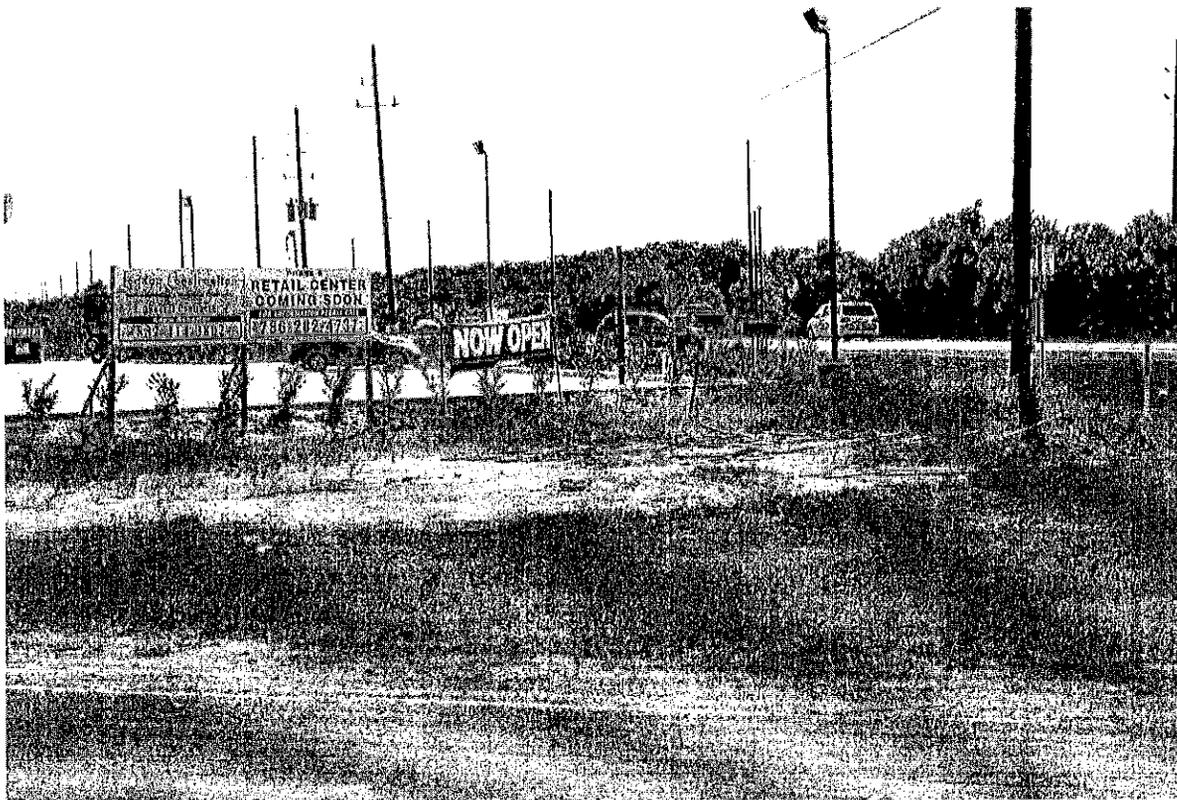
What are the proposed setbacks from the neighboring residential property?

In addition to these concerns the property is already poorly maintained with tall grass and weeds around the development, and the Right of Way is full of left over debris that was never cleaned from the first phase of construction.

Along with the debris, I have been told by the contractor that the current waste water treatment area is not working and is a slush pit. Tall weeds and Cat Tails growing out of it indicate this information is true.

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Intent to Obtain Water Quality Permit.
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Debris that has never been removed July 2014

Notice of Receipt of Application and
Intent to Obtain Water Quality Permit.
Proposed permit number: WQ0015245001



Debris that has never been removed July 2014

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, July 28, 2014 8:38 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015245001
Attachments: WasteWaterTreatmentFacility56531802014.pdf

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From: dcaudle18@gmail.com [mailto:dcaudle18@gmail.com]
Sent: Thursday, July 24, 2014 4:04 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0015245001

REGULATED ENTY NAME CONVENIENCE STORE 3180 AT FM 565

RN NUMBER: RN107229965

PERMIT NUMBER: WQ0015245001

DOCKET NUMBER:

COUNTY: CHAMBERS

PRINCIPAL NAME: 3180 MAVERICK INVESTMENTS LLC

CN NUMBER: CN603802075

FROM

NAME: MRS Dana Byal

E-MAIL: dcaudle18@gmail.com

COMPANY:

ADDRESS: 4344 S FM 565 RD
BAYTOWN TX 77523-9459

PHONE: 7137033107

FAX:

COMMENTS: I have a concern of this facility dumping "treated" sewage water into open ditches to the final destination of Cotton Bayou. The notice even states that at least one of the ditches is "unnamed," leading me to believe they are not really sure what the final route will be? I have lived in the same location for almost 30 years and the ditches have never been reworked, allowing rain water stand for weeks even after a small storm. This

MWD

facility should use a concealed piping system to route the waste water to the final destination, keeping the current environment pristine. Cotton Bayou is a long distance from the proposed facility making it difficult to impossible to grade open ditches so that the waste will flow and not become a stagnant breeding ground for disease carrying mosquitos, and eventually a health risk for humans. Furthermore, when it rains the ditches and private properties become one solid body of water that would allow sewage water to flow onto private property during heavy rain events. On average our yard becomes inundated with flood water at least 3 times a year. Many residences in the area have private water wells that could become unsafe for consumption during a substantial rain event. More research about heavy rain events levels, routing and distance to the final destination must be conducted before a facility like this is allowed to be installed. Residence of this area a must be allowed to view the plans to determine exactly how this development will affect them, and their property values. Personally I want to see a model of sewage flows during a heavy rain event.

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