From: Troy Brand
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Date: January 9, 2016

To: Texas Commission on Environmental Quality

Subject: Docket 2105-1624 NWD

To: TCEQ Commissioners

I speak on behalf of myself, my wife, Patricia, and my son, Steven and his wife. Wendy – owners of contiguous property on South Cranes Mill Road adjacent to the Dry Comal Creek path where it crosses the road at the corner of our property.

I wish to encourage TCEQ to defeat a proposed plan to build a Waste Water Treatment Plant on property across South Cranes Mill Road, approximately three miles North of our homestead.

What I reiterate here is likely not news to the commissioners, but I want to take this opportunity to present additional thoughts for your consideration. It is our hope the proposed plant can be disapproved in the interests of public and personal safety and health and for the protection of our ground water.

I'm asking TCEQ commissioners to disapprove the MUD which was requested by the landowner in October, 2015
, and to disapprove construction of this wastewater plant on these grounds:

1) DOES PLAN ATTEMPT TO CIRCUMVENT EDWARDS RULES? The proposed plant is said to be planned for construction **over the Edwards Aquifer Recharge zone.** It is very close to the point where this critical recharge area begins. I understand the plant will pump 390,000 gallons per day of treated effluent North of the recharge zone, (outside of Edwards Recharge Zone controlled area) then let the water flow back down Dry Comal Creek on its way past our property. Treated Wastewater would cross South Cranes Mill Road adjacent to the corner of our property, then flow directly through the property of our neighbor, Peggy Gaitan, and past other neighbors

on its way to pollute the Comal River. Hopefully, it will always be properly treated and solids would not find their way down the Creek.

2) POSSIBLE FLOOD AND RELEASE OF SOLID WASTE: There is a strong possibility that flood waters will gather on the hill where the plant is proposed, and may one day flood, rendering the plant unable to contain raw sewage and bacteria in such a disaster. Since we purchased our property in 1995, we have had one 500 year and two 100 year floods in this area. Also, every rainy season regularly produces heavy rains that flood and close the road where the Creek crosses – *and this happens **without** the additional 390,000 gallons of treated water the plant would send down the Creek.* Disasters, to include power loss, natural flooding, operator error, fires, and more, cause us concern about public safety and the negative effects on our water purity.

4) RULES OF EDWARDS AQUIFER RECHARGE ZONE: When we recently had to drill a new well because of the concentration of new wells drying up our water source, we learned about the stringent rules of the Edwards Aquifer regarding penetration of the recharge zone. Our detailed new well plans had to be approved by the Edwards authority, then, before we could finish the well, we paid $1,000 extra for a photographic inspection of well pipe penetrating the earth over the zone. In the interests of protecting the vital water supply, we were happy to comply fully.

5) WHY SHOULD EDWARDS RULES NOT APPLY TO DEVELOPER? If the proposed waste treatment plant is to be built over the same re-charge zone we live over, and IF treated effluent is allowed to perk down past our water wells toward the aquifer as it flows down the Dry Comal Creek, my question is this: *Why shouldn't developers who propose a plant over the recharge zone be required to abide by **all** Edwards rules – just as we were? Those rules address important pollution and control issues, requiring more stringent construction and safeguard measures for such a plant.*

6) WHO OWNS LAND AND CAN REQUEST A WCID OR MUD? I understand the initial permit for a WCID was filed by Randolph Todd Construction as though they were "owners" of the 600+ acres. They are planning a development of the heavy concentration of 1500 homes on 600 acres. We have since learned that Randolph Todd does NOT own the property in question, but it is still registered in the Comal Country records as property of the Frankie

Meyer family. I believe this is an infraction of TCEQ's own rules, and alone should be adequate cause to deny any requests to establish a MUD.

7) IS THIS ANOTHER END RUN? After Comal Commissioner's Court denied the request by the Randolph Todd for a WCIP last year, a MUD was proposed for this same project area shortly thereafter by the real owner. A MUD would have many far-reaching powers, considered to be not in the interests of the general Texas and Comal County taxpayers. We believe the real owner of the property proposed the MUD shortly after disapproval of the WCID, possibly to move the final sale of the property forward. *Otherwise, why would this have been filed?* **This appears to be another "end run" around the rules.**

8) **WE DON'T OPPOSE PROGRESS.** I can't speak for all affected landowners on this particular issue, but I believe I can speak for my family. We don't oppose orderly and ecologically sensitive development. HOWEVER, we DO oppose the flagrant over-saturation tactics which would place 1500 homes on only 600 acres, a move that *virtually requires the proposed plant in the first place.* We believe the developer is motivated by profit alone, and is not concerned with natural damages that accrue from such development.

We ask that the TCEQ disapprove the most recent request for a MUD and take necessary actions to disallow construction of this plant. We hope your concerns for the environment, public health, and health of the flora and fauna on our beautiful South Texas Hill Country properties will prevail.

Thank you for considering my views, though they may appear redundant. Please know that my family and I, as well as our many neighbors, are very concerned about this proposed waste treatment plant . We look forward to your decision to defeat it on behalf of the environment, our families, and all that is right for Texas.

Sincerely,

Troy C. Brand

11/10/16