



MWD
86692

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Satisfying customers year after year

CHIEF CLERKS OFFICE

June 7, 2013

Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, Texas 78711-3087

REVIEWED

JUN 14 2013

By A H

CHIEF CLERKS OFFICE

2013 JUN 13 PM 2:46

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Subject: Contested Case Hearing/Water Quality Permit
Proposed TPDES Permit WQ0015080001
Walton Texas, LP

Executive Director:

I am hereby requesting on behalf of Aus-Tex Parts and Services Ltd. requesting a contested case hearing to the issuance of the proposed water quality permit.

1. Contact Information:

Aus-Tex Parts and Service Ltd.
Donald Dempsey, President
PO Box 17547
Austin, Texas 78760-754
(512) 385-9700

2. Applicants Name and Permit No.:

Walton Texas, LP; Proposed permit WQ0015080001

3. Location:

Within one mile of Aus-Tex Parts and Services, LTD wwtp site and discharge point and within 1/2 mile of the Mustang Plaza CCN boundary, See attached map.

4. Justification:

Aus-Tex Parts and Service already holds wastewater CCN #20953 and Water Quality Permit No WQ0014104-001 which are located within 1 mile of the proposed facility. On December 3, 2012 we were contacted by Ryan Sowa, P.E. regarding a proposed development that needed wastewater service (see attached letter). The information he provided was not sufficient to complete his request. On December 20, 2012, I conveyed through the attached letter that is request did not provided sufficient information and that we expected it to cost approximately \$6000 for the engineering analyses and to develop cost estimates for extending service to complete his request. Mr. Sowa did not respond to my correspondence. In our opinion, the proposed application is not in compliance with the "Regionalization of Wastewater Utilities" expressed in TCEQ policy statement RG-357.

Respectfully,

Donald Dempsey, President
Aus-Tex Parts and Service, Ltd.

ms



Satisfying customers year after year

December 20, 2012

V. Ryan Sowa, P.E.
Kimley-Horn and Associates, Inc.
610 NW Loop 410, Suite 350
San Antonio, Texas 78216

**Subject: Sanitary Sewer Service Request
CCN #20953 Mustang Plaza
Aus-Tex Parts and Services Ltd.**

Mr. Sowa:

We are in receipt of a December 3, 2012 letter with accompanying map requesting wastewater service ("sanitary sewer service" or "wastewater collection"). As you are aware, your property is not within or CCN area, but we are willing to provide wastewater service to your development, contingent upon cost and feasibility analyses and proper contract with the property owner.

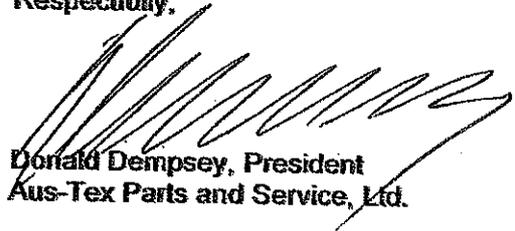
Your letter states your development is planning 850 residential units as well as some commercial and retail units scheduled to begin construction January 2014. Unfortunately this is not sufficient information for us evaluate your request, much less give you up or down answer on whether service can be made available within 30 days of your letter

At a minimum we will need a formal application that includes the following.

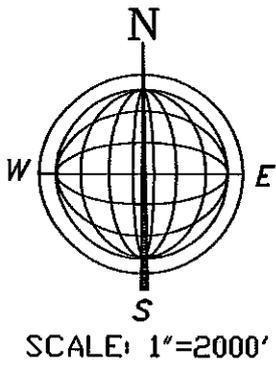
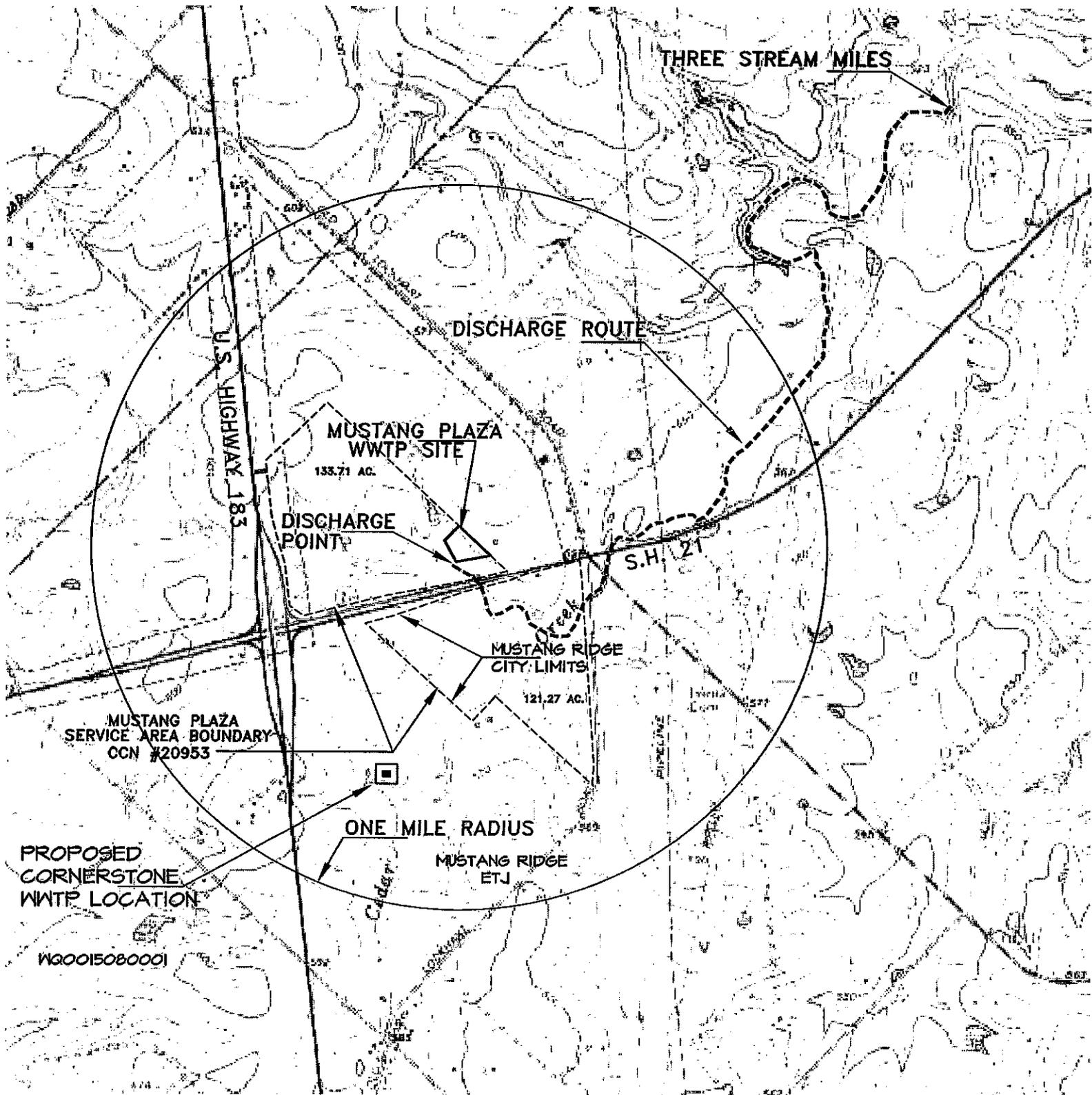
1. Letter of formal request of wastewater service from the owner of the property that identifies the responsible party for the application.
2. 2 sets of the Development Master Plan on 24"x36" sheets
3. Phasing plan for the development that identifies the types of structures served per phase, LUE tabulation per phase, estimated daily wastewater flow per phase, and dates wastewater service is required to be available by phase.
4. Preliminary Construction plans on the phases and contour maps of the entire property.
5. All planning material must be signed and sealed by a professional engineer.
6. Application fee of \$6,000 for review of the application and developing cost estimates for the necessary wastewater improvements due to your development.

If you have any questions regarding the above, please contact me at your earliest convenience.

Respectfully,



Donald Dempsey, President
Aus-Tex Parts and Service, Ltd.



03/02/2004



Chase Baromeo, Jr.

MUSTANG PLAZA WWTP
 AUS-TEX PARTS AND SERVICE LLC
 P.O. BOX 17547
 AUSTIN, TEXAS 78760

CREEDMOOR 1994 USGS 7.5 MIN. QUAD

TA TRAVIS ASSOCIATES
 CONSULTING ENGINEERS, INC. F-127
 CIVIL-STRUCTURAL-ENVIRONMENTAL-MECHANICS-MATERIALS
 1390 Hillside Terrace Buda, Texas 78610



Kimley-Horn
and Associates, Inc.

~ 12.12

December 3, 2012

Mustang Plaza CCN
Aus-Tex Parts and Services, Ltd.
P.O. Box 17547
Austin, Texas 78760-7547

■
601 NW Loop 410
Suite 350
San Antonio, Texas
78216

TBPE F928

**Re: Sanitary Sewer Service Request
CCN #20953**

Dear Sir or Madam:

The purpose of this letter is to fulfill the requirements of the Texas Commission on Environmental Quality (TCEQ) in requesting service for wastewater collection in our proposed development. We need a determination from Mustang Plaza CCN of your ability to provide sanitary sewer service to our 200-acre site in a timely manner for a mixed use development with approximately 850 residential (single-family and multi-family) units as well as some commercial and retail units. Our site is located within two (2) miles of the property designated for CCN #20953, as indicated on the attached map. Our project is tentatively scheduled to begin construction in January 2014.

Please notify me in writing within 30 days whether or not service can be made available to the site.

Thank you for your timely response in this matter.

Respectfully,

KIMLEY-HORN AND ASSOCIATES, INC.

V. Ryan Sowa, P.E.

Attachment: Location Map

AUS-TEX PARTS & SERVICES, LTD,
dba VILLAGE HOMES
P.O. BOX 17547
AUSTIN, TX 78760
512-365-9700

CERTIFIED MAIL



7011 3500 0000 0275 6265

CHIEF CLERK, MC 105
TCEQ
PO BOX 13087
AUSTIN, TX 78711-3087

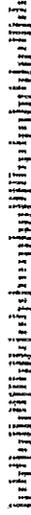
UNITED STATES POSTAGE
PITNEY BOWES
02 CP
2013 \$ 006.110
000#50123 JUN 22 2013
MAILER FROM ZIP CODE 788610



TEXAS
COMMISSION
ENVIRONMENTAL
QUALITY

RECEIVED
OFFICE
JUN 23 2013

TCEQ MAIL CENTER



78711308767



Kimley-Horn
and Associates, Inc.

~ 170.12

December 3, 2012

Mustang Plaza CCN
Aus-Tex Parts and Services, Ltd.
P.O. Box 17547
Austin, Texas 78760-7547

■
601 NW Loop 410
Suite 350
San Antonio, Texas
78216
TBPE F928

*Re: Sanitary Sewer Service Request
CCN #20953*

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Respectfully,

KIMLEY-HORN AND ASSOCIATES, INC.

V. Ryan Sowa, P.E.

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Satisfying customers year after year

December 20, 2012

V. Ryan Sowa, P.E.
Kinley-Horn and Associates, Inc.
610 NW Loop 410, Suite 350
San Antonio, Texas 78216

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CCN #20953 Mustang Plaza
Aus-Tex Parts and Services Ltd.**

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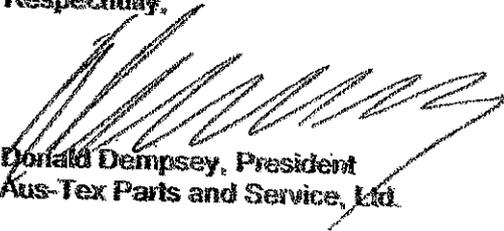
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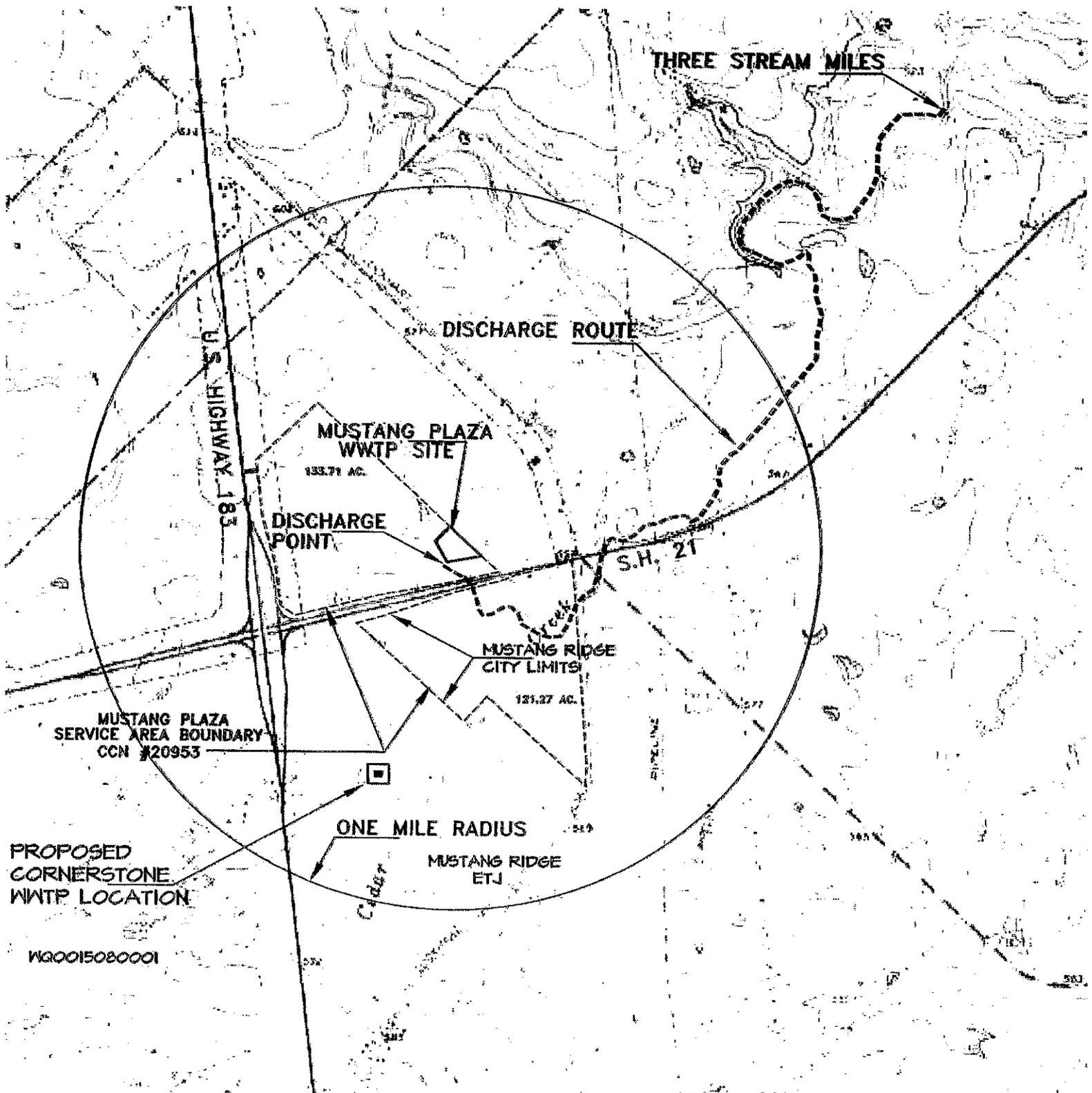
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6. Application fee of \$6,000 for review of the application and developing cost estimates for the necessary wastewater improvements due to your development.

If you have any questions regarding the above, please contact me at your earliest convenience.

Respectfully,



Donald Dempsey, President
Aus-Tex Parts and Service, Ltd.



PROPOSED
CORNERSTONE
WWTP LOCATION

WQ0015080001

THREE STREAM MILES

DISCHARGE ROUTE

MUSTANG PLAZA
WWTP SITE
133.71 AC.

DISCHARGE
POINT

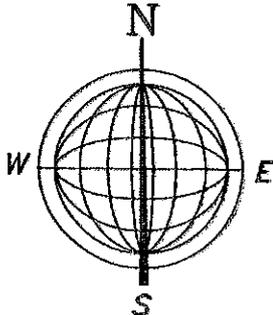
S.H. 21

MUSTANG RIDGE
CITY LIMITS
121.27 AC.

MUSTANG PLAZA
SERVICE AREA BOUNDARY
CCN #20953

ONE MILE RADIUS

MUSTANG RIDGE
ETJ



SCALE: 1"=2000'

03/02/2004



Chase Baromeo

MUSTANG PLAZA WWTP

AUS-TEX PARTS AND SERVICE LLC
P.O. BOX 17547
AUSTIN, TEXAS 78760

CREEDMOOR 1994 USGS 7.5 MIN. QUAD

TA TRAVIS ASSOCIATES
CONSULTING ENGINEERS, INC. F-127
CIVIL-STRUCTURAL-ENVIRONMENTAL-MECHANICS-MATERIALS
1300 Hilleke Terrace Buda, Texas 78010

AUS-TEX PARTS & SERVICES, LTD.
dba VILLAGE HOMES
P.O. BOX 17547
AUSTIN, TX 78760
512-385-9700

RECEIVED

JUN 13 2013

USPS MAIL CENTER
FR

CHIEF CLERK, MC 105
TCEQ
PO BOX 13087
AUSTIN, TX 78711-3087



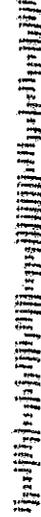
UNITED STATES POSTAGE
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02 1P \$000.46
0004450123 JUN 12 2013
MAILED FROM ZIP CODE 78610

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 JUN 13 AM 9:47

CHIEF CLERKS OFFICE

7671308787



**WILLATT & FLICKINGER
ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

November 1, 2013

**VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

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

*MWD
8/26/92*

CHIEF CLERKS OFFICE

NOV 04 11:14

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application of Walton Texas, LP to Obtain a Water Quality Permit, Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015080001 in Caldwell County, Texas; Request for a Contested Case Hearing

Dear Chief Clerk:

This law firm represents Aus-Tex Parts and Service, Ltd. I am writing to you in connection with the above-captioned permit. Please let this letter serve as a formal request for a public hearing.

Pursuant to the requirements to request a public hearing, I am providing the information below:

ON BEHALF OF AUS-TEX PARTS AND SERVICE, LTD., I REQUEST A CONTESTED CASE HEARING.

Name, Address, Phone Number

Aus-Tex Parts and Service, Ltd.
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

REVIEWED

NOV 04 2013

By *[Signature]*

H

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

Location and Distance of Property/Activities Relative to the Proposed Facility

The proposed facility is located within one (1) mile of the CCN held by Aus-Tex Parts and Service, Ltd., which is Mustang Plaza CCN #20953.

MWD

November 1, 2013

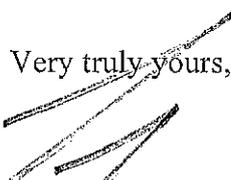
Page 2

Specific Description of How Aus-Tex Parts and Service, Ltd. Would be Adversely Affected by the Facility in a Way Not Common to the General Public

The applicant, Walton Texas, LP previously requested wastewater service for their proposed development of 850 single-family and multi-family units from Mustang Plaza's CCN on December 3, 2012. Aus-Tex Parts and Service, Ltd. requested information to facilitate review of the request by letter dated December 20, 2012. Copies of those letters were filed by the Applicant with the Commission on May 24, 2013.

Aus-Tex Parts and Service, Ltd. already holds wastewater CCN #20953 and Water Quality Permit No. WQ0014104-001 which are located within one (1) mile of the proposed facility. Aus-Tex Parts and Service, Ltd. received a letter from Ryan Sowa, P.E. regarding a proposed development that needed wastewater service. The information he provided was not sufficient to complete his request. On December 20, 2012, Aus-Tex Parts and Service, Ltd. conveyed through its letter that the request did not provide sufficient information and that Aus-Tex Parts and Service, Ltd. expected it to cost approximately \$6,000 for the engineering analyses and to develop cost estimates for extending service to complete his request. Mr. Sowa did not respond to that correspondence and has made no effort to provide additional information. The request for service has not been denied. The proposed application is therefore not in compliance with the "Regionalization of Wastewater Utilities" expressed in TCEQ policy statement RG-357.

Aus-Tex Parts and Service, Ltd. requests a contested case hearing on the above-captioned application filed by Walton Texas, LP.

Very truly yours,


Bill Flickinger

BF/jc

cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
P.O. Box 17547
Austin, Texas 78760

Mr. Joseph Etzler, EIT, Project Manager
Travis Associates Consulting Engineers, Inc. F-127
1390 Hillside Terrace
Buda, Texas 78610

WILLATT & FLICKINGER
ATTORNEYS AT LAW

2001 NORTH LAMAR • AUSTIN, TEXAS 78705

RECEIVED

NOV 04 2013

TCEQ MAIL CENTER
CS

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL™



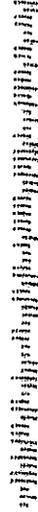
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UNITED STATES POSTAGE
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0001764310 NOV 01 2013
MAILED FROM ZIP CODE 78705



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2013 NOV -4 AM 11:14
CHIEF CLERKS OFFICE

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



78711308767

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

WILLATT & FLICKINGER

ATTORNEYS AT LAW

2013 NOV -4 AM 11: 29

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 FAX (512) 469-9148
CHIEF CLERK'S OFFICE

November 1, 2013

VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

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

MWD
86692

Re: Application of Walton Texas, LP to Obtain a Water Quality Permit, Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015080001 in Caldwell County, Texas; Request for a Contested Case Hearing

Dear Chief Clerk:

This law firm represents landowner, Dempsey Buchanan LP. I am writing to you in connection with the above-captioned permit. Please let this letter serve as a formal request for a public hearing.

Pursuant to the requirements to request a public hearing, I am providing the information below:

ON BEHALF OF LANDOWNER, DEMPSEY BUCHANAN LP, I REQUEST A CONTESTED CASE HEARING.

Name, Address, Phone Number

Dempsey Buchanan LP
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

REVIEWED

NOV 04 2013

By *hr*

H

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

MWD

November 1, 2013

Page 2

Location and Distance of Property/Activities Relative to the Proposed Facility

The proposed discharge point is located less than one (1) mile upstream of property owned by Dempsey Buchanan LP. The property owned by Dempsey Buchanan LP is depicted as Tract 20 on the Property Ownership Exhibit Sheet EX 1 in the application filed with the Commission by Walton Texas, LP. Walton Texas, LP's proposed treatment plant is proposed to be located approximately 1,200 feet from the property line of the property owned by Dempsey Buchanan LP.

Specific Description of How Landowner, Dempsey Buchanan LP Would be Adversely Affected by the Facility in a Way Not Common to the General Public

The property owned by Dempsey Buchanan LP is adjacent to Cedar Creek and less than one (1) mile downstream from the proposed discharge point. Dempsey Buchanan LP is developing the property for residential use and is concerned with the potential adverse impact on the property's value, and the potential for impacting the health and safety of future occupants of the property.

Also, since the proposed treatment plant to be built by Walton Texas, LP is approximately 1,200 feet from the property line of the property owned by Dempsey Buchanan LP there is concern with adverse impacts including noise, smell and the visual impact of the proposed plant.

Dempsey Buchanan LP requests a contested case hearing on the above-captioned application filed by Walton Texas, LP.

Very truly yours,


Bill Flickinger

BF/jc

cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
P.O. Box 17547
Austin, Texas 78760

Mr. Joseph Etzler, EIT, Project Manager
Travis Associates Consulting Engineers, Inc. F-127
1390 Hillside Terrace
Buda, Texas 78610

WILLATT & FLICKINGER
ATTORNEYS AT LAW

2001 NORTH LAMAR • AUSTIN, TEXAS 78705

RECEIVED

NOV 04 2013

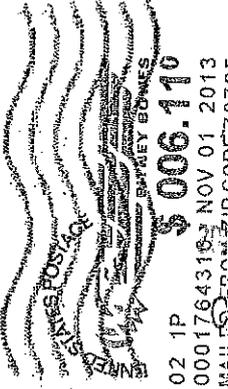
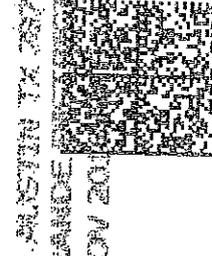
TCEQ MAIL CENTER
CS

**RETURN RECEIPT
REQUESTED**

VERIFIED MAIL™



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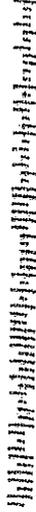
TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

NOV -4 AM 11:29

CHIEF CLERKS OFFICE

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

78711308767



**WILLATT & FLICKINGER
ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

August 2, 2013

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED & BY HAND-DELIVERY**

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

REVIEWED H

AUG 05 2013

BY AR

CHIEF CLERKS OFFICE

2013 AUG -5 AM 11:29

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MWD
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Aus-Tex Parts and Service, Ltd.
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

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33

August 2, 2013

Page 2

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cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
P.O. Box 17547
Austin, Texas 78760-754

Mr. Joseph Etzler, EIT, Project Manager
Travis Associates Consulting Engineers, Inc. F-127
1390 Hillside Terrace
Buda, Texas 78610

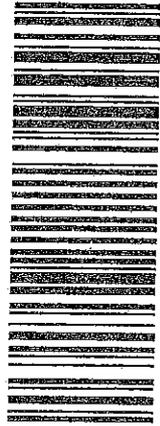
WILLATT & FLICKINGER
ATTORNEYS AT LAW

2001 NORTH LAMAR • AUSTIN, TEXAS 78705

RECEIVED

AUG 05 2013
TCEQ MAIL ROOM
RETURNED TO SENDER
REQUESTED

CERTIFIED MAIL™

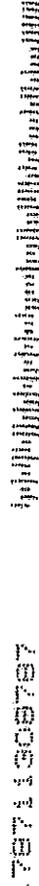


7012 3460 0000 0274 9993



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2013 AUG -5 AM 11:29
CHIEF CLERKS OFFICE

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



**WILLATT & FLICKINGER
ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9111

August 2, 2013

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERKS OFFICE

2713 AUG -5 AM 11:32

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED & BY HAND-DELIVERY

REVIEWED
AUG 05 2013
BY BP

MWD
86692

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

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Dempsey Buchanan LP
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

RM

August 2, 2013

Page 2

Location and Distance of Property/Activities Relative to the Proposed Facility

The proposed discharge point is located less than one (1) mile upstream of property owned by Dempsey Buchanan LP. The property owned by Dempsey Buchanan LP is depicted as Tract 20 on the Property Ownership Exhibit Sheet EX 1 in the application filed with the Commission by Walton Texas, LP. Walton Texas, LP's proposed treatment plant is proposed to be located approximately 1,200 feet from the property line of the property owned by Dempsey Buchanan LP.

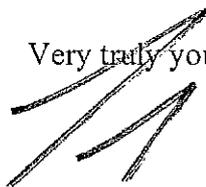
Specific Description of How Landowner, Dempsey Buchanan LP Would be Adversely Affected by the Facility in a Way Not Common to the General Public

The property owned by Dempsey Buchanan LP is adjacent to Cedar Creek and less than one (1) mile downstream from the proposed discharge point. Dempsey Buchanan LP is developing the property for residential use and is concerned with the potential adverse impact on the property's value, and the potential for impacting the health and safety of future occupants of the property.

Also, since the proposed treatment plant to be built by Walton Texas, LP is approximately 1,200 feet from the property line of the property owned by Dempsey Buchanan LP there is concern with adverse impacts including noise, smell and the visual impact of the proposed plant.

Dempsey Buchanan LP requests a contested case hearing on the above-captioned application filed by Walton Texas, LP.

Very truly yours,



Bill Flickinger

BF/jc

cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
P.O. Box 17547
Austin, Texas 78760-754

Mr. Joseph Etzler, EIT, Project Manager
Travis Associates Consulting Engineers, Inc. F-127
1390 Hillside Terrace
Buda, Texas 78610

WILLATT & FLICKINGER
ATTORNEYS AT LAW
2001 NORTH LAMAR • AUSTIN, TEXAS 78705

RECEIVED

AUG 05 2013

TUEJ MAIL CENTER
RETURN REQUESTED

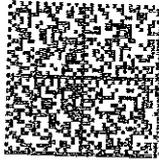
CERTIFIED MAIL™



7012 3460 0000 0274 9948

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

UNITED STATES POSTAGE
PITNEY BOWES
020 \$ 009.119
000 64314 AUG 02 2013
MAIL FROM ZIP CODE 78705
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
-5 AM 11:32
CLERKS OFFICE



7871308787

**WILLATT & FLICKINGER
ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

August 2, 2013

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2013 AUG -2 PM 2:25
CHIEF CLERKS OFFICE

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED & BY HAND-DELIVERY**

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

REVIEWED

AUG 05 2013

By AP

MWD
8/6/13

Re: Application of Walton Texas, LP to Obtain a Water Quality Permit, Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015080001 in Caldwell County, Texas; Request for a Contested Case Hearing

Dear Chief Clerk:

This law firm represents Aus-Tex Parts and Service, Ltd. I am writing to you in connection with the above-captioned permit. Please let this letter serve as a formal request for a public hearing.

Pursuant to the requirements to request a public hearing, I am providing the information below:

ON BEHALF OF AUS-TEX PARTS AND SERVICE, LTD., I REQUEST A CONTESTED CASE HEARING.

Name, Address, Phone Number

Aus-Tex Parts and Service, Ltd.
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

Location and Distance of Property/Activities Relative to the Proposed Facility

The proposed facility is located within one (1) mile of the CCN held by Aus-Tex Parts and Service, Ltd., which is Mustang Plaza CCN #20953.

MWD

August 2, 2013

Page 2

Specific Description of How Aus-Tex Parts and Service, Ltd. Would be Adversely Affected by the Facility in a Way Not Common to the General Public

The applicant, Walton Texas, LP previously requested wastewater service for their proposed development of 850 single-family and multi-family units from Mustang Plaza's CCN on December 3, 2012. Aus-Tex Parts and Service, Ltd. requested information to facilitate review of the request by letter dated December 20, 2012. Copies of those letters were filed by the Applicant with the Commission on May 24, 2013.

Aus-Tex Parts and Service, Ltd. already holds wastewater CCN #20953 and Water Quality Permit No. WQ0014104-001 which are located within one (1) mile of the proposed facility. Aus-Tex Parts and Service, Ltd. received a letter from Ryan Sowa, P.E. regarding a proposed development that needed wastewater service. The information he provided was not sufficient to complete his request. On December 20, 2012, Aus-Tex Parts and Service, Ltd. conveyed through its letter that the request did not provide sufficient information and that Aus-Tex Parts and Service, Ltd. expected it to cost approximately \$6,000 for the engineering analyses and to develop cost estimates for extending service to complete his request. Mr. Sowa did not respond to that correspondence and has made no effort to provide additional information. The request for service has not been denied. The proposed application is therefore not in compliance with the "Regionalization of Wastewater Utilities" expressed in TCEQ policy statement RG-357.

Aus-Tex Parts and Service, Ltd. requests a contested case hearing on the above-captioned application filed by Walton Texas, LP.

Very truly yours,



Bill Flickinger

BF/jc

cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
P.O. Box 17547
Austin, Texas 78760-754

Mr. Joseph Etzler, EIT, Project Manager
Travis Associates Consulting Engineers, Inc. F-127
1390 Hillside Terrace
Buda, Texas 78610

**WILLATT & FLICKINGER
ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

August 2, 2013

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED & BY HAND-DELIVERY**

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

REVIEWED

AUG 05 2013

By

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2013 AUG -2 PM 2:25
CHIEF CLERKS OFFICE

MWD
86692

Re: Application of Walton Texas, LP to Obtain a Water Quality Permit, Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015080001 in Caldwell County, Texas; Request for a Contested Case Hearing

Dear Chief Clerk:

This law firm represents landowner, Dempsey Buchanan LP. I am writing to you in connection with the above-captioned permit. Please let this letter serve as a formal request for a public hearing.

Pursuant to the requirements to request a public hearing, I am providing the information below:

ON BEHALF OF LANDOWNER, DEMPSEY BUCHANAN LP, I REQUEST A CONTESTED CASE HEARING.

Name, Address, Phone Number

Dempsey Buchanan LP
c/o Willatt & Flickinger
2001 North Lamar
Austin, Texas 78705
Ph: (512) 476-6604

Applicant's Name and Permit Number

Walton Texas, LP; Permit No. WQ0015080001

MWD

August 2, 2013

Page 2

Location and Distance of Property/Activities Relative to the Proposed Facility

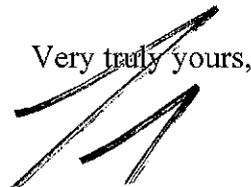
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Specific Description of How Landowner, Dempsey Buchanan LP Would be Adversely Affected by the Facility in a Way Not Common to the General Public

The property owned by Dempsey Buchanan LP is adjacent to Cedar Creek and less than one (1) mile downstream from the proposed discharge point. Dempsey Buchanan LP is developing the property for residential use and is concerned with the potential adverse impact on the property's value, and the potential for impacting the health and safety of future occupants of the property.

Also, since the proposed treatment plant to be built by Walton Texas, LP is approximately 1,200 feet from the property line of the property owned by Dempsey Buchanan LP there is concern with adverse impacts including noise, smell and the visual impact of the proposed plant.

Dempsey Buchanan LP requests a contested case hearing on the above-captioned application filed by Walton Texas, LP.

Very truly yours,

Bill Flickinger

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cc: Mr. Donald Dempsey, President
Aus-Texas Parts and Service, Ltd.
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