

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 26, 2010

TO: Persons on the attached mailing list.

RE: Grayson Volente Investments, Ltd.  
TPDES Permit No. WQ0014563001

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Travis County Courthouse, 1000 Guadalupe Street, Suite 222, Austin, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

### **How To Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
  - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

## **How To Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

## **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.state.tx.us/about/comments.html> or by mail to the following address:

LaDonna Castañuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

## **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

## **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela  
Chief Clerk

LDC/lg

Enclosures

MAILING LIST  
for  
Grayson Volente Investments, Ltd.  
TPDES Permit No. WQ0014563001

FOR THE APPLICANT:

Greg Hammonds  
Grayson Volente Investments, Ltd.  
205 Wild Basin Road, Building 2, Suite A  
West Lake Hills, Texas 78746

Jim Clarno  
Backer-Aicklen & Associates, Inc.  
507 West Liberty Street  
Round Rock, Texas 78664-5129

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Christiaan Siano, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Kellie Crouch-Elliott, Technical Staff  
Texas Commission on Environmental Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE  
via electronic mail:

Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

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

BASS , LEE  
7617 DEBBIE DR  
VOLENTE TX 78641-9654

BROWN , JIM & VICTORIA  
16501 JACKSON ST  
VOLENTE TX 78641-6044

BJRG , DONALD R  
2808 AMESBURY DR  
PLANO TX 75093-4738

CARUFEL , NANCY  
8138 JOY RD  
VOLENTE TX 78641-9651

CROSSETT , SCOTT  
16407 JACKSON ST  
LEANDER TX 78641-6045

CURTISS , CONNIE  
7910 LAKEVIEW ST  
LEANDER TX 78641-6038

DWYER, CHARLES L & KIMBRO,JO R  
8034 NAVAJO PASS  
VOLENTE TX 78641-6123

FRASER , RICHARD  
APT 1410  
801 W 5TH ST  
AUSTIN TX 78703-5451

GORDON , DAVID  
15761 BOOTH CIR  
VOLENTE TX 78641-9684

GRACI , JUDY  
15775 BOOTH CIR  
VOLENTE TX 78641-9684

GUZMAN , MARIO & SYLVIA  
16411 JACKSON ST  
VOLENTE TX 78641-6045

GUZMAN , MARIO  
16413 JACKSON ST  
VOLENTE TX 78641-6045

JORDAN , SUELLEN  
8124 BEAUREGARD DR  
VOLENTE TX 78641-6010

LOVE , SAM W  
8111 BEAUREGARD DR  
VOLENTE TX 78641-6010

MOSSMAN , ROBERT F  
14803 ARROWHEAD DR  
VOLENTE TX 78641-6136

RAY , RUSTY  
PO BOX 220  
AUSTIN TX 78767-0220

SCHLOTZHAUER , JOHN & JUDY  
16415 JACKSON ST  
VOLENTE TX 78641-6045

THOMPSON , WALT  
7504 NAVAJO PASS  
VOLENTE TX 78641-9128

THOST , DAN  
# 194  
10061 RIVERSIDE DR  
TOLUCA LAKE CA 91602-2560

THRASH , ALLISON  
15100 FM 2769  
VOLENTE TX 78641-9139

THRASH , JOHN & PATRICIA FRANCIS  
10105 LONGWOOD CT  
HOUSTON TX 77024-5633

TCEQ PERMIT NO. WQ0014563001

2010 MAR 25 PM 1: 41

APPLICATION BY  
GRASON VOLENTE  
INVESTMENTS LTD

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BEFORE THE CHIEF CLERKS OFFICE  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

## EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Grason Volente Investments Ltd. application and Executive Director's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters from the following persons: John and Judy Schlotzhauer. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

### BACKGROUND

#### Description of Facility

Grason Volente Investments Ltd. (Applicant) has applied to the TCEQ for a permit renewal that authorizes the Applicant to dispose of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day via non-public access subsurface drip irrigation of 1,089,000 square feet in the interim phase, and a daily average flow not to exceed 175,000 gallons per day via non-public access subsurface drip irrigation within a minimum area of 1,742,400 square feet in the final phase. The wastewater treatment plant will serve a new subdivision called Volente Peak.

The facility and disposal site will be located six miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in Travis County, Texas 78613.

#### Procedural Background

The application for a permit renewal was received on May 29, 2009 and declared administratively complete on July 8, 2009. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on July 30, 2009 in the Austin American-Statesman. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was

published on January 7, 2010 in the Austin American-Statesman. The public comment period ended on February 8, 2010. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

## COMMENTS AND RESPONSES

### COMMENT 1:

John and Judy Schlotzhauer comment that they wish to be included on the permanent mailing list for all matters concerning this permit.

### RESPONSE 1:

In accordance with 30 TAC § 39.407, the Chief Clerk has added John and Judy Schlotzhauer's names to the mailing list for this permit. The inclusion of both names in the mailing list for this application was confirmed by correspondence from the TCEQ Office of Public Assistance to John and Judy Schlotzhauer dated August 10, 2009 stating that John and Judy Schlotzhauer have been added to the mailing list and they will be in receipt of a formal written response to all timely filed comments.

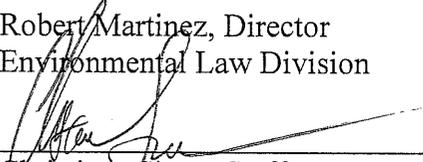
**NO CHANGES WERE MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS.**

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

  
Christiaan Siano, Staff Attorney  
Environmental Law Division  
State Bar No. 24051335  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
(512) 239-6743

REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY