

## Fax Sheet

To Ardella Nowood

Fax Number 214-381-3539

Number of Pages including Cover Page 4

From Jewel Kelly

FAX Number 972-272-6152

SunEagle Bay Owners Association  
[www.suneaglebay.com](http://www.suneaglebay.com)  
P.O. Box 359  
Yantis, Texas 75497  
903-383-7900

To: The Members of SunEagle Bay

TCEQ Track No: 353703 - Investigation: 723378

Enclosed you will find 2 letters from Sabine River Authority related to their position of authority regarding SunEagle Bay from July 2008 to March 2011. Please read both letters carefully and notice the dates of each letter.

In July 2008, SunEagle Bay received a letter from SRA stating the following: "It is our understanding the SRA does not have regulatory authority to permit the installation of septic systems (including holding tanks) in this development." The letter also refers to the jurisdiction and statutes that govern wastewater at SEB and states "it has been determined that Title 30 Chapter 285 of The Texas Administrative Code (Onsite Sewer Facilities) does not apply to this type of development." Since that time, SEB has looked to TCEQ for all specifics related to wastewater management in our development.

The recent decision by TCEQ, as addressed in the March 21, 2011 letter, will be used as SunEagle Bay's directive, replacing the previous directive of July 14, 2008, until further notice. This letter **totally reverses** the position taken by SRA and TCEQ in July 2008. The letter states "As you are aware, current SEB deed restrictions prohibit the installation and use of holding tanks. If these deed restrictions are amended to allow individual holding tanks, the SRA may license these tanks as long as they meet the minimum requirements of the TCEQ." Please notice the word **"may"** and not must. The letter goes on to say "SRA has enforcement authority under TCEQ supervision for on-site sewage facilities 2000 feet landward from the Lake Fork project boundary. SRA's current position on these matters can change as TCEQ requires it"

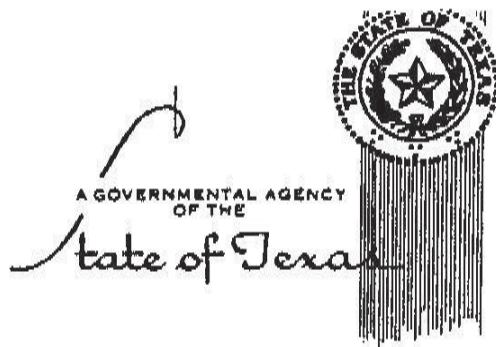
During the past 2 ½ years, we have discussed the use of Onsite Sewer Facilities (OSSF) systems with TCEQ from time to time. Each time, we have been told OSSF systems could not be permitted at SEB because OSSF systems fall under SRA's jurisdiction. There was never any mention of reversing the directive given in SRA's July 2008 letter. Since TCEQ **did not** discuss any aspect of this action with any one on the SEB Board; it is unclear as to why this decision was made. This lack of communication leaves our community uncertain as to what we can expect in the future when dealing with TCEQ regarding pollution problems that may occur due to TCEQ's approval to leave the development's 5 unlicensed holding tanks at SEB.

Due to TCEQ's decision as stated in SRA's March 21, 2011 letter, the board has an obligation to remind all SEB property owners they are responsible for all unauthorized discharges from OSSF systems located on their individual properties. In addition, they may also be subject to liability for unauthorized discharges from the 5 unlicensed SEB holding tanks being left indefinitely on our premise with TCEQ's knowledge and approval; tanks that have not been inspected in years and therefore, make their stability and fitness questionable.

Respectfully,

Jewel B. Kelly  
President, SunEagle Bay  
Enclosure

CC: SRA, TCEQ



# SABINE RIVER AUTHORITY of Texas

Lake Fork Division  
353 PR 5183  
Quitman, Texas 75783  
903/878-2262

July 14, 2008

Mrs. Jewel B. Kelly, President  
SunEagle Bay Owners Association  
PO Box 359  
Yantis, TX 75497

Dear Mrs. Kelly:

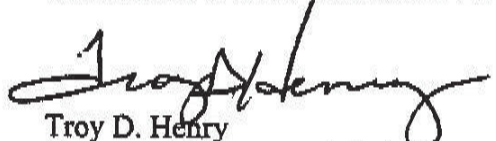
Subsequent to discussions with the Texas Commission on Environmental Quality (TCEQ) regarding the jurisdiction and statutes that govern the wastewater at SunEagle Bay (Association), **it has been determined that Title 30 Chapter 285 of the Texas Administrative Code (Onsite Sewage Facilities) does not apply to this type of development.**

It is our understanding the SRA does not have regulatory authority to permit the installation of septic systems (including holding tanks) in this development.

Questions regarding applicable statutes may be addressed to Doug Belzer, Environmental Investigator, TCEQ at 903-535-5138. Should the association decide to pursue the permitting and installation of a central sewer collection system and treatment plant, Mr. Ray Luce, Small Business and Local Government Assistance with the TCEQ may be of help. Mr. Luce can be reached at 903-535-5158.

Sincerely,

SABINE RIVER AUTHORITY OF TEXAS



Troy D. Henry  
Commercial Contract Administrator

cc: Douglas Belzer, TCEQ

**COPY**





# SABINE RIVER AUTHORITY

*of Texas*

A GOVERNMENT AGENCY  
OF THE

*State of Texas*

(409) 746-2192  
FAX (409) 746-3780

P.O. BOX 579  
ORANGE, TEXAS  
77631

March 21, 2011

Ms. Jewel Kelly  
Sun Eagle Bay Association  
P O Box 359  
Yantis, TX 75497

Dear Ms. Kelly:

After consultation with TCEQ, SRA's position regarding Sun Eagle Bay (SEB) wastewater disposal is that SEB can continue to use the holding tanks that are currently in use.

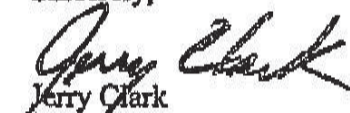
If there should be an overflow from one of the tanks, SRA will notify TCEQ who will inspect and enforce regarding the incident.

As you are aware, current SEB deed restrictions prohibit the installation and use of individual holding tanks. If these deed restrictions are amended to allow individual holding tanks, the SRA may license these tanks as long as they meet the minimum requirements of the TCEQ. This new approach will require all water including gray-water to be contained in the individual holding tanks and properly disposed of by a TCEQ licensed transporter. Gray-water may continue to be applied to the surface of the ground as in the past with the understanding that there can be no runoff to adjoining property, ditches, the lake or create nuisance conditions including ponding and pooling on the property.

SRA has enforcement authority under TCEQ supervision for on-site sewage facilities 2000 feet landward from the Lake Fork project boundary. SRA's current position on these matters can change as TCEQ requires it.

I appreciate the cooperation of the people we serve regarding these issues.

Sincerely,

  
Jerry Clark  
Executive Vice President  
and General Manager

xc: Donna Phillips, TCEQ  
Leroy Biggers, TCEQ  
Joe Woolfolk  
Danny Choate

*John Stover*