

Martha Mayer  
18507 Rabon Chapel Road  
Montgomery, TX 77316  
936-588-9960

01/25/2016

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

RE: Docket No. 2015-1763-MWD  
MSEC Enterprises, Inc.  
Request(s) filed on Permit No. WQ0015341001

#### Requests for Reconsideration

1. I request the Executive Director reconsider Response to Public Comment 3: from Mr. J. Duncan Cartwright and Mr. Joe Cartwright that there are other facilities within 3 miles from the proposed facility location. I do not believe the complete scope of the project has been presented to TCEQ by MSEC Enterprises, Inc.

While the ED typically evaluates regionalization inquiries when an applicant files an application for a new permit or application for a major amendment to an existing permit to increase flow. The applicant, MSEC Enterprises, Inc. has failed to submit relevant facts in this permit application that they currently operate a WWTP for Montgomery Independent School District (MISD) that discharges into Mound Creek 2.5 miles from the New Keenan Elementary School and New Middle School on Keenan Cut-Off Road.

No site map has been provided to TCEQ showing the location and distance from the Keenan Cut-Off Road site of the New Keenan Elementary School & New Middle School from the proposed New High School & proposed New WWTP off of FM 2854. This distance is approximately 7,400 LF miles from the respective site locations. I attach Wastewater System Layout Exhibit "B" that show a basic schematic joining the two sites and prior to the purchase of additional property at the Keenan Cut-Off site allowing for the New Middle School and New Keenan Elementary School.

While the two sites will apparently be joined by a wastewater pipe that will navigate 7,400 LF between the two locations thru private properties and the BNSF Railroad ROW. There is no inclusion or mention in the application that there is an existing facilities within three miles of MISD's proposed school expansions of the new elementary, middle and high school facilities that is already in operation.

Because relevant facts of the complete scope of the MISD expansion project, that there is a WWTP already operated by the applicant, MSEC Enterprises, Inc. for the use of MISD's Lone Star Elementary School (in operation for 8 years) within 3 miles of the Keenan Cut- Off Road school site that discharges

into Mound Creek I respectfully request the ED to reconsider the regionalization evaluation and deny MSEC's current application.

I would request that the WWTP already in operation and discharging into Mound Creek for the benefit of MISD Lone Star Elementary School be evaluated to accommodate the expansion of MISD due to its close proximity to the Keenan Cut-Off school site.

2. Whether the Responders are Affected Persons due to the distance of their property from the proposed activity is misrepresented according to the Map Requested by TCEQ office of Legal Services for Commissioner's Agenda (with corresponding Dot locations). Perhaps the locations represent an address from Google Maps however the location of the watercourse of Mound Creek as it enters the landowner's property would be more representative. Exhibit "A" Mound Creek Map dated 01/05/16 provided by McClure & Browne is more representative location.

*Requester 1. Dot on Map J. Duncan Cartwright & Joe Cartwright location on the map is totally misrepresented as their property line is adjacent to my east line and downstream Mound Creek, not as represented on map 2 miles down Rabon Chapel to Cartwright Road. I perceive Mound Creek to enter the Cartwright property 1.4 miles downstream of the proposed WWTP rather than 2.1 as Exhibit "A" Mound Creek Map.*

*Requester 2. Dot of Map Paul D Coombs is also misrepresented as his property is within the indicated 1 mile downstream of discharge as his property begins just east of FM 2854 not as represented by dot on Kinkaid East where perhaps his mailbox is.*

*Requester 3. Dot of Map Martha Mayer (myself) is also misrepresented and is where Google Maps shows my address although my property is not at that location on Rabon Chapel Road, but represented where the watercourse of Mound Creek passes under & just South of Rabon Chapel. I perceive this point is 1.2 miles downstream of the proposed WWTP rather than 1.9 miles as Exhibit "A" Mount Creek Map.*

I challenge whether the proposed wastewater treatment facility and discharge activity's one mile limit is a straight line via the discharge route downstream or a google map address location. I believe my cattle will be adversely affected by drinking the discharged effluent into Mound Creek that runs thru my property just over a mile in distance from the proposed WWTP.

3. Misrepresentation of the existing uses of the receiving waters in the permit application. In the application on page 31 of 76 in section 5. General Characteristics of the Waterbody part b. Waterbody uses has Livestock watering as the first option to (check as appropriate).

This was not checked nor was nine other choices from contact recreation, non-contact recreation to park activities. Other was checked saying the "creek bed was dry during both inspections therefore, there was no evidence of any type of use. During and after storm events, livestock may use the creek for watering"

I find this general characteristic of Mound Creek inaccurate during typical 365 days that Mound Creek has water either flowing or standing pools of water.

Each of the requesters the Cartwright's, Coombs, & Mayer all have cattle that drink from Mound Creek. In addition other landowners downstream have livestock that drink from Mound Creek. The adjacent landowner downstream, Phillip & Holy LeFevre have livestock that have access to Mound Creek and drink from the creek. Between Coombs & Mayer property along the watercourse of Mound Creek is the Friar&Reed property that both have horses.

4. If the ED makes the decision that the above referenced permit application meets the requirements of applicable law and approves the proposed WWTP to be constructed and operate the proposed facility, discharging effluent into Mound Creek and thru my property I would like to propose that a side by side independent water quality sample is gathered from the proposed WWTP and tested monthly.

The Texas Department of Water Resources previously issued an order **denying** an application for Proposed Permit No 13056-01 to authorize a discharge of treated domestic sewage effluent into Mound Creek and thru my property because it would impair the existing uses and be toxic to terrestrial life.

This proposal of independent sampling of the effluent discharged from the WWTP that my livestock and others will be drinking may be an indicator of water quality suitable for livestock watering.

5. The application claims intent to reuse wastewater with irrigation of the grounds of the New High School location that is adjacent to the proposed WWTP off FM 2854. There is however, no stated provision to reuse wastewater at the New Keenan Elementary School & New Middle School off Keenan Cut-Off Road. According to the projected anticipated commencement dates for the proposed schools, no wastewater reuse is anticipated for 12 months beginning in August 2017 - while the New Kennan Elementary & Middle School are operational. It is not until August of 2018 when the proposed New High School is operational that any wastewater will be reused and only at the New High School location.

I would request a proposal to the ED that if the WWTP application is approved rather than denied that a provision be included for **reuse wastewater** at both the Keenan Cut-off Road site and the FM 2854 site. If there is to be a wastewater pipe that navigates 7,400 LF between the schools pumping untreated wastewater from the Keenan Cut-Off Road site to the WWTP, there should also be effluent pipe that will return and reuse effluent water to the same.



**Amy Davis**

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**From:** mmdmayer@hotmail.com  
**Sent:** Monday, January 25, 2016 3:28 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1763-MWD  
**Attachments:** Martha Mayer 012516.docx

**FILING CONFIRMATION NUMBER** 196556782016025

**REGULATED ENTY NAME** MSEC WWTP 2

**RN NUMBER:** RN107967390

**PERMIT NUMBER:** WQ0015341001

**DOCKET NUMBER:** 2015-1763-MWD

**COUNTY:** MONTGOMERY

**PRINCIPAL NAME:** MSEC ENTERPRISES INC

**CN NUMBER:** CN600729891

**FROM**

**FILED BY:**

**FILED FOR NAME:** Martha Mayer

**E-MAIL:** [mmdmayer@hotmail.com](mailto:mmdmayer@hotmail.com)

**ADDRESS:** 18507 RABON CHAPEL RD  
MONTGOMERY TX77316-4021

**PHONE:** 936-588-9960

**DOCUMENT NAME:** Martha Mayer 012516.docx

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*



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01/11/2016

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As I have previously commented on my 04/08/2015 letter to the Office of the Chief Clerk for TCEQ I believe that the receiving waters of Mound Creek has been misrepresented.

No water quality sample or test has been performed on the immediate receiving waters due to the drought weather conditions of the previous scheduled field investigation and attempted stream sampling by the applicant and TCEQ. I believe that TCEQ should act to provide accurate representation of the quality of the receiving waters more than one day of dry weather. I would like for a water quality test to be provided with this application as a representative sample to the yearly majority of the flow status for these sections of Mound Creek.

The Floodplain & Floodway Map with overlay of the proposed Wastewater Facilities and area downstream to my property and my downstream neighbor Cartwright should be an indicator of the amount of water that typically flows along this section of Mound Creek.

As part of the permit application process TCEQ must determine the uses of the receiving water and maintain and protect the existing instream uses. There is NOTHING in the application that that accurately represents that the receiving waters are a primary source of drinking for my cattle! In addition several landowners downstream utilize Mound Creek for cattle & horses. I do not believe that "minimal aquatic life" accurately represents the existing uses of the receiving waters as stated in the application. In order to maintain and protect existing uses a reexamination of the facts of the receiving stream should be part of the application and provided by the applicant & TCEQ.

I believe the discharge of effluent of the proposed Permit No. WQ0015341001 into Mound Creek and thru my property will impair my existing uses of my property to raise a herd of healthy cattle. My property has pools along the creek that will could potentially be 100% effluent water from the proposed Wastewater Facility. My concern is how the effluent water will affect the health of my cattle drinking it. TCEQ and the applicant should acknowledge my existing uses so that they can be maintained and protect the instream existing uses.

**Amy Davis**

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**From:** mmdmayer@hotmail.com  
**Sent:** Monday, January 11, 2016 1:51 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1763-MWD  
**Attachments:** Martha Mayer 0111161.docx

**FILING CONFIRMATION NUMBER** 546498532016011

**REGULATED ENTITY NAME** MSEC WWTP 2

**RN NUMBER:** RN107967390

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**PRINCIPAL NAME:** MSEC ENTERPRISES INC

**CN NUMBER:** CN600729891

**FROM**

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