

MWD
53346

THE LAW OFFICES OF JOHN E. BAKKE III

A PROFESSIONAL CORPORATION

SUITE 1140
THE FORUM
8000 McDERMOTT FWY.
SAN ANTONIO, TEXAS 78230

WHR OPA
AUG 21 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AUG 20 PM 3:14
CHIEF CLERKS OFFICE

TELEPHONE (210) 341-9371

2007-1178-MWD

BY DM
Board Certified
Estate Planning & Probate Law
Texas Board of Legal Specialization

August 20, 2007

VIA FAX: (512) 239-3311

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

Re: Application of Lerin Hills, Ltd. for TPDES Permit No. WQ0014712001 ("Application")

Dear Ms. Castanuela:

We the undersigned, do herewith WITHDRAW our request for a contested hearing of the captioned Permit and all of our comments concerning said Permit.

Sincerely,

John E. Bakke III

Patricia S. Bakke

JEB/sr

cc: Teague G. Harris, P.E.
Senior Vice President
Pate Engineers
13333 Northwest Fwy., Suite 300
Houston, Texas 77040
Via fax: (713) 462-1631

Richard Kammerman, Esq.
Richard Kammerman, P.C.
7200 North Mopac, Suite 150
Austin, Texas 78731
Via fax: (512) 233-2763

MWD

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THE LAW OFFICES OF JOHN E. BAKKE III

A PROFESSIONAL CORPORATION

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SAN ANTONIO, TEXAS 78230

OPR WHR

AUG 21 2007

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 AUG 21

BY DM

CHIEF CLERK

TELEPHONE (210) 341-9371

Board Certified
Estate Planning & Probate Law
Texas Board of Legal Specialization

August 20, 2007

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

VIA FAX: (512) 239-3311

Re: Application of Lerin Hills, Ltd. for TPDES Permit No.
WQ0014712001 ("Application")

Dear Ms. Castanuela:

We the undersigned, do herewith WITHDRAW our request for a contested hearing of the captioned Permit and all of our comments concerning said Permit.

Sincerely,

John E. Bakke III

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Senior Vice President
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13333 Northwest Fwy., Suite 300
Houston, Texas 77040
Via fax: (713)462-1631

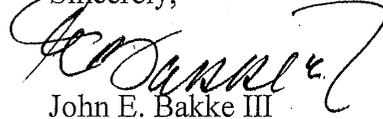
Richard Kammerman, Esq.
Richard Kammerman, P.C.
7200 North Mopac, Suite 150
Austin, Texas 78731
Via fax: (512) 233-2763

CHIEF CLERKS OFFICE
2007 AUG 21 PM 2:33
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

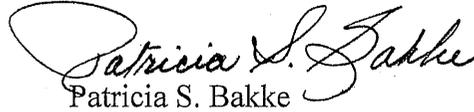
5. If the Commission were to grant the permit application the environmental quality of our air would be adversely affected, our quality of life destroyed and the economic value of our home devastated.

Accordingly, we respectfully request that the Commission not grant the application; but rather provide an opportunity for a contested case hearing so that the Commission is able to fully and fairly consider all relevant issues of fact.

Sincerely,



John E. Bakke III



Patricia S. Bakke

JOHN E. BAKKE III and PATRICIA S. BAKKE

**RANCHO SUERTE
305 State Hwy 46 West
Boerne, Texas 78006**

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 JUL -6 AM 9:49

CHIEF CLERKS OFFICE

July 5, 2006

CERTIFIED SIGNATURE REQUESTED

Jodena N. Henneke, Director
Office of Public Assistance
Texas Commission on Environmental Quality
P.O. Box 113087
Austin, Texas 78711-3087

MWD
53344

OPA

H JUL 06 2006

BY

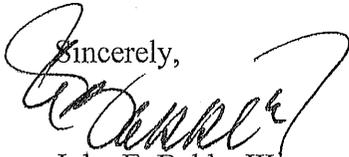
Re: Request for a Contested Case Hearing
Lerin Hills, Ltd.
Proposed Pollutant Discharge
Elimination System (TPDES)
Permit No. WQ0014712001
EPA ID. No. Tx 0128767

Dear Ms. Henneke:

We are aware that the SOAH hearing will be a formal, legal proceeding. This is one of the reasons that we asked that our request be granted. In particular, so we will:

1. Have an opportunity for discovery; and
2. So that the Commissioners will have the benefit of testimony from an expert other than that of the applicant.
3. In fact, we were in hopes that the Executive Director will see fit to participate as a party.

Sincerely,


John E. Bakke III


Patricia S. Bakke

cc: LaDonna Castanuela, Chief Clerk
Firoj Vahora, Permits Division
Kerri Qualtrough, Environmental Law Division

JOHN E. BAKKE III and PATRICIA S. BAKKE
RANCHO SUERTE
305 State Hwy 46 West
Boerne, Texas 78006

CHIEF CLERKS OFFICE

July 5, 2006

CERTIFIED SIGNATURE REQUESTED

Signature Confirmation #91 3408 2133 3931 0129 8066

Jodena N. Henneke, Director
Office of Public Assistance
Texas Commission on Environmental Quality
P.O. Box 113087
Austin, Texas 78711-3087

Re: Request for a Contested Case Hearing
Lerin Hills, Ltd.
Proposed Pollutant Discharge
Elimination System (TPDES)
Permit No. WQ0014712001
EPA ID. No. Tx 0128767

Handwritten: 53346

OPA
JUL 07 2006

H OPA
JUL 10 2006

BY *[Signature]*

Dear Ms. Henneke:

We are aware that the SOAH hearing will be a formal, legal proceeding. This is one of the reasons that we asked that our request be granted. In particular, so we will:

1. Have an opportunity for discovery; and
2. So that the Commissioners will have the benefit of testimony from an expert other than that of the applicant.
3. In fact, we were in hopes that the Executive Director will see fit to participate as a party.

Sincerely,

[Signature of John E. Bakke III]
John E. Bakke III

[Signature of Patricia S. Bakke]
Patricia S. Bakke

[Handwritten mark]

cc: LaDonna Castanuela, Chief Clerk
Firoj Vahora, Permits Division
Kerri Qualtrough, Environmental Law Division

JOHN E. BAKKE III AND PATRICIA S. BAKKE
RANCHO SUERTE

305 STATE HWY 46 WEST
BOERNE, TEXAS 78006

October 11, 2006

OPA HR

OCT 12 2006

BY DM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OCT 12 AM 9:41

CHIEF CLERKS OFFICE

CERTIFIED SIGNATURE REQUESTED

USPS e SIGNATURE CONFIRMATION

91 3408 2133 3931 0129 8349

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

*MWD
53346*

Re: Proposed Permit No. WQ 0014712001

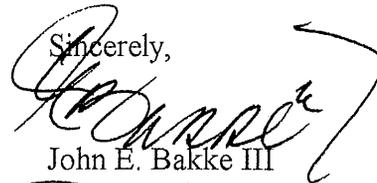
The following written comments are submitted for inclusion in the **official record** of the Formal Comment Period of the public meeting scheduled for October 24, 2006.

1. Our name and address are shown above. Our home phone is (830) 249-9071. Our day time phone number is (210) 341-9371.
2. Our property is well within the radius of the area to be affected, i.e. our ranch and home is less than a mile from the proposed plant site and point of discharge.
3. Our property will be adversely affected by the proposed facility and activity in that we are directly in the path of the predominant winds as can be clearly seen from Exhibit 17 of the permit application and the Commission's own web site.
4. If the Commission were to grant the permit application the environmental quality of our air would be adversely affected, our quality of life destroyed and the economic value of our home devastated.
5. We enjoy fishing in Deep Hollow Creek (and eating our catch).

BG

Finally, given these relevant and material issues, we again urge that we be given the opportunity for a contested case hearing, before a decision is made on the permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Bakke III".

John E. Bakke III

A handwritten signature in cursive script, appearing to read "Patricia S. Bakke".

Patricia S. Bakke

WH
 OPA
 OCT 08 2007
 BY ky

CONFIDENTIAL
 ON ENVIRONMENTAL
 QUALITY
 2007 OCT -3 AM 10:32
 CHIEF CLERK'S OFFICE

October 2, 2007

VIA FAX: (512) 239-3311

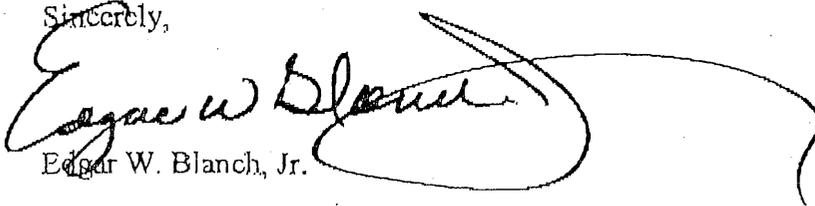
Ms. LaDonna Castañuela
 Texas Commission on Environmental Quality
 Office of the Chief Clerk, MC-105
 P.O. Box 13087
 Austin, Texas 78711-3087

Reference: Application of Lerin Hills, Ltd. for TPDES Permit No. WQ0014712001
 ("Permit")

Dear Ms. Castañuela:

I, the undersigned, do herewith WITHDRAW all of my requests for a contested hearing of the captioned Permit, whether made by me or any attorney representing me, and WITHDRAW all of my comments concerning said Permit. I have resolved my differences with the applicant and now wish the Commission to issue the proposed Permit.

Sincerely,



Edgar W. Blanch, Jr.

cc: Teague G. Harris, P.E.
 Senior Vice President
 Pate Engineers
 13333 Northwest Fwy., Suite 300
 Houston, Texas 77040
 Via fax: (713)4 62-1631

Richard Kammerman, Esq.
 Richard Kammerman, P.C.
 7200 North Mopac, Suite 150
 Austin, Texas 78731
 Via fax: (512) 233-2763

TEXAS
COMMISSION ON
ON ENVIRONMENTAL
QUALITY

2007 OCT -3 AM 10:32

CHIEF CLERKS OFFICE



FAX TRANSMITTAL SHEET

TO: La Donna Castanuela FROM: Kristi

PHONE #: 512-239-1000 FAX #: 512-239-3311

DATE: October 3, 2007 COMPANY: TCEQ

TOTAL NUMBER OF PAGES SENT INCLUDING COVER: 6

IN REFERENCE TO: Permit NO. WQ0014112001

NOTES/COMMENTS: Withdraw of Protest & Agreement
from Mr. Edgar Blanch, Jr. I will send
an original via FedEx today, you should
receive it in your office tomorrow morning.

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

THANK YOU~

Kristi

LERIN HILLS, LTD.

4820 Beacon Road, San Antonio, Texas 78249

PHONE 210.340.0540. FAX 210.340.0560.

www.lerinhills.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

E. W. BLANCH, JR.

2007 MAY 31 PM 3:23

CHIEF CLERKS OFFICE

MWD
53346

May 31, 2007

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

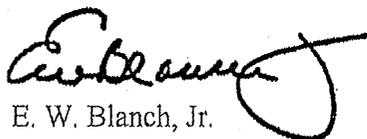
VIA Telecopy @ 512-239-3311 and
VIA Federal Express/Overnight

Re: Withdrawal of Request for Contested Case Hearing and Comments on TPDES Permit
WQ0014712001 for Lerin Hills, Ltd

Dear Ms. Castanuela,

I, E. W. Blanch, Jr., submitted a request for a contested case hearing on TPDES Permit number WQ0014712001 submitted through my attorney Grady Jolley. Additionally, I may have submitted comments during the public meeting process. I hereby withdraw my request for a contested case hearing and withdraw any comments submitted verbally and in writing to the TCEQ.

Sincerely,


E. W. Blanch, Jr.

OPA WH

JUN 01 2007

BY 

EWBjr:mmc

Cc: Grady B. Jolley, Esq.

MWD

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MWD
53346

E. W. BLANCH, JR.

2007 MAY 31 AM 11:38

CHIEF CLERKS OFFICE

OPA

WH

MAY 31 2007

May 31, 2007

BY 

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

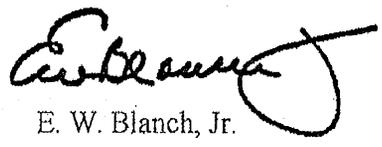
VIA Telecopy @ 512-239-3311 and
VIA Federal Express/Overnight

Re: Permit No. WQ0014712001

Dear Ms. Castanuela:

Please allow the records to reflect that I hereby formally withdraw my request for a contested case hearing with TCEQ, regarding the permit listed above.

Sincerely,



E. W. Blanch, Jr.

EWBjr:mmc

Cc: Grady B. Jolley, Esq.

2007 MAY 31 AM 11:38
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



E. W. BLANCH, JR.

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

JUL 12 2007

CHIEF CLERKS OFFICE

MWD
53346

July 11, 2007

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

OPA

JUL 12 2007

BY

js

Re: Lerin Hills, Ltd.
TPDES Permit No. WQ0014712001

Dear Ms. Castanuela,

Thank you for your letter of June 26, 2007 together with the attached materials. The Executive Director's Response to Public Comment is particularly enlightening.

Before proceeding, I wish to acknowledge my initial then subsequent withdrawal of objection. A copy of each is attached for reference. My withdrawal letter was not intended to infer disinterest in the matter at hand. Rather, I reached the conclusion that the Commissioners would ultimately reach a considered and fair resolution of the obvious issues involved.

Simply stated we all know water runs downhill. Lerin Hills is elevated related to the surrounding non-owned property. Effluent from a waste treatment facility is liquid so it has to run downhill.

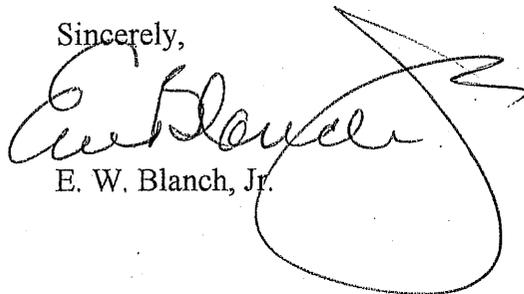
The Executive Director's Response Report in Comment 5 and Response 5 provides the comfort I have sought. ("It is the responsibility of Lerin Hills to acquire all property rights necessary to use the discharge route.") Thank you.

Unless and until Lerin Hills acquires the property rights to accommodate the discharge water, the issuance of the permit appears to me, to be moot. However, that is between Lerin Hills, the Commission and others who may be involved.

MWD

I take my solace in the Executive Director's assurance that the discharge water will not be flowing across my property without my specific agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "E. W. Blanch, Jr.", with a large, stylized flourish extending from the end of the signature.

E. W. Blanch, Jr.

EWBjr:mmc
Attachments

NUNLEY • DAVIS • JOLLEY
CLUCK • AELVOET

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1580 South Main Street, Suite 200
Boerne, Texas 78006-3308
Phone (830) 816-3333
Fax (830) 816-3388
e-mail: info@texastrialaw.com
www.texastrialaw.com
Offices Also in Hondo, Texas

Andrew J. Aelvoet
Cecil W. (Tres) Bain, III
Jonathan B. Cluck
Joe M. Davis**
Grady B. Jolley***
J. Ken Nunley**

Of Counsel:
William A. Brant

Board Certified Civil Trial Law*
Board Certified Personal Injury Trial Law**
American Board of Trial Advocates

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
707 JUL 12 J. Christopher Byrd
Lisa L. Hill
**George Ann Harpole Maixner
CHIEF CLERK Patricia M. Oviatt
Kelly P. Rogers
Chad M. Upham
Kathy Hyatt Waldrop

Of Counsel:
****Rhonda G. Jolley
Jacquelyn W. Blott

*Texas Bar Foundation
***Member of the College of the State Bar of Texas

July 7, 2006

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

VIA TELECOPY @ 512-239-3311 and
VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 1820 0007 1470 0958

RE: Protest for Proposed Permit No. WQ0014712001

Dear Ms. Castanuela:

We represent Edgar W. Blanch, Jr. ("Blanch") and have been authorized to protest and request a public hearing on the above-referenced application. Blanch is an affected person because he has a justifiable interest related to a legal right, duty and economic interest affected by this application.

The proposed permit will discharge water directly over and across Blanch's property, which has been developed into a high-quality, residential subdivision. Such discharge may physically affect the property or have a substantial impact on the value of the property.

Blanch is further opposed to the application because the petitioner's proposal appears to lack feasibility which would endanger the Blanch property in the future due to improper maintenance.

In conclusion, Blanch is an affected person and requests a contested hearing on the above-referenced application. The petitioner should be required to present evidence at a hearing to demonstrate that the legal requirements have been satisfied and this project is feasible.

Very truly yours,

NUNLEY DAVIS JOLLEY CLUCK AELVOET LLP

By: _____

GRADY B. JOLLEY

GBJ/ldf
1939.6

E. W. BLANCH, JR.

FAXED
5/31/07
any version

May 31, 2007

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

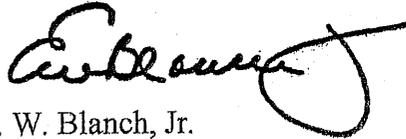
VIA Telecopy @ 512-239-3311 and
VIA Federal Express/Overnight

Re: Withdrawal of Request for Contested Case Hearing and Comments on TPDES Permit
WQ0014712001 for Lerin Hills, Ltd

Dear Ms. Castanuela,

I, E. W. Blanch, Jr., submitted a request for a contested case hearing on TPDES Permit number WQ0014712001 submitted through my attorney Grady Jolley. Additionally, I may have submitted comments during the public meeting process. I hereby withdraw my request for a contested case hearing and withdraw any comments submitted verbally and in writing to the TCEQ.

Sincerely,



E. W. Blanch, Jr.

EWBjr:mmc

Cc: Grady B. Jolley, Esq.

CHIEF CLERKS OFFICE

2007 JUN 12 11:10:52

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

MWD
53346

Cow Creek Groundwater Conservation District

216 Market Ave., Ste. 105
Boerne, Texas 78006
(830) 816-2504 Fax (830) 816-2607
www.ccgcd.org

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 SEP 26 AM 10:02

CHIEF CLERKS OFFICE

September 21, 2007

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

OPA

WH

SEP 27 2007

BY ll

Re: Application of Lerin Hill, Ltd., for TPDES Permit No. WQ0014712001

Dear Ms. Castanuela:

On behalf of the Cow Creek Groundwater Conservation District (CCGCD), I, the undersigned, do hereby withdraw CCGCD's request for a contested case hearing of the captioned permit, and all related comments concerning said permit.

Enclosed is a copy of the CCGCD meeting minutes from November 13, 2006; item seven demonstrates the Board's decision on this issue.

Sincerely,

Cow Creek Groundwater Conservation District



Thomas O. Mathews II
Board President

cc: J. Abel Godines
Teague G. Harris, P.E.
Richard Kammerman

MW

THE STATE OF TEXAS

COUNTY OF KENDALL

COW CREEK GROUNDWATER CONSERVATION DISTRICT

November 13, 2006

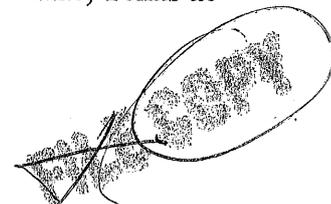
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 SEP 26 AM 10:02

CHIEF CLERKS OFFICE

The Board of Directors of the Cow Creek Groundwater Conservation District (CCGCD) convened a Regular Meeting in the District Offices located at 216 Market Avenue, Ste. 105 Boerne, Texas at 6:00 P.M.

Directors Present: Tommy Mathews – District 4 (President)
John Kight – District 1 (Vice President)
Bill Haas – District 3 (Secretary)
Don Dietzmann – At Large (Treasurer)



Directors Absent: Milan Michalec – District 2 (Asst. Secretary/Treasurer)

1. **Call to Order.** The meeting was called to order at 6:00 P.M. by Tommy Mathews.
2. **Pledge of Allegiance.** The pledge was recited.
3. **Recognition of Veterans.** Tommy Mathews recognized the Veterans in attendance.
4. **Consideration and action on the approval of minutes from prior meeting(s).** John Kight made a motion to accept the minutes with two corrections. Don Dietzmann seconded the motion. Motion passed 3-0-1, with Bill Haas abstaining.
5. **Public Comment.** Bob Webster thanked the District for everything they do. James Coffey informed the Board that his planned development, Jungfrau Hill Estates is offering a \$5000 incentive for new homeowners who install a rain catchment system.
6. **Discussion and action concerning exceptions, variances, permit applications and permit amendments.**
 - a. **Discussion and action regarding Perry Donop Well Nos. 3889 and 3890, 26 Old Blanco Road.** CCGCD Legal Counsel Mary Sahs gave an overview of the topic.

At 6:13 P.M., the Board of Directors opened item 13, "Closed session with Counsel". The closed session lasted from 6:13 P.M. until 6:52 P.M., at which time item 6a was reopened.

Tommy Mathews gave a brief overview of the chronology of events, involving two wells on Mr. Donop's property; these wells were some of the first to be issued Operating Permits by CCGCD back in 2001, and have the ability to pump more than 25,000 gallons per day (gpd) each. Tommy stated the sole current issue is the term, or renewal date, of the permits in question. Attorney for Perry Donop, Mike Gershon,

states Mr. Donop has done his best to stay in compliance, follow the changing rules and requirements to protect his "unique resource", and asserted that one missed annual well fee was not paid timely, as Mr. Donop had been advised there was a credit on his account with CCGCD at that time. It was agreed that there are currently no fees due on either well with the exception of production fees. Mr. Gershon again stated Mr. Donop wants to protect the amount of permitted water he currently has, 308.4 acre feet per year (or 100,492,448 gpy), and wants the Board to recognize his historic use amounts. Tommy Mathews again stated the sole current issue before the Board is renewal dates. Mr. Gershon expressed concern that if Mr. Donop concedes the permits actually have renewal dates, his rights may somehow be impacted. Mr. Donop iterated his concern that his currently permitted amount of water might be amended in the future. Tommy explained that the permitting process enables CCGCD to determine how much water is being used across the District, and to plan for future. Mr. Donop stated in past, he has irrigated 24 hours a day, seven days a week, summer and winter (oats in winter), roughly 100 acres. John Kight calculated that this roughs out to 3 feet of water across the acreage in 6 months, and asserted this is much more than needed to sustain crops. Bill Haas stated there is no need to focus on reasonable use at this time, conceding Donop's permits were issued when the District was newly formed. Haas also opined it would be best to put a flow meter on the wells, rather than rely on a motor hour meter or tachometer to estimate the pumpage. **Tommy Mathews moved to clarify that the renewal dates do exist and that the expiration date for permit 3889 and 3890 be confirmed as May 17, 2010. John Kight seconded the motion, which passed 4-0-0.** John Kight made a motion to have the District require an acceptable meter on each of the two wells, with the meter to be approved by Operations Manager Micah Voulgaris. This motion was seconded by Tommy Mathews, and passed 4-0-0. It was agreed that Mr. Donop would supply Micah with proof of installation once complete.

b. Discussion and action relative to setting a date for a workshop regarding Operating Permits. A workshop was set for 2 P.M. on November 21, 2006 at the District offices.

A five minute break was taken at this time (8:03 P.M.)

7.

Discussion and action regarding the District's position on the Lerin Hills, Ltd. waste water discharge permit (TPDES #WQ0014712001). Tommy Mathews gave an overview of the inspection of Bob Webster's property which he performed, along with Micah Voulgaris, in late October. Tommy stated he did not find any significant recharge features during his inspection. Tommy cited CCGCD's basis for contested case hearing (waste) and stated in his opinion, all pertinent questions have been answered. John questioned Able Godines re: timing of sewage plant to be built. Godines said a leased on-site "packaged plant" would enable processing until buildout creates enough flow to allow operation of the final plant, stating effluent would be

transported from the "package plant" to SAWS, in the interim, for disposal. Bob Webster raised concerns regarding the discharge's impact on the levels in the surface water impoundment, and suggested CCGCD might be premature in considering removing their contested case interest. Tommy Mathews pointed out that CCGCD's concerns (recharge pollution and waste) are specific, and CCGCD does not have jurisdiction over surface water. Tommy asked for comments from the Board. Bill Haas iterated that CCGCD concern is impacts on groundwater resources. He also notes the TCEQ permit indicates very high quality treated effluent release. Tommy Mathews made motion that the District withdraw its request for a contested case hearing on TPDES (Texas Pollutant Discharge Elimination System) permit application number WQ0014712001, which was seconded by Bill Haas, and passed 4-0-0.

8. **Discussion and action regarding the District's position on the Lerin Hills, Ltd. M.U.D. Application.** Tommy Mathews gave a brief overview of the District's position on the Lerin Hills MUD application. Mary Sahs summarized her response to the TCEQ and the applicant. Tommy Mathews reconvened item 13 (Closed Session with Legal Counsel) from 9:07 P.M until 9:19 P.M. John Kight made a motion that the District maintain the status quo on this item, which was seconded by Bill Haas and passed 4-0-0.
9. **Discussion and action related to billing and collection services for the District.** No action was taken on this item.
10. **Consideration and action on current status report of District activities.** Micah gave his monthly report, and presented the Board with employee job descriptions. The Board directed Micah to obtain quotes from each of the car dealers in Boerne for a second work vehicle.
 - a. **Discussion and action relative to current drought stage.** This item was tabled until the workshop scheduled for Tuesday, November 21st.
 - b. **Discussion and action relative to the proposed isotope study.** CCGCD has tentatively agreed to participate, along with several surrounding water districts. No action was taken on this item at this time, pending the receipt of a work plan and further research.
 - c. **Discussion and action relative to the well inspector position.** The Board directed Micah to develop a list of potential candidates. No action was taken at this time.
11. **Discussion and action concerning payroll, employee benefits, operational expenses and payment of such.** Bill Haas made a motion to pay all presented invoices amounts in full, which was seconded by Don Dietzmann, and passed 4-0-0.

12. **Discussion and action relative to future meeting dates and meeting topics.** A workshop regarding operating permits will be on Nov 21 at 2 P.M, and the next regular CCGCD meeting will be on the second Monday of December, Dec 11th at 6pm.
13. **The Board of Directors of the Cow Creek Groundwater Conservation District may meet in closed session to receive legal advice as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), Texas Open Meetings Act.** The Board met in closed session during agenda items 6 and 7.
14. **The Board of Directors of the Cow Creek Groundwater Conservation District may meet in closed session to discuss personnel matters as authorized by Texas Government Code Section §551.074 (Personnel Matters), Texas Open Meetings Act.** No closed session was held regarding this topic.
15. **Action (if any) relative to Closed Session.** Relative action was taken under items 6 and 7.
16. **Correspondence.** No correspondence to the District was reviewed.
17. **Adjournment.** John Kight made a motion for adjournment at 10:02 P.M. which was seconded by Tommy Mathews and passed 4-0-0.

Note: The District may take a brief recess during the course of the evening, depending upon the length of the meeting.

MINUTES APPROVED:

Tommy Mathews, President
Walter M. Atkins, Secretary

MWD
53346

2007-11-78-MWD

Robert W. Webster
335 State Highway 46 W
Boerne, Texas 78006-8113

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 AUG 23 PM 2: 27

CHIEF CLERKS OFFICE

August 20, 2007

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

VIA FAX: (512) 239-3311

WHR OPA
AUG 23 2007

Re: Application of Lerin Hills, Ltd. for TPDES Permit No. BY DM
WQ0014712001 ("Application")

Dear Ms. Castanuela:

I the undersigned, do herewith WITHDRAW my request for a contested hearing of the captioned Permit and all of our comments concerning said Permit.

Sincerely,



Robert W. Webster

RWW/sr

cc: Teague G. Harris, P.E.
Senior Vice President
Pate Engineers
13333 Northwest Fwy., Suite 300
Houston, Texas 77040
Via fax: (713)462-1631

Richard Kammerman, Esq.
Richard Kammerman, P.C.
7200 North Mopac, Suite 150
Austin, Texas 78731
Via fax: (512) 233-2763

MWD

June 16, 2006

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

HR OPA
JUN 26 2006
BY JWS
374355
53344e

CHIEF CLERK
JUN 23 2006
ON ENVI
COMPLIANCE

Dear Sir:

My name is Robert Webster, and I reside on land I own at 335 Highway 46 West, Boerne, Texas 78006. My home phone is 830-249-6892 and my cell phone number is 210-452-8876. I request a contested case hearing concerning the application of Lerin Hills, Ltd. for a TPDES Permit # WQ0014712001 (EPA ID TX0128767). A small section of my property adjoins the Lerin Hills tract; the majority of my land is directly across SH 46 W. Approximately 75% of the lake into which discharge is proposed is on my property. My home is alongside Deep Hollow Creek slightly less than 1 mile downstream from the discharge point (See attached map.)

I would be adversely affected in many ways by the discharge of wastewater. The permit request is flawed in that it states that my lake is used solely for livestock watering. It is in fact used for swimming, skindiving, and watersports by a number of children and adults. It is used regularly for fishing, and the fish are a regular part of the diet of a number of people.

Because of the seasonal nature of Deep Hollow Creek, there are extended periods of time when there is little inflow or outflow from this lake creating the potential for severe nutrient loading, with resulting algal blooms resulting in fish dieoff and potential harmful, even deadly, bacteria and parasite accumulation. Any problem could take years to mitigate, destroying my ability to use and enjoy my property and potentially affecting the health of people using the lake.

Conversely, during rare periods of heavy rainfall, the addition of 1/2 million gallons of effluent daily could hinder the dam's job of flood control. If the water treatment facility had been in place during the rains of 2002 when water flowed over the spillway, downstream impact would have been significant.

Further, my drinking water source is from two shallow wells (1-30' totally uncased; the other 90' partially cased). Civil engineers have told me that the potential for groundwater contamination in these wells exists. The shallower well is within 20' of Deep Hollow Creek and historically was used as a water source for people and horses riding from Boerne to Bandera. I also irrigate an organic garden with water drawn from this creek near my home.

The lake is home to many species of vertebrate and invertebrate organisms which would be impacted by any deterioration in water quality. It is a nesting site for many species of waterfowl and winter home to migratory ducks, teal, and geese. The lake has been placed under a conservation easement to insure that it will continue to support a wide range of organisms and a diverse ecosystem.

Economically, I would be adversely impacted by a significant lowering of the development potential value of my non-easement land overlooking the lake and creek, (Neighboring property has sold in excess of \$35,000/acre).

Finally, my quality of life would be adversely impacted by odor issues. Prevailing winds would carry the smell of a sewage treatment facility across my home and property during a substantial portion of the year.

Thank you for your consideration.

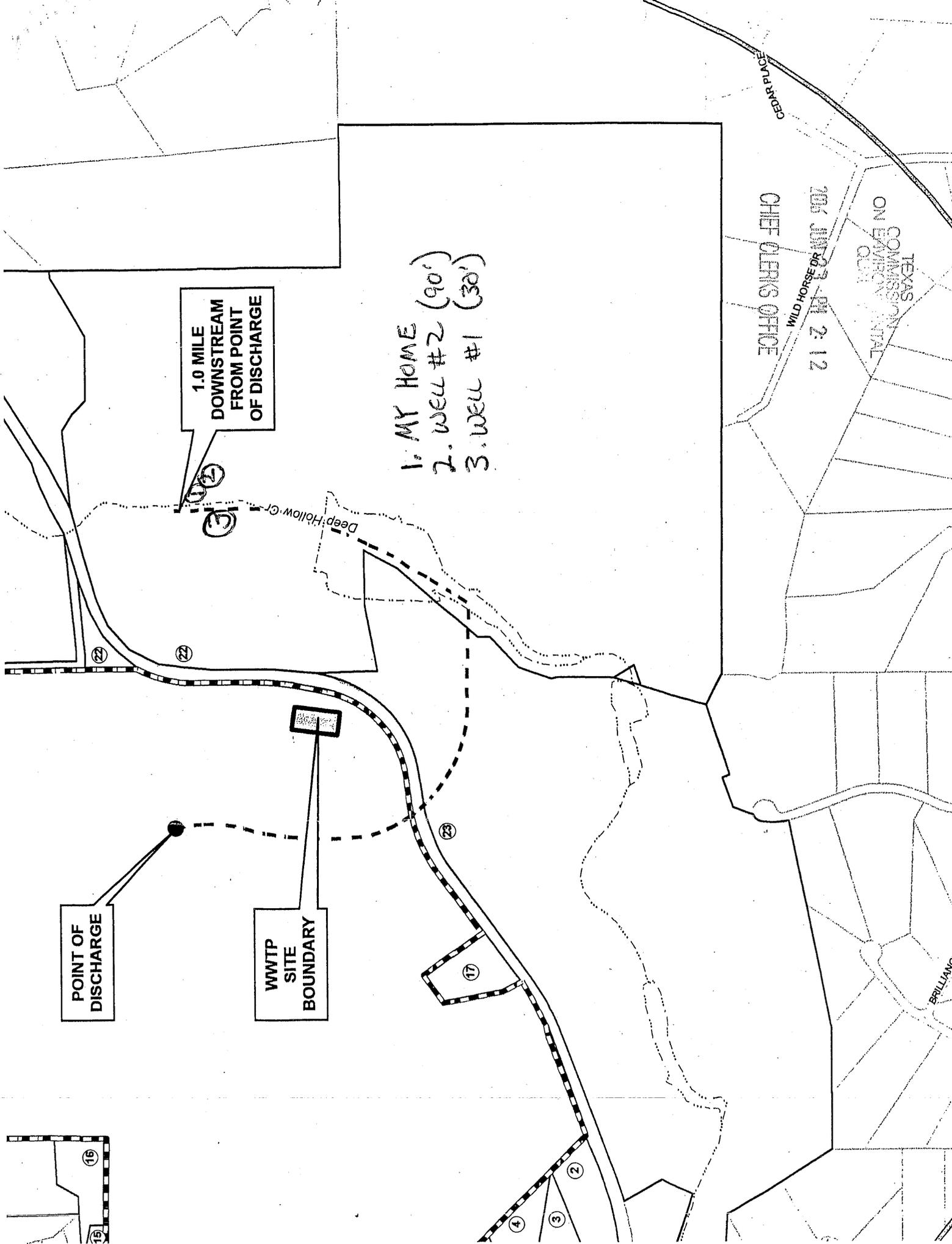
Sincerely,



Robert Webster

ROBERT WEBSTER
335 Highway 46 West • Boerne, Texas 78006 • 830-249-6892





1. MY HOME (90')
2. Well #2 (90')
3. Well #1 (30')

1.0 MILE
DOWNSTREAM
FROM POINT
OF DISCHARGE

POINT OF
DISCHARGE

WWTP
SITE
BOUNDARY

CHIEF CLERKS OFFICE

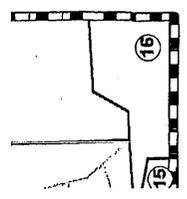
206 JUN 27 PM 2:12

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CENTRAL AVE

WILD HORSE DR (LTM)

BRILLIANCE



MWD
53346

July 23, 2007

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

OPA H

JUL 24 2007

BY JG

CHIEF CLERK'S OFFICE

2007 JUL 24 AM 8:07

TEXAS
ON ENVIRONMENTAL
QUALITY

Dear Sir:

My name is Robert Webster, and I reside on land that I own at 335 Highway 46 West, Boerne, Texas 78006. My home phone is 830-249-6892, and my cell phone number is 210-452-8876. I continue my request for a contested case hearing concerning the application of Lerin Hills, Ltd. for a TPDES Permit #WQ0014712001 (EPA ID TX 0128767). A small section of my property adjoins the Lerin Hills tract; the majority of my land is directly across SH 46 W. Approximately 75% of the lake into which discharge is proposed is on my property. My home is alongside Deep Hollow Creek slightly less than one mile downstream from the discharge point.

Since I have not yet been able to resolve my concerns regarding the effluent discharge, I feel a hearing would be beneficial to allow TCEQ to hear testimony from environmental experts other than those hired by the developer.

I outlined a number of issues in my initial request, and I remain deeply concerned that the proposed plant will be un-manned more than 50% of the time. With the proposed plant site, any accident, whether raw sewage discharge or a chlorine-related accident, would impact my lake within 10 to 15 minutes. Extreme damage could occur long before someone could arrive to correct the problem.

I am also extremely disappointed that TCEQ has not required an analysis of existing nutrient loading in my lake. The neighboring property boards a large number of horses, the waste from which already creates occasional algae blooms. While TCEQ models can predict impact in most impoundments, they cannot accurately predict the impact on this lake due to existing higher background nutrient levels.

TCEQ has recognized that this lake has high aquatic life potential and high recreational use. It is extremely important that the impact potential of this discharge be studied further before any permit is granted.

Thank you for your consideration.

Sincerely,

Robert Webster

BOB WEBSTER

335 Highway 46 West Boerne, Texas 78006
H: 830-249-6892 C: 210-452-8876

MWD

20 2-1178-MWD

MWD
53346

July 23, 2007

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
JUL 25 11 3 19
CHIEF CLERK'S OFFICE
OPA ✓
JUL 26 2007
BY gr

Dear Sir:

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Thank you for your consideration.

Sincerely,



Robert Webster

BOB WEBSTER

335 Highway 46 West Boerne, Texas 78006
H: 830-249-6892 C: 210-452-8876

MC

MWD
53346

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2007 MAY 18 AM 9:48 MAY 18 2007

CHIEF CLERKS OFFICE BY



May 16, 2007

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

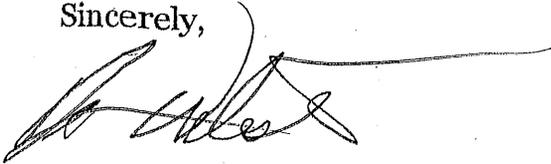
Re: TPDES Permit #WQ0014712001

Dear Sirs:

This letter is to notify you that I have been working with Mr. Godines of Lerin Hills, Ltd. and his engineering firm to resolve our differences concerning the application for TPDES Permit #WQ0014712001. I further understand that his engineering firm has met with TCEQ staff and is preparing an application package for a Chapter 210 Effluent Reuse Authorization. We are in agreement on the nature of this reuse and I expect that we will be able to finalize our agreement within a short period of time.

It is my intent that upon signing a written agreement with Lerin Hills Ltd, and receiving assurance from TCEQ staff that their application for said Chapter 210 Authorization is in order, I will withdraw my request for a contested case hearing. I will further urge other parties acting on my behalf to do likewise.

Sincerely,



Robert Webster

ROBERT WEBSTER
335 Highway 46 West • Boerne, Texas 78209 • 830-249-6892

MWD

TCEQ Public Meeting Form

Tuesday, October 24, 2006

1344

Lerin Hills, Ltd.

Proposed TPDES Permit For Municipal Wastewater

Proposed Permit No. WQ00147121001

OPA RECEIVED

OCT 24 2006

AT PUBLIC MEETING

CHIEF CLERKS OFFICE

2006 OCT 26 AM 11:03

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: BOB WEBSTER

Address: 335 HWY 46 W

City/State: BOGENE, TX Zip: 78006

Phone: (830) 249-6892

Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mu