

4/04/2011

Mr. Fredrick Land
Regulatory Branch, CESWF-PER-R
U.S Army Corps of Engineers
819 Taylor Street
Ft. Worth, TX 76102-0300

Dear Mr. Land;

I am requesting a public hearing on Permit Application No. SWF-2010-00506 for the following reasons:

- A. Incomplete information concerning local General Aviation resources by the applicant et al.
- B. Incomplete information concerning industrial activities planned for the site by the applicant et al.
- C. Proposed construction by the applicant et al of drainage and water storage facilities which will be attractive to large water-fowl that may cause damage to aircraft engines by ingestion, resulting in air crashes which will endanger citizens and property in airport surrounds.
- D. The storage and use of highly toxic aviation fuels, solvents, and industrial chemicals in close proximity to groundwater and flood-plains of the Colorado River and tributaries #8 & #9 and the lack of spill prevention and groundwater pollution plans by the applicant et al.
- E. The general unsuitability of the site due to residential and environmental tourism developments in or near proposed flight paths.

Clarifications, A-E

- A. Austin Executive Airport, located at 15012 Fuchs Grove Road in Manor Texas is due to open in the second quarter of 2011, and will feature two runways, a 6025' and a 1550' plus 22,000 square feet of hangar and terminal space. There is no "shortage" of General Aviation (GA) facilities in Central Texas as the applicant suggests.

The Central Texas Airport/Eco-Merge complex is not being constructed as a "reliever airport" as the applicant suggests, but rather as a fueling and repair facility that will accept narrow-body aircraft such as Boeing 737's and Airbus A320's which will take advantage of the 7200' runway as a Carpenter & Associates spokesperson T. R. Reid admitted. Preliminary plans allowed for an 8000' runway, which is longer than the main runway at old Robert Mueller Airport, which was 7200'. GA aircraft do not require runways of this length.

- B. The applicant et al made no mention of the merger of the Central Texas Airport and an industrial consortium known as Eco-Merge, and the plan to construct a manufacturing center for LED lighting, micro-electronics, a waste-to-energy plant, and a 9.9 MW solar array on airport property. These additions will completely change the character of the facility from GA to an industrial development that is even more unsuitable for this area. McKinney Roughs Nature Preserve and the Hyatt Regency recreational complex lie just across the Colorado River and may lose their eco-tourism attractions to the obvious negative environmental effects of this development which would then deal Bastrop County a serious economic blow. (Copy enclosed)
- C. The applicants' plan to construct a 26-acre storm water detention facility and related grass-lined drainage structures is a serious breach of safety recommendations contained within **FAA AC #150/5200-33B, "Hazardous Wildlife Attractants on or Near Airports"** and suggests that the entire Central Texas Airport siting and preliminary design engineering may be in violation of stated safety minimums concerning existing and constructed habitat that attracts large water-fowl, which may be ingested by jet engines resulting in air disasters. (Copy enclosed)

The proximity of a large area of calm, shallow, mud-bottomed body of water to the fly-ways of the Colorado River and adjacent food-producing farmland may attract larger numbers of geese, gulls, ducks, raptors, vultures, and other large-bodied water-fowl that have been responsible for much damage to military, GA and narrow-bodied commercial jet aircraft.

The applicants' plan to site this facility at less than 1000' east of the Airport Operating Area (AOA) is gross engineering negligence that will place aircraft and property owners in grave danger should a bird-strike occur. The above-mentioned **FAA AC #150/5200-33B** states quite succinctly that a minimum of 10,000' of separation should be maintained between water-storage structures of this type and the AOA. Additionally, the siting of the detention structure at the near mid-point of the runway will put aircraft at risk of a bird-strike at the critical time period of take-off when maneuvering power is minimal and an emergency landing is impossible. Most bird-strikes on aircraft occur between 30-800' Above Ground Level (AGL). With his structure, and the Colorado River only 2500' south of the south end of the runway, all aircraft arrivals and departures will be at a continuous risk of serious damage with potentially disastrous consequences for individuals and property under the proposed flight-paths.

The applicant had, and still has, a willing supporter in the Bastrop County Planning & Development Department Director Mr. Ronnie Moore, who, by his own admission, inserted language into a financial instrument known as the **"Chapter 381 Economic Development Agreement, Bastrop County, Texas and Central Texas Airport, LLC,"** and its accompanying "Resolution No. 06-10-01," that states in "Recitals," Section 1, (b), **"...for the purposes of this Agreement, the term "Airport" shall mean a general aviation airport designed, constructed and operated so as not to be required to obtain an Airport Operating Certificate under 14 C.F.R. Part 139..."**. (Copies enclosed)

14 C.F.R Part 139 contains safety guidelines and recommendations specific to Wildlife Hazards and Mitigation that the applicant **now** does not have to follow, which makes construction and operation of the facility much less expensive, but potentially more dangerous to Bastrop County citizens.

Any open drainage or detention structures within the airport site should be constructed so as to drain completely within a 24-48 hour period, and should feature all rip-rap cross-sections as suggested in **FAA AC #150/5200-33B**. Additionally, any maintenance and wildlife mitigation requirements needed to keep these structures effective and operating should be a permanent contract specification to present and future operators/owners as long as flight operations of jet-turbine-powered aircraft continue.

- D. To date, (4/04/2011) the applicant has not presented a complete set of construction plans to any Bastrop County governmental entity or interested citizens.
- E. This is an egregious engineering information error as the preliminary site plans are airport-centric, and do not provide any useful information about basic services that will be required for airport operations and maintenance, or the planned Eco-Merge industrial complex and the resulting impact upon the water quality and environment of Bastrop County and the State of Texas.

The Bastrop County Commissioners Court made the extraordinary decision to approve and support the applicant without the most basic information concerning:

1. Sewage disposal
2. Aviation fuel storage
3. Toxic chemical storage
4. Aviation fuel spills mitigation
5. Toxic chemical spills mitigation
6. Noise pollution

Clarification, D-1

The Central Texas Airport is located within an area that is presently not served by a wastewater treatment plant. The accepted method of disposing of large amounts of wastewater and accompanying solids in this area is above-ground or under-ground evapotranspiration for water, and the removal of solids.

The only practical method to dispose of the large amount of wastewater generated by the airport and industrial complex will be by surface evapotranspiration by spraying partially treated sewage upon designated areas of the site.

This is a successful method of disposal provided there are enough properly graded and porous soils to accept the 24/7/365 spraying so as to minimize run-off into surface waters prior to treatment by sunlight and soil organisms.

Unfortunately, surface evapotranspiration will present improved habitat and expanded food sources for water fowl dangerous to jet aircraft operations.

This method is acceptable for biodegradable organic materials, but unacceptable for toxic chemicals, heavy metals, and other compounds used in industrial production and aviation maintenance.

The applicant has not provided any sewage disposal information or projected wastewater production estimates for the airport, the Eco-Merge industrial complex, or the commercial sites.

The applicant has not provided any disposal plans for toxic chemicals used in manufacturing and aircraft maintenance.

Without this basic information, no accurate estimate of environmental effects upon the waters of Bastrop County and the State of Texas is possible.

Clarifications, D-2-5

The applicant et al, has completely failed to provide any information whatsoever dealing with storm water pollution and spill prevention control for the airport/industrial complex drainage system described within Permit Application No. SWF-2010-00506.

Austin Bergstrom International Airport (ABIA) lies just to the west of the applicants' site, and with similar soils and weather, and presents a functional model of storm water pollution prevention/spill prevention that may be applied, with certain modifications, to the proposed Central Texas Airport/Eco-merge industrial complex.

The City of Austin's Department of Aviation ABIA model is designated Storm Water Pollution Prevention Plan (SWP3) and was in place prior to the opening of the facility for civilian operations and applies to aircraft, industrial, and rental vehicle tenants.

Bergstrom AFB was opened for military operations on September 19, 1942 at a time when propeller-driven aircraft had few problems with bird strikes, so siting this facility near the Colorado River and Onion Creek with their attendant water fowl populations posed little hazard. Military jet-turbine engine aircraft began operations out of BAFB in the 1950's with a recorded crash of an F-16A on 12/17/1992 due to a bird-strike.

Soil and groundwater contamination occurred at BAFB because of improper disposal methods, and were from VOC's, pesticides, hydrocarbons, metals, and low-level radioactive waste, similar to materials that may be found at the applicants' airport/industrial site. Groundwater monitoring of pollutants at ABIA continues to date.

The construction of any filtration or sedimentation facility to mitigate storm water pollution/runoff must comply with **FAA AC #150/5200-33B, "Hazardous Wildlife Attractants on or Near Airports."**

The decision by the Bastrop County Planning & Development Director Mr. Ronnie Moore to exempt the applicants' facility from **14 C.F.R. Part 139**, (139.321) will make it more difficult to protect the waters of the State of Texas from pollution created at this facility by air-freighted hazardous materials. (Copy enclosed)

Clarification, D-6

The applicant et al has characterized this airport as a General Aviation (GA) airport, which in reality, it will not be. GA airports do not require a 7200' runway, which is the same length as the main runway at the old Robert Mueller Airport in Austin that routinely handled 737-class aircraft. A 737 with Stage III engines passing overhead at 500' altitude will produce 115-130 dB of noise.

Altitudes on approach over populated areas are as low as 90', and over the Colorado River are 200' or less because of the surrounding topography which is on-average 150' higher than the runway. Approximately 22,000 acres are within the TxDOT Airport Compatibility Zone, (Copy enclosed) including 20 subdivisions that will be negatively affected by large 737-class aircraft at low altitudes. Information received from the applicants' FAA documentation indicates that as many as 250 flights daily may occur (Copy enclosed). Aircraft maintenance and flight operations may continue 24/7/365 and will have serious economic and social effects which may only be addressed with litigation by the affected parties as the applicant has rejected State or Federal funding and their attendant responsibilities to surrounding populations.

On October 25, 2010, Judge Ronnie McDonald made a request to the TCEQ for Bastrop County to not be included in the expected Ozone non-attainment for the five county areas. (Copy enclosed)

This request is ironic, as the applicants' site is in the Colorado River basin, and many pollutants and particulates produced by aircraft, vehicles, and manufacturing will be trapped in this low-lying area and will undoubtedly speed Bastrop County into non-attainment. The applicant has indicated that the airport may accept as many as 84,000 flights annually, with re-fueling, maintenance, and other aviation-related services available. Additionally, several light-industrial companies have publicly announced intentions to locate there for production of LED and other electronic components. This complex is expected to draw from 20,000 to 86,000 ground-vehicle trips daily, depending upon the ever-changing projections of the applicant.

Conclusion

The inescapable conclusion conveyed by the applicant et al of Permit Application No. SWF-2010-00506 is that without a complete set of construction plans filed and approved by the Bastrop County Planning & Development Department, and made available to other governmental agencies and interested private citizens, no realistic comprehensive analyses of the impact this facility will have upon the waters of the State of Texas and the surrounding environment are possible. Unless and until this information is received and reviewed by the aforementioned parties, any substantive hearings or decisions on this application should be postponed.

Sincerely,

Tom Thompson
Elgin, TX 78621

- Enclosures: 1) Eco-Merge Press Release
2) FAA AC No. 150/5200-33B "Hazardous Wildlife Attractants In Or Near Airports"
3) Pg. 2, "Chapter 381, Economic Development Agreement, Bastrop County, Texas, and Central Texas Airport, LLC"
4) 14 C.F.R. Part 139, 139.337, "Wildlife Hazard Management"
5) Letter to Tom Thompson from Mr. Ronnie Moore, Director of Planning and Project Mgt. Bastrop County
6) 14 C.F.R. Part 139, 1309.321, "Handling and storing of hazardous substances and materials"
7) TxDOT Airport Compatibility Guidelines, Airport Compatibility Zone for the Central Texas Airport
8) FAA "Notice of Landing Area Proposal"
9) October 25, 2010 letter from Judge Ronnie McDonald to TCEQ