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Austin, Texas 78701

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Of Counsel:  
Richard Lowerre

MWD  
9/18/57

December 7, 2015

Bridget Bohac  
Chief Clerk, MC-105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711  
*Submitted via e-file*

REVIEWED  
DEC 09 2015  
By RP

2015 DEC -9 AM 9:41  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**Re: Supplemental request for Contested Case Hearing by Steep Hollow Action Association and Bonnie Weber regarding Application of KBARC, LLC for TPDES Permit No. WQ0015225001.**

Dear Ms. Bohac:

On behalf of Steep Hollow Action Association ("SHAA") and Bonnie Weber (collectively, "Requesters"), I am supplementing a request for a contested case hearing regarding the application of KBARC, LLC ("Applicant") for TPDES Permit No. WQ0015225001. Please use the name, address, phone, and fax numbers of counsel below for purposes of notices to or other communications with the requestors.

**I. Steep Hollow Action Association is an Affected Person**

SHAA meets TCEQ's requirements for "affected person" status as shown in the original request for Contested Case Hearing, which is based on the proximity of its members to the wastewater treatment plant.

**II. SHAA Seeks A Contested Case Hearing**

SHAA requests a contested case hearing on the issues raised and, without limitation, matters addressed by the Executive Director in the Response to Comment 19, which regards the compliance history of the applicant. To the best of Requesters' knowledge, Carey Smith possesses an interest in the applicant for the permit. Mr. Smith also possesses an interest in a company by the name of Texcon, which has had compliance problems in the past. Furthermore, to the best of Requesters' knowledge, Mr. Smith has a prior criminal conviction which should be considered in examining the applicant's compliance history. Considering these issues, related to

MWD

those raised during the public comment period, SHAA requests that any hearing include consideration of whether the applicant's compliance history warrants denial or modification of the permit.

### III. Conclusion

For the above stated reasons, if the permit is not denied upon reconsideration, and the Commission moves forward with processing the application, then Requesters request a contested case hearing with regard to KBARC's application, including an examination of the applicant's compliance history, and the compliance history of any other relevant entities.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

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Austin, Texas 78701

Ph: (512) 469-6000

E-mail: [eallmon@lf-lawfirm.com](mailto:eallmon@lf-lawfirm.com)

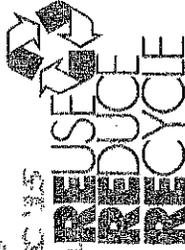
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Ms. Bridget Bohac  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
PO Box 13087  
Austin, TX 78711-3087

AUSTIN  
TX 787

OF DEC 15  
PM 5:11



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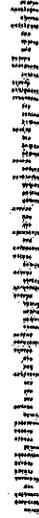
TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2015 DEC -9 AM 9:42  
CHIEF CLERKS OFFICE

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DEC 09 2015

TCEQ MAIL CENTER  
CS



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**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, December 08, 2015 8:13 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0015225001  
**Attachments:** 2015.12.07 SHAA\_Weber Supplemental Hearing Request.pdf

H

**From:** [drew@lf-lawfirm.com](mailto:drew@lf-lawfirm.com) [<mailto:drew@lf-lawfirm.com>]  
**Sent:** Monday, December 07, 2015 3:33 PM  
**To:** DoNot Reply  
**Subject:** Public comment on Permit Number WQ0015225001

MWD  
9/8/57

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Eric Allmon

**E-MAIL:** [drew@lf-lawfirm.com](mailto:drew@lf-lawfirm.com)

**COMPANY:** Frederick, Perales, Allmon & Rockwell, PC

**ADDRESS:** 707 RIO GRANDE ST Suite 200  
AUSTIN TX 78701-2719

**PHONE:** 5124696000

**FAX:**

**COMMENTS:** Please see the supplemental hearing request document attached.

MWD

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Of Counsel:  
Richard Lowerre

December 7, 2015

Bridget Bohac  
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Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 87811  
*Submitted via e-file*

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those raised during the public comment period, SHAA requests that any hearing include consideration of whether the applicant's compliance history warrants denial or modification of the permit.

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For the above stated reasons, if the permit is not denied upon reconsideration, and the Commission moves forward with processing the application, then Requesters request a contested case hearing with regard to KBARC's application, including an examination of the applicant's compliance history, and the compliance history of any other relevant entities.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

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91857X

Of Counsel:  
Richard Lowerre

December 4, 2015

Bridget Bohac  
Chief Clerk, MC-105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711  
*Submitted via e-file*

REVIEWED  
DEC 07 2015  
BY *[Signature]*

H

2015 DEC -7 AM 10:21  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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**I. Steep Hollow Action Association is an Affected Person**

SHAA meets TCEQ's requirements for "affected person" status.

The purposes of SHAA include protection of the health and safety of the residents and landowners in the Steep Hollow area, as well as protecting the air, land, and water of the Steep Hollow area. These purposes include the participation in government decisions affecting these interests. The proposed wastewater treatment plant and discharge route are within the Steep Hollow area. Thus, the interests that SHAA seek to protect in relationship to KBARC's application are germane to SHAA's purposes.

Several members of SHAA own property adjacent to the receiving stream near the discharge point, including:

- Geneva Freeman (Property No. 14 on the application's adjacent landowner list);
- Carl & Sue McLin (Property No. 13 on the application's adjacent landowner list);
- and,

*[Handwritten signature]*

- Annie Lin Risinger (Property No. 12 on the application's adjacent landowner list).

Each of these persons resides upon their property identified on the adjacent landowners map, and each of these persons spends time outdoors on their identified property. Construction and operation of the wastewater treatment plant would potentially create odors that would impair the use of their property. In addition, the discharge of pollutants by the wastewater treatment plant will potentially contaminate their respective properties, thereby impairing their ability to use and enjoy their property.

SHAA also has a number of other members who would individually qualify as an affected person. Among these, Bonnie Weber is the owner of Property No. 15 as listed in the application's adjacent property owner list. Ms. Weber uses this property for wildlife management, as recognized in the county tax records. Ms. Weber also resides upon the property, and enjoys time outdoors on this property. While her property is upstream of the discharge point under normal conditions, precipitation events often cause water in the receiving stream to back up onto her property, and pollutants discharged from the wastewater treatment plant will contaminate her property during these periods. Such contamination would potentially impair the use of her property for wildlife management purposes. Furthermore, the facility will potentially produce foul odors that would impact her ability to use and enjoy her property for outdoor activities.

## **II. SHAA and Bonnie Weber Request A Contested Case Hearing**

SHAA and Ms. Weber request a contested case hearing on several issues raised during the comment period. For reference, these issues include, without limitation, matters addressed by the Executive Director with the following designations in the Response to Comments:

- Comment 1 (Operational Requirements and Facility Design)
- Comment 2 (Odor)
- Comment 3 (Discharge of Pathogens and Bacteria)
- Comment 4 (Discharge of other Contaminants, including Nutrients and Oxygen-Demanding Substances)
- Comment 5 (Suitability of Site in Proximity to Floodplain; Protection of Facility from Floodwater; Flood Damage to other Properties; Impact of Contaminants during Flood Events)
- Comment 6 (Cumulative Impact of Discharge, including Violation of TCEQ's Tier 2 Anti-Degradation Review Standard)
- Comment 7 (Protection of Endangered Species)
- Comment 8 (Potential Discharge of Raw or Undiluted Effluent or Raw Sewage)
- Comment 9 (Adverse Impact of Solids Produced by Plant & Handling of Solids)
- Comment 10 (Impacts on Receiving Watershed in Light of Volume of Wastewater Discharged)
- Comment 11 (Temperature Impacts and Possible Contribution to Algae Blooms)
- Comment 12 (Impacts of Chemicals used at Plant)
- Comment 15 (Impact on Quality of Life)

- Comment 16 (Erosion of Receiving Streambed)<sup>1</sup>
- Comment 19 (Compliance History)
- Comment 20 (Soil Contamination)
- Comment 21 (Health risk to Humans and Animals; Impact of Attracted Disease Vectors)
- Comment 22 (Regionalization and Need for Proposed Facility)

Requesters also seek a hearing with regard to the adverse impact of the facility and authorized discharge upon groundwater. This issue was raised during the comment period by Joe Hegwood, Carmen Januse, Frank Januse, Donnie Vernon, Leah Scamardo Vernon, Gabby Ring, and many others. However, this was not acknowledged in the Executive Director's Response to Comments. Notably, this circumstance highlights the dangers of relying upon the Executive Director's Response to Comments for the purpose of determining what issues were raised during the comment period. Further, Requesters seek a hearing with regard to the impact of the facility upon wetlands. While not addressed in the Executive Director's response to comments, this issue was raised during the comment period by Clean Water Action.

With regard to surface water impacts, the discharged wastewater will flow into the Navasota River downstream of Lake Limestone (Segment 1209). This water body is already impaired with regard to bacteria. The proposed discharge will only contribute to this impairment, and thus the discharge does not meet the requirements of a Tier 1 anti-degradation review under 30 TAC § 307.5(b)(1). As a new discharge, the pollutants added to the receiving waters will have a greater than *de minimis* impact, thus necessitating a hearing with regard to compliance with TCEQ's Tier 2 anti-degradation review requirements.

Requesters, without limitation, in reference to ED's Response 4, stress that bacteria is not the only contaminant of concern for the proposed discharge. Oxygen-demanding substances and nutrients contained in the wastewater also have the potential to adversely impact the receiving waters to an unacceptable degree. It has not been shown that the proposed plant will be adequate to maintain dissolved oxygen levels above the criterion for Steep Hollow Branch. Without limitation, in reference to ED's Response 12, it has not been shown that the use of chlorine will not have an adverse effect on the receiving water body.

As well, without limitation, in reference to ED's Response 8 and 21, it has not been shown that the Applicant will maintain adequate safeguards to prevent discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources. This contributes to Requesters' concerns regarding soil contamination addressed in Issue 20, since such contamination will potentially occur in the event of a power outage and overflow around the facility.

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<sup>1</sup> Pursuant to 30 TAC § 309.12(1), the Commission may consider "active geologic processes" in determining whether a facility site will minimize possible contamination of surface water and groundwater. The term "active geologic processes" includes erosion. 30 TAC § 309.11(1). Thus, the issue of erosion is relevant and material with regard to TCEQ's consideration of this water quality permit application.

Also, the siting of the plant does not comply with TCEQ's rules. The site does not minimize the potential for groundwater and surface water contamination. Without limitation, in reference to ED's Response 5, it has not been shown that the proposed plant is adequately protective in light of floodplain conditions at the site and wetland conditions at all times. The siting of the plant is not consistent with the requirements of 30 TAC §§ 309.10 – 309.14, and SHAA seeks a hearing regarding compliance with these regulations.<sup>2</sup>

Furthermore, without limitation, in reference to ED's Response 22 and 23, the issuance of the permit is not consistent with Texas' regionalization policy. Importantly, the application contains a letter from the City of Bryan stating that the City of Bryan has the capacity to provide the wastewater volume involved in the application and is willing to provide such service. The availability of alternate service specifically demonstrates the lack of need for the facility.

### **III. SHAA and Ms. Weber Ask that the Permit Application be Denied Upon Reconsideration**

KBARC's Application should be denied without the need for a hearing. Given the impaired nature of the downstream waters for bacteria, it is improper to issue a permit that will further contribute to this impairment of downstream waters with regard to bacteria. Texas' regulations prohibit the issuance of a permit to a new source, or a new discharger, when a discharge from that new source or discharger would contribute to the violation of water quality standards.<sup>3</sup> Issuance of the requested permit would violate this requirement. Also, considering the availability of alternate service from the City of Bryan, there is simply no need for the facility and the proposed discharge.

### **IV. If not Denied Upon Reconsideration, SHAA and Ms. Weber Request that further Processing of the Application await the issuance of a response to comments addressing groundwater concerns raised during the public comment period.**

Pursuant to Texas Water Code § 5.555(a), the Executive Director is required to issue a response to each relevant and material public comment filed during the public comment period. In this case, numerous persons commented that the facility would adversely impact groundwater. Under 30 TAC § 309.10(b), the purpose of Chapter 309 governing the permit includes the minimization of groundwater contamination. Likewise, under 30 TAC § 309.12, TCEQ rules require that a site be selected to protect groundwater and surface water. Thus, groundwater concerns are relevant and material to the Commission's decision on this application. This issue was raised during the comment period by Joe Hegwood, Carmen Januse, Frank Januse, Donnie Vernon, Leah Scamardo Vernon, Gabby Ring, and several others. Yet, the Executive Director's Response to Comments does not address the potential for the facility to impact groundwater.

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<sup>2</sup> Notably, these regulations were specifically identified in relationship to facility siting requirements in comments submitted on the application by Clean Water Action.

<sup>3</sup> 30 TAC § 305.538, incorporating 40 CFR § 122.4(i) by reference.

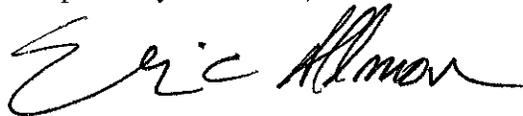
In addition, Clean Water Action submitted timely comments expressing concern regarding the impact of the facility upon wetlands. This issue also was not addressed by the Executive Director in his response to comments.

## V. Conclusion

For the above stated reasons, Requesters ask that the Commission deny KBARC's Permit application upon reconsideration. If the permit application is not denied, then Requesters ask that further processing of the permit be placed on hold until the issuance of a response to comments addressing all issues raised during the comment period, including potential impacts on groundwater and wetlands. If the permit is not denied upon reconsideration, and the Commission moves forward with processing the application, then Requesters request a contested case hearing with regard to KBARC's application. Considering the number of issues involved, and the public interest in the application, any contested case hearing should be referred for an anticipated duration of no less than nine months.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

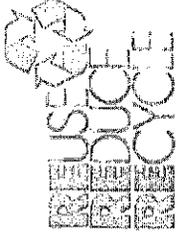
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---

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Austin, TX 78711-3087

Vertical text on the right edge of the envelope, likely a barcode or tracking information.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, December 04, 2015 4:38 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0015225001  
**Attachments:** 12.04.2015 SHAA and Weber Hearing Request.pdf

H

**From:** [athena@lf-lawfirm.com](mailto:athena@lf-lawfirm.com) [<mailto:athena@lf-lawfirm.com>]  
**Sent:** Friday, December 04, 2015 4:34 PM  
**To:** DoNot Reply  
**Subject:** Public comment on Permit Number WQ0015225001

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91857

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Eric Allmon

**E-MAIL:** [athena@lf-lawfirm.com](mailto:athena@lf-lawfirm.com)

**COMPANY:** Frederick, Perales, Allmon & Rockwell, P.C.

**ADDRESS:** 707 RIO GRANDE ST Suite 200  
AUSTIN TX 78701-2719

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached.

MWD

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With regard to surface water impacts, the discharged wastewater will flow into the Navasota River downstream of Lake Limestone (Segment 1209). This water body is already impaired with regard to bacteria. The proposed discharge will only contribute to this impairment, and thus the discharge does not meet the requirements of a Tier 1 anti-degradation review under 30 TAC § 307.5(b)(1). As a new discharge, the pollutants added to the receiving waters will have a greater than *de minimis* impact, thus necessitating a hearing with regard to compliance with TCEQ's Tier 2 anti-degradation review requirements.

Requesters, without limitation, in reference to ED's Response 4, stress that bacteria is not the only contaminant of concern for the proposed discharge. Oxygen-demanding substances and nutrients contained in the wastewater also have the potential to adversely impact the receiving waters to an unacceptable degree. It has not been shown that the proposed plant will be adequate to maintain dissolved oxygen levels above the criterion for Steep Hollow Branch. Without limitation, in reference to ED's Response 12, it has not been shown that the use of chlorine will not have an adverse effect on the receiving water body.

As well, without limitation, in reference to ED's Response 8 and 21, it has not been shown that the Applicant will maintain adequate safeguards to prevent discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources. This contributes to Requesters' concerns regarding soil contamination addressed in Issue 20, since such contamination will potentially occur in the event of a power outage and overflow around the facility.

---

<sup>11</sup> Pursuant to 30 TAC § 309.12(1), the Commission may consider "active geologic processes" in determining whether a facility site will minimize possible contamination of surface water and groundwater. The term "active geologic processes" includes erosion. 30 TAC § 309.11(1). Thus, the issue of erosion is relevant and material with regard to TCEQ's consideration of this water quality permit application.

Also, the siting of the plant does not comply with TCEQ's rules. The site does not minimize the potential for groundwater and surface water contamination. Without limitation, in reference to ED's Response 5, it has not been shown that the proposed plant is adequately protective in light of floodplain conditions at the site and wetland conditions at all times. The siting of the plant is not consistent with the requirements of 30 TAC §§ 309.10 – 309.14, and SHAA seeks a hearing regarding compliance with these regulations.<sup>2</sup>

Furthermore, without limitation, in reference to ED's Response 22 and 23, the issuance of the permit is not consistent with Texas' regionalization policy. Importantly, the application contains a letter from the City of Bryan stating that the City of Bryan has the capacity to provide the wastewater volume involved in the application and is willing to provide such service. The availability of alternate service specifically demonstrates the lack of need for the facility.

### **III. SHAA and Ms. Weber Ask that the Permit Application be Denied Upon Reconsideration**

KBARC's Application should be denied without the need for a hearing. Given the impaired nature of the downstream waters for bacteria, it is improper to issue a permit that will further contribute to this impairment of downstream waters with regard to bacteria. Texas' regulations prohibit the issuance of a permit to a new source, or a new discharger, when a discharge from that new source or discharger would contribute to the violation of water quality standards.<sup>3</sup> Issuance of the requested permit would violate this requirement. Also, considering the availability of alternate service from the City of Bryan, there is simply no need for the facility and the proposed discharge.

### **IV. If not Denied Upon Reconsideration, SHAA and Ms. Weber Request that further Processing of the Application await the issuance of a response to comments addressing groundwater concerns raised during the public comment period.**

Pursuant to Texas Water Code § 5.555(a), the Executive Director is required to issue a response to each relevant and material public comment filed during the public comment period. In this case, numerous persons commented that the facility would adversely impact groundwater. Under 30 TAC § 309.10(b), the purpose of Chapter 309 governing the permit includes the minimization of groundwater contamination. Likewise, under 30 TAC § 309.12, TCEQ rules require that a site be selected to protect groundwater and surface water. Thus, groundwater concerns are relevant and material to the Commission's decision on this application. This issue was raised during the comment period by Joe Hegwood, Carmen Januse, Frank Januse, Donnie Vernon, Leah Scamardo Vernon, Gabby Ring, and several others. Yet, the Executive Director's Response to Comments does not address the potential for the facility to impact groundwater.

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<sup>2</sup> Notably, these regulations were specifically identified in relationship to facility siting requirements in comments submitted on the application by Clean Water Action.

<sup>3</sup> 30 TAC § 305.538, incorporating 40 CFR § 122.4(i) by reference.

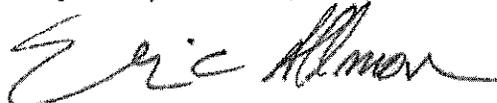
In addition, Clean Water Action submitted timely comments expressing concern regarding the impact of the facility upon wetlands. This issue also was not addressed by the Executive Director in his response to comments.

#### V. Conclusion

For the above stated reasons, Requesters ask that the Commission deny KBARC's Permit application upon reconsideration. If the permit application is not denied, then Requesters ask that further processing of the permit be placed on hold until the issuance of a response to comments addressing all issues raised during the comment period, including potential impacts on groundwater and wetlands. If the permit is not denied upon reconsideration, and the Commission moves forward with processing the application, then Requesters request a contested case hearing with regard to KBARC's application. Considering the number of issues involved, and the public interest in the application, any contested case hearing should be referred for an anticipated duration of no less than nine months.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon  
FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.  
707 Rio Grande, Ste. 200  
Austin, Texas 78701  
Ph: (512) 469-6000  
E-mail: [eallmon@lf-lawfirm.com](mailto:eallmon@lf-lawfirm.com)

TCEQ Public Meeting Form  
February 10, 2015

KBARC, LLC  
TPDES Municipal Wastewater  
Permit No. WQ0015225001

PLEASE PRINT

Name: Eric Allmon

Mailing Address: 707 Rio Grande St., Ste. 200

Physical Address (if different): \_\_\_\_\_

City/State: Austin Zip: 78701

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

Email: callmon@lf-lawfirm.com ✓

Phone Number: 512.469.6000

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? Clean Water Action

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)

*Callmon*



Bacteria is not the only contaminant of concern for the proposed discharge, however. Oxygen-demanding substances and nutrients contained in the wastewater also have the potential to adversely impact the receiving waters to an unacceptable degree. Overall, the limitations of the draft permit are not sufficiently protective of surface water quality.

Also, the siting of the plant does not comply with TCEQ's rules. The site does not minimize the potential for groundwater and surface water contamination. It has not been shown that the proposed plant is adequately protective in light of floodplain conditions at the site and wetland conditions. Furthermore, it has not been shown that the design and operation of the plant is adequate to control odors, particularly in light of the nearby residential areas. In short, the siting of the plant is not consistent with the requirements of 30 TAC §§ 309.10 – 309.14.

Furthermore, the issuance of the permit is not consistent with Texas' regionalization policy. No need for the facility has been demonstrated, and it has not been demonstrated that feasible alternatives are not available that would negate the need for the discharge altogether. The proliferation of small discharges from package plants such as the plant proposed by KBARC is precisely what the state's regionalization policy was intended to prevent.

It has not been demonstrated that the draft permit complies with TCEQ's general criteria set forth at 30 TAC § 307.4. For example, it has not been shown that the proposed discharge will not adversely impact the aesthetic qualities of the receiving waters. Furthermore, it has not been shown that the proposed discharge will be adequately protective so as to prevent the excessive growth of algae due to the discharge of nutrients.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.  
707 Rio Grande, Ste. 200  
Austin, Texas 78701  
Ph: (512) 469-6000  
E-mail: [eallmon@lf-lawfirm.com](mailto:eallmon@lf-lawfirm.com)

cc: Commenter Mailing List (*via e-mail*)



neopost  
02/03/2015  
FIRST-CLASS MAIL  
USPOSTAGE \$00.98<sup>0</sup>  
ZIP 78701  
041L10232757

**FREDERICK, PERALES, ALLMON  
& ROCKWELL, P.C.**  
Attorneys at Law  
707 Rio Grande, Suite 200  
AUSTIN, TX 78701  
(512) 469-6000 / 482-9346 (fax)

RECEIVED  
FEB 03 2015  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 03, 2015 2:00 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001  
**Attachments:** 2.3.15 Comments on Behalf of Clean Water Action.pdf

*MWD  
9/8/15*

**From:** [athena@lf-lawfirm.com](mailto:athena@lf-lawfirm.com) [mailto:[athena@lf-lawfirm.com](mailto:athena@lf-lawfirm.com)]  
**Sent:** Tuesday, February 03, 2015 1:10 PM  
**To:** DoNot Reply  
**Subject:** Public comment on Permit Number WQ0015225001

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Eric Allmon

**E-MAIL:** [athena@lf-lawfirm.com](mailto:athena@lf-lawfirm.com)

**COMPANY:** Frederick, Perales, Allmon & Rockwell, P.C.

**ADDRESS:** 707 RIO GRANDE ST Suite 200  
AUSTIN TX 78701-2719

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please view the attached comments on behalf of Clean Water Action.

*MWD*

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW  
707 Rio Grande, Suite 200  
Austin, Texas 78701  
(512) 469-6000 (512) 482-9346 (facsimile)  
Info@LF-LawFirm.com

Of Counsel:  
Rick Lowerre

February 3, 2015

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

**Re: Comments Regarding Application of KBARC, LLC for TPDES Permit No. WQ0015225001.**

Ms. Bohac:

On behalf of Clean Water Action ("CWA"), I am submitting these comments regarding the above-referenced matter.

As has been noted by numerous area landowners and residents, the draft permit is insufficiently protective and should be denied. The discharged wastewater will flow into the Navasota River downstream of Lake Limestone (Segment 1209). This water body is already impaired with regard to bacteria. The proposed discharge will only contribute to this impairment, and thus the discharge does not meet the requirements of a Tier 1 anti-degradation review under 30 TAC § 307.5(b)(1). CWA appreciates that the Executive Director has recommended more stringent standards for bacteria than such domestic wastewater permits normally contain. But, given the impaired nature of the receiving waters, any discharge of bacteria is unacceptable.

Additionally, the cumulative impact of the discharge in combination with other discharges into the receiving water bodies will result in a more than *de minimis* lowering of water quality. Yet, the analysis required by 30 TAC § 307.5(b)(2) has not been performed. Thus, issuance of the permit also violates the Tier 2 anti-degradation requirements of the TCEQ rules.

Bacteria is not the only contaminant of concern for the proposed discharge, however. Oxygen-demanding substances and nutrients contained in the wastewater also have the potential to adversely impact the receiving waters to an unacceptable degree. Overall, the limitations of the draft permit are not sufficiently protective of surface water quality.

Also, the siting of the plant does not comply with TCEQ's rules. The site does not minimize the potential for groundwater and surface water contamination. It has not been shown that the proposed plant is adequately protective in light of floodplain conditions at the site and wetland conditions. Furthermore, it has not been shown that the design and operation of the plant is adequate to control odors, particularly in light of the nearby residential areas. In short, the siting of the plant is not consistent with the requirements of 30 TAC §§ 309.10 – 309.14.

Furthermore, the issuance of the permit is not consistent with Texas' regionalization policy. No need for the facility has been demonstrated, and it has not been demonstrated that feasible alternatives are not available that would negate the need for the discharge altogether. The proliferation of small discharges from package plants such as the plant proposed by KBARC is precisely what the state's regionalization policy was intended to prevent.

It has not been demonstrated that the draft permit complies with TCEQ's general criteria set forth at 30 TAC § 307.4. For example, it has not been shown that the proposed discharge will not adversely impact the aesthetic qualities of the receiving waters. Furthermore, it has not been shown that the proposed discharge will be adequately protective so as to prevent the excessive growth of algae due to the discharge of nutrients.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Eric Allmon

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.  
707 Rio Grande, Ste. 200  
Austin, Texas 78701  
Ph: (512) 469-6000  
E-mail: [eallmon@lf-lawfirm.com](mailto:eallmon@lf-lawfirm.com)

cc: Commenter Mailing List (via e-mail)

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 18, 2014 11:38 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** cindyag80@hotmail.com [mailto:cindyag80@hotmail.com]  
**Sent:** Wednesday, June 18, 2014 11:26 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/18/14*

**REGULATED ENTITY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Cindy Barnett

**E-MAIL:** [cindyag80@hotmail.com](mailto:cindyag80@hotmail.com)

**COMPANY:**

**ADDRESS:** 6921 GEMSTONE DR  
BRYAN TX 77808-4763

**PHONE:** 9794504902

**FAX:**

**COMMENTS:** RE: Proposed Waste Water Treatment Plant to be located at 6932 FM 1179, Bryan, TX 77808  
Mr. Executive Director, Please accept my comments and request for a public hearing regarding an application for permit to install a Waste Water Treatment Plant (TCEQ Permit WQ0015225001) to be located at 6932 FM 1179 in Bryan, Brazos County, Texas. I am writing to also request denial of said permit. I am a homeowner living in Stone Creek Farms whose property is sits between 1/2 - 1 mile from the proposed treatment plant. My

*MWD*

concerns are numerous. ENVIRONMENTAL IMPACT: The environmental footprint of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting; a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP). ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA: Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have. UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter, attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgment and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Cindy Barnett  
6921 Gemstone Drive Bryan, TX 77808 979-450-4902

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 18, 2014 11:38 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

PM

**From:** [cindyag80@hotmail.com](mailto:cindyag80@hotmail.com) [<mailto:cindyag80@hotmail.com>]  
**Sent:** Wednesday, June 18, 2014 11:36 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*Handwritten:* MW / 6/18/14

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Cindy Barnett

**E-MAIL:** [cindyag80@hotmail.com](mailto:cindyag80@hotmail.com)

**COMPANY:**

**ADDRESS:** 6921 GEMSTONE DR.  
BRYAN TX 77808-4763

**PHONE:** 9794504902

**FAX:**

**COMMENTS:** RE: Proposed Waste Water Treatment Plant to be located at 6932 FM 1179, Bryan, TX 77808  
Mr. Executive Director, Please accept my comments and request for a PUBLIC MEETING regarding an application for permit to install a Waste Water Treatment Plant (TCEQ Permit WQ0015225001) to be located at 6932 FM 1179 in Bryan, Brazos County, Texas. Cindy Barnett 6921 Gemstone Drive, Bryan, TX 77808

*Handwritten:* MW

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 18, 2014 11:37 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** tbarnett@bryantx.gov [mailto:tbarnett@bryantx.gov]  
**Sent:** Wednesday, June 18, 2014 11:31 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/10/14*

**REGULATED ENTITY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Terry Barnett

**E-MAIL:** [tbarnett@bryantx.gov](mailto:tbarnett@bryantx.gov)

**COMPANY:**

**ADDRESS:** 6921 GEMSTONE DR  
BRYAN TX 77808-4763

**PHONE:** 9794504901

**FAX:**

**COMMENTS:** RE: Proposed Waste Water Treatment Plant to be located at 6932 FM 1179, Bryan, TX 77808  
Mr. Executive Director, Please accept my comments and request for a public hearing regarding an application for permit to install a Waste Water Treatment Plant (TCEQ Permit WQ0015225001) to be located at 6932 FM 1179 in Bryan, Brazos County, Texas. I am writing to also request denial of said permit. I am a homeowner living in Stone Creek Farms whose property is sits between 1/2 - 1 mile from the proposed treatment plant. My

*MWD*

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6921 Gemstone Drive Bryan, TX 77808 979-450-4901

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 18, 2014 11:38 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

PM

**From:** [tbarnett@bryantx.gov](mailto:tbarnett@bryantx.gov) [mailto:[tbarnett@bryantx.gov](mailto:tbarnett@bryantx.gov)]  
**Sent:** Wednesday, June 18, 2014 11:38 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

MWD  
9/10/16

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Terry Barnett

**E-MAIL:** [tbarnett@bryantx.gov](mailto:tbarnett@bryantx.gov)

**COMPANY:**

**ADDRESS:** 6921 GEMSTONE DR  
BRYAN TX 77808-4763

**PHONE:** 9794504901

**FAX:**

**COMMENTS:** RE: Proposed Waste Water Treatment Plant to be located at 6932 FM 1179, Bryan, TX 77808  
Mr. Executive Director, Please accept my comments and request for a PUBLIC MEETING regarding an application for permit to install a Waste Water Treatment Plant (TCEQ Permit WQ0015225001) to be located at 6932 FM 1179 in Bryan, Brazos County, Texas. Terry Barnett 6921 Gemstone Drive, Bryan, TX 77808

MWD

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 8:39 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

Pm  
H

**From:** paul.bonarrigo@gmail.com [mailto:paul.bonarrigo@gmail.com]  
**Sent:** Saturday, May 10, 2014 7:32 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Paul Bonarrigo

**E-MAIL:** paul.bonarrigo@gmail.com

**COMPANY:** Messina Hof Wine Cellars Inc

**ADDRESS:** 7032 GEMSTONE DR  
BRYAN TX 77808-4775

**PHONE:** 9792185313

**FAX:**

**COMMENTS:** Please accept this letter as a request for a "Public Meeting Hearing" relative to the above application for a wastewater treatment facility @ 6932 FM 1179, Bryan, Texas 77808. This application should be denied for several reasons including but not limited to the following: a.) there is a wastewater treatment facility with the capacity to handle the proposed discharge b.) the proposed system historically are problematic

*MWD*

and create significant issues within their proximity including odor nuisance, potential adverse effects to water supplies c.) proposed site is within the 100 year flood plain with a major flood creating potential environmental and health hazard issues. The collateral damage to the quality of life for all residence is immeasurable if the permit is granted. Your consideration to deny the application and intent to obtain Water Quality Pemit for a WasteWater Treatment facility is requested. This application has been submitted deceptively and in direct contradiction to the original intent of the land usage in our area.

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 3:33 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H  
ML

**From:** [jtcargill@yahoo.com](mailto:jtcargill@yahoo.com) [<mailto:jtcargill@yahoo.com>]  
**Sent:** Friday, May 16, 2014 3:29 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MW  
9/18/16*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** John Cargill

**E-MAIL:** [jtcargill@yahoo.com](mailto:jtcargill@yahoo.com)

**COMPANY:**

**ADDRESS:** 8604 STEEP HOLLOW RD  
BRYAN TX 77808-7688

**PHONE:** 9796760062

**FAX:**

**COMMENTS:** I would like to request a public hearing. Please put me on the mailing list.

*MW*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 3:33 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

*MW  
9/8/16*

**From:** [jtcargill@yahoo.com](mailto:jtcargill@yahoo.com) [<mailto:jtcargill@yahoo.com>]  
**Sent:** Friday, May 16, 2014 3:24 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** John Cargill

**E-MAIL:** [jtcargill@yahoo.com](mailto:jtcargill@yahoo.com)

**COMPANY:**

**ADDRESS:** 8604 STEEP HOLLOW RD  
BRYAN TX 77808-7688

**PHONE:** 9796760062

**FAX:**

**COMMENTS:** CONCERNS FOR STEEP HOLLOW AND SURROUNDING RESIDENTS 1. Airborne Hazards: Chemicals from wastewater treatment facilities become airborne when they're air-stripped (or splashed) which occurs in the aeration and dewatering processes, which put droplets and particles into the air. Studies have shown that coliform bacteria and total organisms are more prevalent at night, and they're highest when it's windy or the humidity is above 35 percent, which is most of the time in the Brazos Valley. Results of

*MW*

inhaling airborne chemicals are Respiratory and Gastrointestinal Infections 2. Houseflies, as well as other pests such as cockroaches, can also present a health hazard for those living near wastewater treatment facilities. Flies land on the food they eat to taste it, and raw sewage attracts houseflies. The hairs on a single housefly can carry millions of pathogens, which are transferred to whatever the fly next lands on. 3. Wastewater, especially domestic wastewater, contains pathogens which can cause disease spread when not managed properly. a. Cary Smith, president of Texcon General Contractors, partner of Kenneth Netherland, was accused of overcharging the City of College Station hundreds of thousands of dollars via false and inflated invoices. However, he was never held responsible, as Paul Urso took the fall for being sucked in to Cary's crooked ways by accepting bribes from him. (<http://www.kbtx.com/home/headlines/30803439.html>). How then can the TECQ turn and look the other way while this same man threatens the health of ourselves and our children. (Unless of course someone at the TECQ is accepting bribes from him as well?) 4. In addition to being a health hazard to numerous residential establishments surrounding this area, cattle are also raised downstream from the proposed WWTP. Among them, the C6 Ranch cattle stand the risk of being contaminated if proper operating procedures are not followed. Also, the C6 Ranch, along with many other land owners, has their own waterwell that supplies both humans and animals on the property. Contaminated groundwater risks putting people's lives at stake. 5. The small size of the proposed WWTP is of concern that it may fly below the TECQ radar in regards to priority of frequent inspections. This would be very unfortunate to let this man and his company take advantage of the people of the Brazos Valley again. And this time, the consequences impact our health and could result in death. 6. The ENDANGERED Ladies'-Tresses in Navasota and surrounding areas is a top concern for many people. Again, if not properly managed, this WWTP stands to be the reason for extinction of the Ladies'-tresses plant, as the discharge ends up in the Navasota River.

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:02 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [dac@tconline.net](mailto:dac@tconline.net) [<mailto:dac@tconline.net>]  
**Sent:** Monday, May 05, 2014 11:34 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/18/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MS DINA A COOPER

**E-MAIL:** [dac@tconline.net](mailto:dac@tconline.net)

**COMPANY:**

**ADDRESS:** 8100 RISINGER LN  
BRYAN TX 77808-2404

**PHONE:** 9792180413

**FAX:**

**COMMENTS:** I am requesting a public hearing. I am writing as a concerned resident and homeowner in response to the proposed waste water treatment plant (TCEQ Permit No. WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner that resides in Risinger Estates I have numerous concerns regarded this proposal. The environmental impact would be much farther than the radius of the WWTP discharge site. Also, the site is to be located in the 100 year flood plain. The

*MWD*

impact that this site would have on the neighborhood that many of us have enjoyed for years will not only be sound and lighting but the smell will no doubt lower our property values. Please allow us a public hearing so that all of our voices can be heard. Thank you. Dina Cooper

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:02 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [leoncummins@ymail.com](mailto:leoncummins@ymail.com) [<mailto:leoncummins@ymail.com>]  
**Sent:** Monday, May 05, 2014 11:12 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Cecil Leon Cummins

**E-MAIL:** [leoncummins@ymail.com](mailto:leoncummins@ymail.com)

**COMPANY:**

**ADDRESS:** 5729 EASTERLING DR  
BRYAN TX 77808-7833

**PHONE:** 9794210752

**FAX:**

**COMMENTS:** REQUEST FOR A PUBLIC HEARING Dear Mr.Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal including environmental impact,adverse impact to current

*MWD*

residents within the surrounding area, unnecessary WTTP and disproportionate benefits to the developer, increased traffic flow on an already overused FM1179, and flooding. As the ultimate decision-maker and permit approver, I urge you to consider the issues I am concerned with related to this proposed WWTP. I respect your judgement and expertise within this area and hope you will look objectively at the impact of all parties affected by this proposed plant. Sincerely, Cecil Leon Cummins Easterling Estates resident and homeowner

TCEQ Public Meeting Form  
February 10, 2015

KBARC, LLC  
TPDES Municipal Wastewater  
Permit No. WQ0015225001

PLEASE PRINT

Name: Lead Commis

Mailing Address: 5729 Eastering Dr.

Physical Address (if different): \_\_\_\_\_

City/State: Bryan, TX. Zip: 77808

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

Email: \_\_\_\_\_

Phone Number: 979-421-0752

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

If yes, which one? Eastering Estate

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)

*mu*

2/10/15

I live in Easterling Estates and have lived there for 9 yrs and have not had concerns. But in regards to odor on the wind causing odors I become real concerned. I hope this doesn't occur because I will not be living where I am forever due to the fact of my wife having Cancer. I hope that all my investment in my property will be returned up on sale. I am truly concerned for all my neighbors that live near the creek. Flooding in our area is definitely a problem. I hope that and wish that Mr. Neatherlin will make the right decisions. Thank you!

Sincerely,  
Leon Cummins  
*Leon Cummins*

RECEIVED

FEB 10 2015

AT PUBLIC MEETING

*Mr*

TCEQ Public Meeting Form  
February 10, 2015

KBARC, LLC  
TPDES Municipal Wastewater  
Permit No. WQ0015225001

PLEASE PRINT

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address (if different): \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

**\*\*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)

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 08, 2014 8:44 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [dillon@tconline.net](mailto:dillon@tconline.net) [<mailto:dillon@tconline.net>]  
**Sent:** Tuesday, May 06, 2014 11:22 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Jeff Dillon

**E-MAIL:** [dillon@tconline.net](mailto:dillon@tconline.net)

**COMPANY:**

**ADDRESS:** 5784 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9792291509

**FAX:**

**COMMENTS:** I respectfully request a public hearing on this application.

*me*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 29, 2014 10:03 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

**From:** [dillon@tconline.net](mailto:dillon@tconline.net) [<mailto:dillon@tconline.net>]  
**Sent:** Sunday, September 28, 2014 10:37 PM  
**To:** donotreply  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Jeff Dillon

**E-MAIL:** [dillon@tconline.net](mailto:dillon@tconline.net)

**COMPANY:**

**ADDRESS:** 5784 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9792291509

**FAX:**

**COMMENTS:** Test

*MWD*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 08, 2014 8:44 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

**From:** dillon@tconline.net [mailto:dillon@tconline.net]  
**Sent:** Tuesday, May 06, 2014 11:03 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*DDWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Jeff Dillon

**E-MAIL:** [dillon@tconline.net](mailto:dillon@tconline.net)

**COMPANY:**

**ADDRESS:** 5784 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9792291509

**FAX:**

**COMMENTS:** Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal:  
**ENVIRONMENTAL IMPACT:** The environmental footprint of this proposed plant would be far-reaching

*MW*

beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WWTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WWTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Jeff Dillon Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 8:24 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

PM  
H

**From:** [tyoung6500@aol.com](mailto:tyoung6500@aol.com) [<mailto:tyoung6500@aol.com>]  
**Sent:** Monday, May 05, 2014 9:13 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD*  
*9/18/16*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Terry Harper

**E-MAIL:** [tyoung6500@aol.com](mailto:tyoung6500@aol.com)

**COMPANY:**

**ADDRESS:** 7364 LIMESTONE CT  
BRYAN TX 77808-4766

**PHONE:** 2814436500

**FAX:** 2816456791

**COMMENTS:** This letter is from a VERY concerned resident of Stone Creek Farms regarding the proposed Waste Water Treatment Plant that Kenneth Neatherin and Carey Smith are requesting to be built. First, A "sewage plant" would have a significant risk of impacting or damaging the environment around the facility and down stream. Second - There would be much exposure to noise pollution, foul odors and emission pollutants.

*MWD*

Third - The devaluation of the surrounding properties will be as much as 50%. Fourth - Since there are no sewer lines already in place, the transportation of the waste to be treated delivered by tank trucks increases the risk of spillage. There is already a waste water plant within 3 miles of this proposed plant. Fifth - The possibility that stored treated solids would attract pests which would spread contaminants to the community and impact health. Sixth - Increased traffic due to tank trucks would increase road maintenance to FM 1179. Seventh - Increased safety risk to the residents living in Stone Creek Farms since it is the only access to the proposed location of the property due to the surrounding creeks and existing residents. Eighth - The proposed waste water treatment site is in the 100 year flood plain and is an unsuitable site characteristic for the location of a water treatment plant. Ninth - Supposedly, the life of this proposed type of plant Neatherlin and Smith want to build - because it is the least expensive way for them - is around 10 years. What happens after that? Neatherlin and Smith will be long gone - they definitely will NOT live around a sewage plant but they expect us too. When you talk to both of them, they say that this will not happen for a few years when in the application permit the "date construction estimated to commence" is October, 2014, and the "date the waste disposal estimated to commence" is December, 2014. This is all about "lining their pocketbooks" - they have no concern or care about anyone but themselves. This would be a devastating blow to the 180 homes in the surrounding area and I hope that you see fit to turn down this request for a permit for this waste water treatment plant. I am also requesting a PUBLIC HEARING MEETING concerning this issue.

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 13, 2014 10:41 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** Chegwood@hotmail.com [mailto:Chegwood@hotmail.com]  
**Sent:** Monday, May 12, 2014 10:02 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Cathy Hegwood

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

**COMPANY:**

**ADDRESS:** 5845 EASTERLING DR  
BRYAN TX 77808-7830

**PHONE:** 9797762324

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Cathy Hegwood Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 15, 2014 8:42 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** joebrian2324@gmail.com [mailto:joebrian2324@gmail.com]  
**Sent:** Wednesday, May 14, 2014 5:06 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Joe Hegwood

**E-MAIL:** [joebrian2324@gmail.com](mailto:joebrian2324@gmail.com)

**COMPANY:**

**ADDRESS:** 5845 EASTERLING DR  
BRYAN TX 77808-7830

**PHONE:** 8175844677

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Joe Hegwood Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 8:13 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** cjanuse@gmail.com [mailto:cjanuse@gmail.com]  
**Sent:** Thursday, May 15, 2014 9:08 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Carmen M. Januse

**E-MAIL:** [cjanuse@gmail.com](mailto:cjanuse@gmail.com)

**COMPANY:**

**ADDRESS:** 5898 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797760166

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: **ENVIRONMENTAL IMPACT:** The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Carmen Januse Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 8:13 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** cjanuse@gmail.com [mailto:cjanuse@gmail.com]  
**Sent:** Thursday, May 15, 2014 9:12 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*Answer  
9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Frank Januse

**E-MAIL:** [cjanuse@gmail.com](mailto:cjanuse@gmail.com)

**COMPANY:**

**ADDRESS:** 5898 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797760166

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MW*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Frank Januse Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:07 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [jouett01@hotmail.com](mailto:jouett01@hotmail.com) [<mailto:jouett01@hotmail.com>]  
**Sent:** Sunday, May 04, 2014 8:37 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*mwd  
9/8/57*

**REGULATED ENTITY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Amanda Jouett

**E-MAIL:** [jouett01@hotmail.com](mailto:jouett01@hotmail.com)

**COMPANY:**

**ADDRESS:** 7262 GEMSTONE DR  
BRYAN TX 77808-4764

**PHONE:** 9792297150

**FAX:**

**COMMENTS:** I am writing to share my displeasure with the proposed waste water treatment plant that has been requested by KBARC, LLC. for permit WQ0015225001. We bought this property never imagining that a waste water treatment plant may end up in our backyard. 1)We have a 1.5 acre pond on our property which we have stocked with fish and have taken great pains to upkeep, and now it may be threatened by runoff from a waste water treatment plant, as well as other harmful smells and emission pollutants that would be dangerous to

*mwd*

the environment around our property and the pond on our property. Our house is located right next to the road that is the only ingress and egress to the proposed wastewater site and approximately 0.5 miles from the proposed location for the plant. This would not only negatively impact our property values, but also our pond, fish and turtles in the pond, birds around our pond and the environment of ours and surrounding subdivisions, not to mention the proposed site may be within a flood zone area with potential environmental issues. 2) There is no necessity for having a waste water treatment plant in the area. The City of Bryan has a treatment plant 3-4 miles away from the proposed waste water site and has been contacted and stated that they can handle additional waste that would be produced and potentially handled by the proposed waste water treatment plant. There is no need for a new facility. 3) This proposed facility will not make a better community, environment, or quality of life. This is an idea to make the land more marketable for KBARC, LLC, at the expense of the hundreds of homes in the area. Because of these issues, I request a contested case hearing.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:06 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [jouett01@hotmail.com](mailto:jouett01@hotmail.com) [<mailto:jouett01@hotmail.com>]  
**Sent:** Sunday, May 04, 2014 9:19 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** DR. Ryan Jouett

**E-MAIL:** [jouett01@hotmail.com](mailto:jouett01@hotmail.com)

**COMPANY:**

**ADDRESS:** 7262 GEMSTONE DR  
BRYAN TX 77808-4764

**PHONE:** 9792295085

**FAX:**

**COMMENTS:** I am writing to object to the proposed waste water treatment plant application that has been requested by KBARC, LLC. for permit WQ0015225001. Before buying this property, we looked at numerous others, and finally bought our 3.5 acres because we enjoyed the quiet, peaceful, clean, safe environment that this property offered. Now, we face the possibility of having a waste water treatment plant literally in our backyard. Our property is about 880 yards from the proposed facility. 1) One of the reasons we bought the property was

*MWD*

because of the 1.5 acre pond. We have cleaned out the pond, planted trees around it, and stocked it with fish. We have turtles and birds that live in and eat out of our pond. Runoff from a waste water treatment plant, as well as other harmful smells and emission pollutants will threaten and potentially damage the fish, birds, turtles and any other life in or around the pond and on our property. Not only would the facility cause problems with the environment and life around our pond, but the increased noise and traffic because of the facility would be detrimental to us and our children whose rooms boarder the street. Our house is located right next to the road that provides the only way into and out of the proposed wastewater sight. We have 3 small children who often play in our backyard, which bumps right up to the road and is less than 900 yards from the proposed facility. This creates a danger to our children due to the increased traffic right next to our house, various people coming into and coming out of the plant, and the pollutants that the facility will produce. This would also negatively impact our property values for the reasons outlined above. The danger of such problems is greatly increased by the fact that the proposed facility that may even be located a flood zone area. 2) Each house in the area has its own septic system. It is not unreasonable to require any other homes built in the area of also have their own septic system. In addition to this, if septic systems were not feasible for whatever reason, the City of Bryan has a treatment plant 3-4 miles away from the proposed waste water site. The city has stated that they can handle additional waste that would be produced and potentially handled by the proposed waste water treatment plant. These points alone show that the costs and potential environmental impact of such an unnecessary facility do not and cannot outweigh any potential "benefit" that such a facility could provide. 3) Researching this issue has shown that this proposed facility is not for the greater good. The potential negative environmental impact, impact on the hundreds of people in neighboring subdivisions, and the fact that this facility is not even necessary weigh heavily against the proposed facility. For these reasons, I request a contested case hearing.

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 9:32 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [cwkellam@yahoo.com](mailto:cwkellam@yahoo.com) [<mailto:cwkellam@yahoo.com>]  
**Sent:** Tuesday, May 06, 2014 8:36 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MSW  
75816*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Carolyn Kellam

**E-MAIL:** [cwkellam@yahoo.com](mailto:cwkellam@yahoo.com)

**COMPANY:**

**ADDRESS:** 8270 RISINGER LN  
BRYAN TX 77808-2405

**PHONE:** 9797746027

**FAX:**

**COMMENTS:** I would like to request a public hearing about the proposed wastewater treatment plant. I feel this facility would have a negative impact on air quality and property values for my neighborhood and the surrounding areas. My home and others in my subdivision, Risinger Estates, are located well within a 1/2 mile radius of the proposed site. I believe that many residents in the surrounding community would have a negative impact from this proposed facility. The environmental impact would also be great. I ask that a public hearing for

*MSW*

further discussion on this matter be scheduled to provide a suitable outcome for all concerned residents.  
Respectfully submitted, Carolyn Kellam

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:15 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [wayne.kellam50@gmail.com](mailto:wayne.kellam50@gmail.com) [<mailto:wayne.kellam50@gmail.com>]  
**Sent:** Monday, May 05, 2014 1:07 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
FS 8/16*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Marvin Wayne Kellam

**E-MAIL:** [wayne.kellam50@gmail.com](mailto:wayne.kellam50@gmail.com)

**COMPANY:**

**ADDRESS:** 8270 RISINGER LN  
BRYAN TX 77808-2405

**PHONE:** 9792297172

**FAX:**

**COMMENTS:** 1.) Historically, the proposed plants are "problematic" to all land owners within the proximity of the plant including smell, and possible leakage not to mention the proposed site may be within a flood zone area with potential environmental issues. 2.) The proposed plant is within a three (3) to four (4) miles radius of an existing municipality which nullifies the need for such facility, and 3.) finally, in my opinion, the proposed waste water treatment application & site is not for the betterment of the local community, area, and residents but

*MWD*

the "greed " and financial benefit of a certain few. There is no benefit to the local area and existing residents and only potential negative implication. I request a public hearing with the TCEQ and the applicant to discuss my concerns.

Interested Person

Number 176164

Request Received Date 05/18/2014

Last Polling Date

Legislator

Comment

Empty comment box

Individual

Concerned Citizen Last Name KROLL

Suffix

Prefix MRS

First Name SANDRA

Middle Name

Title

Organization

More

Address

Building/Mail Drop

Interagency

Valid

Detail

Street/PO Box 8949 GEMSTONE DR

City BRYAN

State TX Zip 77808 - 4763

Country UNITED STATES

Foreign Postal Code

More

Phone Number/Email ID

Phone

Country Code Area Code 979 Number 7765139 Extension Updated 05/18/2014

Fax

Country Code Area Code Number Extension Updated

Email ID

sandyk1948@gmail.com Updated 05/18/2014

Additional IDs

Counties

Principals

Regulated Entities

Items

Save

Clear

Cancel

Print

Delivery Method

Type

Date  Time   AM  PM

Acknowledgment Date

1. The proposed site may be within a flood zone area with potential environmental issues. 2. The proposed plant is within a three (3) to four (4) miles radius of an existing municipality which nullifies the need for such facility. 3. I request a PUBLIC MEETING HEARING.

Documents

Prev

Next

Save

Cancel

Print

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 20, 2014 3:37 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

PM  
H

**From:** [terrykroll5@gmail.com](mailto:terrykroll5@gmail.com) [<mailto:terrykroll5@gmail.com>]  
**Sent:** Sunday, May 18, 2014 11:39 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91057*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Terry C. Kroll

**E-MAIL:** [terrykroll5@gmail.com](mailto:terrykroll5@gmail.com)

**COMPANY:**

**ADDRESS:** 6949 GEMSTONE DR  
BRYAN TX 77808-4763

**PHONE:** 9797765139

**FAX:**

**COMMENTS:** 1. The proposed site may be within a flood zone area with potential environmental issues. 2. The proposed plant is within a three (3) to four (4)miles radius of an existing municipality which nullifies the need for such facility. 3. I request a PUBLIC MEETING HEARING.

*MWD*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 02, 2014 8:33 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [Bruce.wlester@yahoo.com](mailto:Bruce.wlester@yahoo.com) [<mailto:Bruce.wlester@yahoo.com>]  
**Sent:** Thursday, May 01, 2014 5:28 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*mwd*  
*9/18/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Bruce W Lester

**E-MAIL:** [Bruce.wlester@yahoo.com](mailto:Bruce.wlester@yahoo.com)

**COMPANY:**

**ADDRESS:** 7172 GEMSTONE DR  
BRYAN TX 77808-4772

**PHONE:** 9797775006

**FAX:**

**COMMENTS:** I submitted a comment earlier but failed to make clear I am requesting a public hearing on this matter

*mwd*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 01, 2014 12:48 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

*MWD  
9/8/16  
75816*

**From:** [Bruce.wlester@yahoo.com](mailto:Bruce.wlester@yahoo.com) [mailto:[Bruce.wlester@yahoo.com](mailto:Bruce.wlester@yahoo.com)]  
**Sent:** Thursday, May 01, 2014 12:07 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Bruce W Lester

**E-MAIL:** [Bruce.wlester@yahoo.com](mailto:Bruce.wlester@yahoo.com)

**COMPANY:**

**ADDRESS:** 7172 GEMSTONE DR  
BRYAN TX 77808-4772

**PHONE:** 9797775006

**FAX:**

**COMMENTS:** We were all misled by Kenneth Neatherlin as to the future use if the property in question. He told the residents of Stone Creek Farms on more than one occasion the land would remain cattle pasture as he was building a home there and desired the isolation and natural surroundings for himself. Within months he posted signs selling 10 acre estate lots. No one complained as it's his right to sell. Soon those were reduced to 3-5 acre lots and again no one complained. However, the idea he could locate a SEWAGE treatment plant and

*MWD*

subdivide the area into small home lots of less than acre raises several concerns. We opted to move here for the atmosphere as it is now. I pay nearly \$6000 a year in taxes to enjoy this location and environment. I was comforted by Kenneth's words about the proposed future use of what is my backyard view. I put in an expensive pool thinking I would be here literally until I die. NOW I am faced with pungent air reducing if not destroying the use of the pool and my back yard. I am looking at tremendously increases traffic and a destruction of the privacy I paid dearly to purchase. These issues and other will combine to cause a real property value loss of up to 30% or more. This translates to a loss of somewhere close to \$30,000.00 per household or a total approaching \$700,000.00 so one man can reap profits he swore to us he would not attempt to garner. I know he has a right to use his land as he sees fit, but he should not be allowed to impact our personal worth and peace of mind to line his pockets. We were lied to and even when I contacted Kenneth by phone and asked, "Does a package plant mean open sludge pits and odor?" TWICE he ignored the question and changed the direction of the conversation. A lie by omission is still a lie. Finally, there is the issue of the possibility of hazardous waste water. This proposed WWTP is within a flood plain and could be compromised. We need to deal in the possibility not the probability. Also, even if flooding never overcomes the plant there is still the odor and the 300,000 gallons of effluent per day adversely affecting the Steep Hollow Branch, Wickson Creek and eventually the Navasota River. These adverse effects could be odor, EROSION, pond flooding or marshy areas and thus mosquitoes and West Nile disease, maybe even contamination of Wickson Water. Some of these concerns are small percentage occurrences, but again it's the possibility nit the probability we need to be concerned with.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 02, 2014 8:33 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [Katherine.lindstrom@yahoo.com](mailto:Katherine.lindstrom@yahoo.com) [<mailto:Katherine.lindstrom@yahoo.com>]  
**Sent:** Thursday, May 01, 2014 5:12 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/19*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Katherine Dawn Lester

**E-MAIL:** [Katherine.lindstrom@yahoo.com](mailto:Katherine.lindstrom@yahoo.com)

**COMPANY:**

**ADDRESS:** 7172 GEMSTONE DR  
BRYAN TX 77808-4772

**PHONE:** 9792556002

**FAX:**

**COMMENTS:** I sent an earlier email and failed to request a public hearing on this matter. Thank you

*MWD*

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 01, 2014 12:48 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

*MWD  
45816*

**From:** [Katherine.lindstrom@yahoo.com](mailto:Katherine.lindstrom@yahoo.com) [<mailto:Katherine.lindstrom@yahoo.com>]  
**Sent:** Thursday, May 01, 2014 12:31 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Katherine Dawn Lester

**E-MAIL:** [Katherine.lindstrom@yahoo.com](mailto:Katherine.lindstrom@yahoo.com)

**COMPANY:**

**ADDRESS:** 7172 GEMSTONE DR  
BRYAN TX 77808-4772

**PHONE:** 9792556002

**FAX:**

**COMMENTS:** I would like to register my complaint that Kenneth Neatherlin is proposing building a waste water treatment facility on the property directly behind my subdivision ,Stone Creek Farms. Everyone in this neighborhood chose to live here because of its quiet location and beautiful atmosphere and pay nearly \$6,000 in taxes to ensure this. We were all comforted when Kenneth assured us that there was no intention to change this and especially none to destroy it. If this proposed waste water treatment plant were to come to fruition, not only

*MWD*

would property valuations fall, but the environment we cherish would be destroyed through increased traffic, noise and pollution.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 8:40 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** amymccoslin@hotmail.com [mailto:amymccoslin@hotmail.com]  
**Sent:** Sunday, May 11, 2014 9:44 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/57*

**REGULATED ENTITY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MS Amy McCoslin

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

**COMPANY:**

**ADDRESS:** 5830 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797762026

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: **ENVIRONMENTAL IMPACT:** The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Amy McCoslin Easterling Estates resident and homeowner

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 9:31 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [cmclin@tconline.net](mailto:cmclin@tconline.net) [mailto:[cmclin@tconline.net](mailto:cmclin@tconline.net)]  
**Sent:** Tuesday, May 06, 2014 8:57 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Sue C McLin

**E-MAIL:** [cmclin@tconline.net](mailto:cmclin@tconline.net)

**COMPANY:**

**ADDRESS:** 8105 RISINGER LN  
BRYAN TX 77808-2408

**PHONE:** 9792241155

**FAX:**

**COMMENTS:** I am responding to a letter from the TCEQ about the permit request to build a waste water treatment plant less than a mile from my back door, and the discharge. I want to protest the building of this! This is my forever home, we bought this property to be in the country with the convenience of the city near by fourteen years ago, and we bought in an area that has restrictions. I want to request a public hearing and find out more about what is planned and what other homeowners think. Thank you, Sue McLin

*cm*

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:09 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

PM  
H

*MWD  
9/8/16*

**From:** [susan\\_moreland@tconline.net](mailto:susan_moreland@tconline.net) [mailto:[susan\\_moreland@tconline.net](mailto:susan_moreland@tconline.net)]  
**Sent:** Saturday, May 03, 2014 5:50 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** DR. Susan Moreland

**E-MAIL:** [susan\\_moreland@tconline.net](mailto:susan_moreland@tconline.net)

**COMPANY:**

**ADDRESS:** 8440 RISINGER LN  
BRYAN TX 77808-2407

**PHONE:** 9792689246

**FAX:**

**COMMENTS:** I am writing to request a PUBLIC MEETING HEARING concerning proposed waste water treatment plant off of FM 1179 in Brazos County. I am concerned about increased traffic, noise, odor, decreasing home value and potential contamination of our underground water.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:04 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [jimnac@gmail.com](mailto:jimnac@gmail.com) [<mailto:jimnac@gmail.com>]  
**Sent:** Monday, May 05, 2014 9:41 AM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*FS016  
Dmwr*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Jim Nachlinger

**E-MAIL:** [jimnac@gmail.com](mailto:jimnac@gmail.com)

**COMPANY:**

**ADDRESS:** 5886 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797770249

**FAX:**

**COMMENTS:** I would like to request a public hearing on the above requested permit to build a wastewater treatment plant in rural Brazos County. As a homeowner in the immediate area whose property adjoins the Steep Hollow Branch which will be the discharge area for the plant I am strongly opposed to this request. First off this Branch is a sometimes non flowing creek that if allowed to be built will consist of nearly 100% wastewater. Historically (backed up by statements from county health officials who have first hand knowledge

*Dmwr*

of a similar plant in Brazos County) these plants are unreliable and often result in discharge of untreated sewage. Due to the nature of the branch this would result in an open sewage ditch. My home and many others lie within 200 feet of the branch and I am concerned for the health and safety of my family. The branch also serves as a water source for livestock and wildlife. There are springs in the branch which during the recent droughts have created watering holes for wildlife that would suffer otherwise. The proposed site is also reported to lie within the flood plain and any flooding would result in discharge of raw sewage. The proposed site is within 3 to 4 miles from the city of Bryan who I have been told have reported that they have the capacity to add the additional households to their existing system. In my opinion this nullifies the need for this system and the risk it brings. The proposed wastewater treatment facility does not meet the betterment of the local community. The area surrounding this consists of a large number of rural subdivisions (the proposed owner developed a similar subdivision on the same tract of land) that consist of 1+ acre home sites with aerobic septic systems inspected and controlled by the county health department. This attempt is solely a method for the landowner to place high density housing for his and others person financial gain. It is my hope that TCEQ will permit an open hearing where my and the many other homeowners in the area can express our fears and concerns regarding this. It is my hopes that

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 11:16 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: permit WQ0015225001

H

*MWD*  
*9/18/16*  
*FS 816*

-----Original Message-----

From: Melissa Chao  
Sent: Monday, May 12, 2014 11:09 AM  
To: PUBCOMMENT-OCC  
Subject: FW: permit WQ0015225001

-----Original Message-----

From: TRRules  
Sent: Monday, May 05, 2014 7:27 AM  
To: Melissa Chao  
Subject: RE: permit WQ0015225001

FYI- We received this comment in the Rules eComments box.

-----Original Message-----

From: [rpbboneal@yahoo.com](mailto:rpbboneal@yahoo.com) [mailto:[rpbboneal@yahoo.com](mailto:rpbboneal@yahoo.com)]  
Sent: Saturday, May 03, 2014 1:02 AM  
To: [rpbboneal@yahoo.com](mailto:rpbboneal@yahoo.com)  
Subject: 2014-010-312-OW

05/03/2014 01:01 AM

This email is a confirmation of the comment that was submitted for the referenced rulemaking.

First Name: Ronnie  
Last Name: O'Neal  
Company/Organization: Brazos County Resident E-mail Address: [rpbboneal@yahoo.com](mailto:rpbboneal@yahoo.com) Street Address: 5816  
Easterling Drive  
City: Bryan  
State: TX  
Zip Code: 77808  
Phone Number: 979-774-4478  
Fax Number:

Rule: 2014-010-312-OW

Comments:

*MWD*

I am writing in opposition of permit WQ0015225001. This permit is for an open air waste water treatment facility on FM 1179 in Brazos County (6239 FM 1179, Bryan, Texas 77808). The proposed site is less than one tenth of a mile from my home in Easterling Estates (if not closer).

- 1.) Historically, the proposed plants are "problematic" to all land owners within the proximity of the plant including smell, and possible leakage not to mention the proposed site may be within a flood zone area with potential environmental issues.
- 2.) The proposed plant is within a three (3) to four (4) miles radius of an existing municipality which nullifies the need for such facility, and
- 3.) finally, in my opinion, the proposed waste water treatment application & site is not for the betterment of the local community, area, and residents but the "greed " and financial benefit of a certain few. There is no benefit to the local area and existing residents and only potential negative implication.

The facility will have a negative effect on the environment, will devalue homes and property, cause current residents to sell their property, create an unsafe climate on the already over burdened FM 1179 (as well as the infrastructure of the neighborhood in front of the proposed site), create an odor, cause erosion from 300,000 gallons/day into the Steephollow Creek Branch, Wickson Creek, create a habitat for mosquitos infestation along with West Nile.

I request a PUBLIC HEARING on this matter and that all residents in a 10 square mile area of the proposed site be notified of this hearing. Thank you.

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:08 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [rpbbboneal@yahoo.com](mailto:rpbbboneal@yahoo.com) [<mailto:rpbbboneal@yahoo.com>]  
**Sent:** Saturday, May 03, 2014 10:13 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*FW: 5/3/14  
Donw*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Ronnie O'Neal, JR

**E-MAIL:** [rpbbboneal@yahoo.com](mailto:rpbbboneal@yahoo.com)

**COMPANY:**

**ADDRESS:** 5816 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797744478

**FAX:**

**COMMENTS:** Request for Public Hearing

*Donw*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:09 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** rpbbboneal@yahoo.com [mailto:rpbbboneal@yahoo.com]  
**Sent:** Saturday, May 03, 2014 9:59 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/18/16  
FSB*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Ronnie O'Neal, JR

**E-MAIL:** [rpbbboneal@yahoo.com](mailto:rpbbboneal@yahoo.com)

**COMPANY:**

**ADDRESS:** 5816 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797744478

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Ronnie O'Neal Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 08, 2014 8:39 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [sgphillips@wicksonwireless.com](mailto:sgphillips@wicksonwireless.com) [<mailto:sgphillips@wicksonwireless.com>]  
**Sent:** Tuesday, May 06, 2014 2:56 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MDWD  
9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Stephen G Phillips

**E-MAIL:** [sgphillips@wicksonwireless.com](mailto:sgphillips@wicksonwireless.com)

**COMPANY:**

**ADDRESS:** 8275 RISINGER LN  
BRYAN TX 77808-2409

**PHONE:** 9797769792

**FAX:**

**COMMENTS:** I would like to reiterate the sentiments of many of my neighbors and request a public hearing through the TCEQ and our local state Rep. Kyle Kacal. Mr. Kenneth Neatherlin has been misinforming, misleading, and careless in his pursuit to develop the property adjacent to those in the area and his choice of the location (in a flood plain) and type of water treatment facility (open pit) clearly shows his disregard for what is best for the surrounding area and the environment, both adjacent to and downstream/wind from the proposed

*MW*

facility. Based on Mr. Neatherlin's past subpar developments and his clear lack of regard for their impact on adjacent properties, we have concluded that if this development moves forward, it will lead to a clear decline in the standard of living and well-being of thousands of residents in this part of the county, due to its detrimental environmental impact. We respectfully request a public hearing on this issue so that the long-term citizens of this county can have their voices heard. Thank you very much for your time and attention to this important matter. Sincerely, Stephen G. Phillips Member: Risinger Estates Homeowners Assoc.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, May 14, 2014 2:55 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** dpugh66@gmail.com [mailto:dpugh66@gmail.com]  
**Sent:** Wednesday, May 14, 2014 12:42 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*mwj*  
*9/8/16*  
*FS016*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** David Pugh

**E-MAIL:** [dpugh66@gmail.com](mailto:dpugh66@gmail.com)

**COMPANY:**

**ADDRESS:** 5817 EASTERLING DR  
BRYAN TX 77808-7830

**PHONE:** 9797743402

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MW*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WWTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WWTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, David L. Pugh Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:04 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** shellring2002@yahoo.com [mailto:shellring2002@yahoo.com]  
**Sent:** Monday, May 05, 2014 7:58 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD*  
*9/18/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Gabby Ring

**E-MAIL:** [shellring2002@yahoo.com](mailto:shellring2002@yahoo.com)

**COMPANY:**

**ADDRESS:** 5802 EASTERLING DR  
BRYAN TX 77808-7831

**PHONE:** 9797747623

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*CRW*

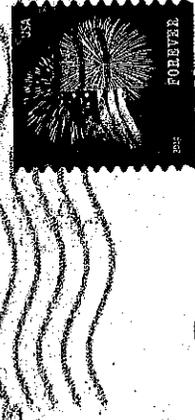
of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

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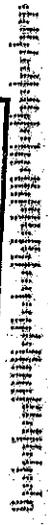
NORTH HOUSTON TX 77060  
17 NOV 2015 9:51

COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2015 NOV 19 AM 9:59  
CHIEF CLERKS OFF

Bridget G. Bohac, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

**RECEIVED**  
NOV 20 2015  
TCEQ MAIL CENTER  
CJ



78711308787

**R**  
**Annie L. Risinger**  
9007 Steep Hollow Rd.  
Bryan, TX 77808-5139

CHIEF CLERKS OFFICE

2015 NOV 19 AM 10:00

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:10 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

**From:** [annielin1057@gmail.com](mailto:annielin1057@gmail.com) [<mailto:annielin1057@gmail.com>]  
**Sent:** Friday, May 02, 2014 5:43 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*mwd*  
*91057*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Annie Lin Risinger

**E-MAIL:** [annielin1057@gmail.com](mailto:annielin1057@gmail.com)

**COMPANY:**

**ADDRESS:** 9007 STEEP HOLLOW RD  
BRYAN TX 77808-5139

**PHONE:** 9797765435

**FAX:**

**COMMENTS:** My family has inhabited this property since the early 1900s. The proposed facility is slated to go in right by Steep Hollow Creek which borders our property. Details of said waste water/sewage plant are murky at best. Bordering on all of our property, such a facility is not wanted by neighbors, and property owners alike. Disruptive to water plane and many acres near the center of Steep Hollow Community. Diminished property value and unpleasant smell will, we feel, affect ours and neighbor's lives.

*mw*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, May 08, 2014 8:40 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H  
PM

**From:** [tskalaban@verizon.net](mailto:tskalaban@verizon.net) [mailto:[tskalaban@verizon.net](mailto:tskalaban@verizon.net)]  
**Sent:** Tuesday, May 06, 2014 4:35 PM  
**To:** [doNotReply@tceq.texas.gov](mailto:doNotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*Donor  
45816*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Ted A Skalaban

**E-MAIL:** [tskalaban@verizon.net](mailto:tskalaban@verizon.net)

**COMPANY:**

**ADDRESS:** 8400 STEEP HOLLOW RD  
BRYAN TX 77808-2419

**PHONE:** 9797747082

**FAX:**

**COMMENTS:** Please accept these comments as my request for a Public Meeting Hearing pertaining to the proposed waste water treatment plant off of FM 1179 in Brazos County. There should be concerns about underground water contamination and the ability of the current infrastructure to handle increased commercial

*CM*

traffic if constructed. Also there should be discussion as to the direct correlation how this plant would effect present and future property values as well as the general quality of life to property residents.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:06 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [drbrianspence@yahoo.com](mailto:drbrianspence@yahoo.com) [<mailto:drbrianspence@yahoo.com>]  
**Sent:** Sunday, May 04, 2014 9:55 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/18/14*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** DR. Brian Spence

**E-MAIL:** [drbrianspence@yahoo.com](mailto:drbrianspence@yahoo.com)

**COMPANY:**

**ADDRESS:** 7144 GEMSTONE DR  
BRYAN TX 77808-4772

**PHONE:** 9797765472

**FAX:**

**COMMENTS:** To Whom It May Concern, I am writing in reference to permit #WQ0015225001. It has been brought to my attention that this waste water treatment center is to be place on the property directly behind my residence. Based on the permit application, construction is to begin on this facility as early as October, 2014. I have several concerns about this waste water facility and they are as follows: 1. What impact can/will this facility have on the environment if the facility if it is not operated properly? It was brought to my attention and

*MWD*

confirmed with a topographical/FEMA MAP, this would be placed in a known flood plain. What are the potential problems with flooding and this type of facility? What negative impact will be seen in Steep Hollow, Wickson Creek, and the Navasota river? 2. What impact will this have on the surrounding environment with regards to noise, odor and emissions pollutants? Will I hear this facility, smell it, or see it? Is this facility open or closed? 3. How many houses does this size facility usually handle? The developing property is only plotted to have 20 or so houses. This seems to be a very large facility for only 20 houses. Why is this facility so large? How many houses can this unit service? 4. How is the waste removed? Is it removed by trucks? If so does this increase the chance for spillage or contaminating the local environment? 5. Will maintenance of this facility increase the traffic flow into the area thus increasing the road maintenance on FM 1179? 6. Do these types of facility attract pest? Will this lead to the spread of more contaminates and have a negative effect on the health of the community? 7. What alternative facilities are available? My subdivision currently uses an aerobic septic system, why couldn't a similar system be used? 8. With the size of the facility, increased traffic flow, and the potential negative environmental impact, it is easy to conclude that the surround property values with decrease significantly. How can this type of facility help my property value? 9. According to a letter submitted in 2013, Jones Carter Inc. informed the city of Bryan there is a similar facility located within three miles of this property. Why can't this facility be used? I have been informed this is a large facility and could negatively impact my quality of life as well as my neighbors. Based on the questions and concerns listed above I would appreciate a response and/or PUBLIC hearing on this matter. Please do not hesitate to contact me at any time.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 8:40 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** bssprott@gmail.com [mailto:bssprott@gmail.com]  
**Sent:** Sunday, May 11, 2014 12:20 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91057*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Bob Sprott

**E-MAIL:** [bssprott@gmail.com](mailto:bssprott@gmail.com)

**COMPANY:**

**ADDRESS:** 6090 OAK HOLLOW CIR  
BRYAN TX 77808-6278

**PHONE:** 9798201856

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

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**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 8:40 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** bssprott@gmail.com [mailto:bssprott@gmail.com]  
**Sent:** Sunday, May 11, 2014 12:18 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD*  
*91057*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Sue Sprott

**E-MAIL:** [bssprott@gmail.com](mailto:bssprott@gmail.com)

**COMPANY:**

**ADDRESS:** 6090 OAK HOLLOW CIR  
BRYAN TX 77808-6278

**PHONE:** 9798201856

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

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**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:03 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** donnie.vernon@yahoo.com [mailto:donnie.vernon@yahoo.com]  
**Sent:** Monday, May 05, 2014 10:15 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/16*

**REGULATED ENTITY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Donnie Vernon

**E-MAIL:** [donnie.vernon@yahoo.com](mailto:donnie.vernon@yahoo.com)

**COMPANY:**

**ADDRESS:** 5700 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9794125807

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Donnie Vernon Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 05, 2014 1:04 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** leah.vernon@me.com [mailto:leah.vernon@me.com]  
**Sent:** Monday, May 05, 2014 10:08 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/16  
FS 876*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MRS Leah Scamardo Vernon

**E-MAIL:** [leah.vernon@me.com](mailto:leah.vernon@me.com)

**COMPANY:**

**ADDRESS:** 5700 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9797777572

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Leah Scamardo Vernon Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, May 12, 2014 8:37 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** aggie74sw@gmail.com [mailto:aggie74sw@gmail.com]  
**Sent:** Friday, May 09, 2014 8:49 AM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/18/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Steve Weaver

**E-MAIL:** [aggie74sw@gmail.com](mailto:aggie74sw@gmail.com)

**COMPANY:**

**ADDRESS:** 5798 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 2142157248

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

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TCEQ Public Meeting Form  
February 10, 2015

KBARC, LLC  
TPDES Municipal Wastewater  
Permit No. WQ0015225001

PLEASE PRINT

Name: Steve Weaver

Mailing Address: 5798 Easterling Dr

Physical Address (if different): \_\_\_\_\_

City/State: Bryan Tx Zip: 77808

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

Email: aggie74sw@gmail.com ✓

Phone Number: (214) 215-7248

• 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)

*mw*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 1:52 PM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [bwebe395@gmail.com](mailto:bwebe395@gmail.com) [<mailto:bwebe395@gmail.com>]  
**Sent:** Tuesday, May 06, 2014 1:47 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
91057*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Bonnie B Weber

**E-MAIL:** [bwebe395@gmail.com](mailto:bwebe395@gmail.com)

**COMPANY:**

**ADDRESS:** 7765 STEEP HOLLOW RD  
BRYAN TX 77808-7675

**PHONE:** 9792208839

**FAX:**

**COMMENTS:** I am a landowner whose property shares a fence line with KBARC and am only ~100 yds upstream from the proposed site where it would dump into the creek. My property is currently under wildlife management for quail, songbirds, and Carolina 3 toed Box turtles which are listed as "Threatened". I have future plans to create a Conservation Easement along the creek on my property and have plans to approach all landowners along Steep Hollow Creek to join in this Conservation Easement. My greatest personal concerns are

*MWD*

erosion, reduction in quality of the water in the creek and surrounding soils, potential flooding, leakage, smell and complete alteration of the current ecosystem. Also, the proposed plant is within a three (3) to four (4) miles radius of an existing municipality which nullifies the need for such facility, although I have found out the City of Bryan is not willing to pay for the access pipes at this time and the cost would be on KBARC. Finally, the proposed waste water treatment application & site is not for the betterment of the local community, area, and residents but the "greed " and financial benefit of a certain few. There is no benefit to the local area and existing residents and only potential negative implication. I REQUEST A CONTESTED CASE HEARING!

6

TCEQ Public Meeting Form  
February 10, 2015

KBARC, LLC  
TPDES Municipal Wastewater  
Permit No. WQ0015225001

PLEASE PRINT

Name: Bonnie Weber

Mailing Address: 7765 Steep Hollow Rd

Physical Address (if different): \_\_\_\_\_

City/State: Bryan, TX Zip: 77808

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

Email: bwebe395@gmail

Phone Number: 979-774-9940

• Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? Homeowners

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)

*mu*

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 8:25 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** gnw0811@tconline.net [mailto:gnw0811@tconline.net]  
**Sent:** Monday, May 05, 2014 8:47 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD  
9/8/16  
FS 816*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Gary N. Wentreck

**E-MAIL:** gnw0811@tconline.net

**COMPANY:**

**ADDRESS:** 8225 RISINGER LN  
BRYAN TX 77808-2409

**PHONE:** 9797772402

**FAX:**

**COMMENTS:** Please accept my comments and request for a public hearing regarding an application for permit to install a Waste Water Treatment Plant (TCEQ Permit WQ0015225001) to be located at 6932 FM 1179 in Bryan, Brazos County, Texas. I am a life-long resident of Brazos County and have lived in my current home at 8225 Risinger Lane in Bryan, Tx for the past 15 years. My home is within sight of the proposed WWTP site and I am extremely concerned that this plant will significantly impact my quality of life, well-being and

*MWD*

property value as well as that of my neighbors. Within the area immediately adjacent to the proposed plant, there are in excess of 100 existing homes. Within a one mile radius of the proposed site there are almost 200 homes with more being constructed or planned for construction weekly. I will enumerate my many concerns over this permit application: 1. The environmental impact would be far-reaching beyond the immediate WWTP discharge site. 2. This plant could pose a risk of contamination to water sources including Wickson Creek, Navasota River, private wells and groundwater in the area. 3. The proposed location is unsuitable for a water treatment plant due to it's proximity to Brazos County's 100-year flood plain - Zone A. 4. Quality of life for the hundreds of families living within proximity of the plant would be adversely impacted. 5. Property values for homes and businesses near the plant would decline. 6. Noise associated with the plant would be disruptive to area residents. 7. Residents would be subjected to foul odors emitted by the plant. 8. This WWTP is unnecessary. All current residents in the area of the proposed plant were required to install and maintain private septic systems when building their homes. 9. The City of Bryan maintains a WWTP within 3 miles of the proposed plant rendering another plant in the area unnecessary. I am requesting a public hearing be held in or near the Steep Hollow community of Bryan, Brazos County, Texas before any decision is rendered on this permit application. I am confident such hearing would be attended by a large showing of concerned citizens who are facing a degradation of their lives: emotionally, physically and financially. These citizens deserve to be heard and to have their concerns considered.

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 06, 2014 8:25 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** [wingenbach@tamu.edu](mailto:wingenbach@tamu.edu) [mailto:[wingenbach@tamu.edu](mailto:wingenbach@tamu.edu)]  
**Sent:** Monday, May 05, 2014 7:17 PM  
**To:** [donotReply@tceq.texas.gov](mailto:donotReply@tceq.texas.gov)  
**Subject:** Public comment on Permit Number WQ0015225001

*mwd*  
*7/18/16*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** MR Gary Wingenbach

**E-MAIL:** [wingenbach@tamu.edu](mailto:wingenbach@tamu.edu)

**COMPANY:**

**ADDRESS:** 5742 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9795954588

**FAX:**

**COMMENTS:** Dear Mr. Executive Director, I respectfully request a Public Hearing, in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner residing in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have several concerns about this proposal. The primary concern is the significant degradation to the quality of life I enjoy as a resident in Easterling Estates. I believe the proposed

*mwd*

WWTP site, if approved and built, would severely decrease my home's value, causing undue economic hardship for me and my family, Finally, there's a risk of contaminated effluent spilling into water sources including Wickson Creek (which is my drinking water source). I urge you to consider the issues surrounding the proposed WWTP and wastewater discharge site. Your judgement will impact many families and neighborhoods beyond this proposed facility. Sincerely, Gary Wingenbach Easterling Estates resident and homeowner

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 8:13 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** brandonze21@gmail.com [mailto:brandonze21@gmail.com]  
**Sent:** Thursday, May 15, 2014 9:14 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD*  
*91854*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Brandon W. Zemanek

**E-MAIL:** [brandonze21@gmail.com](mailto:brandonze21@gmail.com)

**COMPANY:**

**ADDRESS:** 5728 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9794506988

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWD*

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(However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

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**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 8:12 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** brandonze21@gmail.com [mailto:brandonze21@gmail.com]  
**Sent:** Thursday, May 15, 2014 9:17 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWJ*  
*9/8/57*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Cindy A. Zemanek

**E-MAIL:** [brandonze21@gmail.com](mailto:brandonze21@gmail.com)

**COMPANY:**

**ADDRESS:** 5728 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9797743007

**FAX:**

**COMMENTS:** REQUEST FOR PUBLIC HEARING Dear Mr. Executive Director, I am writing as a concerned resident and homeowner in response to the proposed Waste Water Treatment Plant (TCEQ permit WQ0015225001), proposed by Kenneth Neatherlin, to be located at 6932 FM 1179, Bryan, TX. As a homeowner who resides in the adjacent subdivision to the proposed WWTP and wastewater discharge site, I have numerous concerns regarding this proposal: ENVIRONMENTAL IMPACT: The environmental footprint

*MWJ*

of this proposed plant would be far-reaching beyond the radius of the WWTP discharge site. There is a risk of contaminated effluent to multiple water sources including Wickson Creek (which is the area's drinking water source), the Navasota River, area private wells and area groundwater, as well as a soil contamination risk. This could also be compounded by the prolonged and ongoing drought in the area, which has lowered the water levels in streams and rivers and which could potentially result in higher concentrations of the wastewater that would be discharged into these natural water sources. In addition, the proposed WWTP site and boundary located on the topographical map attached to the application, appears to be within Brazos County's 100-year flood plain, specifically flood zone A (on FEMA's flood plain map 48041C020E). According to the Texas Natural Resource Conservation Commission, Chapter 309 - Domestic Wastewater Effluent Limitation and Plant Siting, a 100-yr floodplain is an "unsuitable site characteristic" for location of a water treatment plant. (However, within the "Buffer Zone" section of this particular WWTP permit application, the applicant states that they comply with requirements regarding unsuitable site characteristics, which seems to be inconsistent with the proposed location of the WWTP).

**ADVERSE IMPACT TO CURRENT RESIDENTS WITHIN THE SURROUNDING AREA:** Adjacent neighborhoods to the proposed WWTP site include 110+ homes. Within the 1-mile radius of the discharge site, there are 180+ homes. These are homes that have existed for years, that are located in an open countryside setting, and whose long-time residents have been able to enjoy a quiet and peaceful existence away from the sights, sounds, smells, and pollution of city living. In addition, these owners have made significant investments in their homes in order to live in this area, with many of these homes being valued between \$350K to \$1 million and up. Historically these plants are problematic to all landowners within the proximity of the plant. Quality of life would be severely degraded by this proposed WWTP. Not only would we be subjected to the foul odors emitted by a WWTP so close to our homes, but our property values would also decrease, the traffic in our neighborhood would increase, our water supply could be negatively impacted, and the noises associated with this plant may disrupt the peace and quiet we currently enjoy and have enjoyed for years. There is no sufficient amount of buffering that would allow us to enjoy the same lifestyle we currently have.

**UNNECESSARY WTP AND DISPROPORTIONATE BENEFIT TO DEVELOPER** There is no impending need for the WWTP by anyone within the area. Everyone currently has their own septic systems. In fact there would be a disproportionate benefit weighing heavily in favor of the developer rather than the current residents. In addition, within a 3-mile radius of the proposed site, the City of Bryan has a current WWTP. As noted in the letter attached to the permit application, the response from the City of Bryan's Director of Water Services confirmed that they do indeed have sufficient capacity and are willing to accept the wastewater flow based on the proposed plant volumes. In fact, as an alternative to building the new plant, the City of Bryan recommends that the developer evaluate the cost to extend the infrastructure and see what participation would be needed to facilitate the extension. According to the applicant's response though, this analysis has not been done. Instead the developer is pursuing building their own WTP, disregarding the recommendation from the City of Bryan. If a large group of existing homeowners that have enjoyed living in this area for years, are going to have their quality of life and home values severely degraded, then the WWTP should at least be helping someone other than developers and engineering consulting firms. This is not the case however for this particular WWTP. As noted in the previous discussion points, the plant poses a risk to the environment, water sources, groundwater, and soil, it will have a negative impact to current and long-time residents within the area, and it would provide no benefits to current residents at all but instead would only result in disproportionate benefits in favor of the developer. There is also sufficient concern to increase traffic flow to an already overused FM 1179. The building of the WWTP could accommodate well over 150 homes increasing traffic on a road that is not prepared to accommodate this type of flow. As the ultimate decision-maker and permit approver, I urge you to consider the issues highlighted above related to this proposed WWTP. I respect your judgement and expertise within this area and hope that you will look objectively at the impact to all parties affected by this proposed plant. Sincerely, Cindy A. Zemanek Easterling Estates resident and homeowner

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, May 16, 2014 8:13 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number WQ0015225001

H

**From:** brandonze21@gmail.com [mailto:brandonze21@gmail.com]  
**Sent:** Thursday, May 15, 2014 9:16 PM  
**To:** donotReply@tceq.texas.gov  
**Subject:** Public comment on Permit Number WQ0015225001

*MWD*  
*91857*

**REGULATED ENTY NAME** KBARC

**RN NUMBER:** RN107118879

**PERMIT NUMBER:** WQ0015225001

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** KBARC LLC

**CN NUMBER:** CN604524900

**FROM**

**NAME:** Ronnie W. Zemanek

**E-MAIL:** [brandonze21@gmail.com](mailto:brandonze21@gmail.com)

**COMPANY:**

**ADDRESS:** 5728 EASTERLING DR  
BRYAN TX 77808-7832

**PHONE:** 9797743007

**FAX:**

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*MWD*

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