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DIS
91594

Of Counsel:
Rick Lowerre

May 23, 2014

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

REVIEWED

MAY 27 2014

By [Signature]

CHIEF CLERKS OFFICE

2014 MAY 27 AM 11:04

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Supplemental Hearing Request regarding Petition of JPH Capital, LTD, for creation of Travis County Municipal Utility District No. 22, TCEQ Internal Control No. D-12032013-010

Ms Bohac:

Consistent with prior correspondence with the Texas Commission on Environmental Quality (TCEQ), Hamilton Pool Road Matters (HPR Matters) requests a contested case hearing regarding the Petition of JPH Capital LTD for creation of Travis County Municipal Utility District No. 22. A previous hearing request was filed on behalf of HPR Matters via facsimile and mail on April 30, 2014. HPR Matters may be contacted through my firm at the address and telephone number listed above.

By its petition, JPH Capital, Ltd. seeks to create a district for purposes including the provision of water service, wastewater service, and wastewater treatment. Activities associated with the provision of this service, as well as subsequent development, will adversely affect natural run-off rates and drainage, groundwater and surface water quality, as well as the recharge capability of area groundwater.

I. HPR Matters is an affected person.

HPR Matters is a Texas nonprofit corporation whose purposes include protection of the natural environment along and near Hamilton Pool Road. HPR Matters particularly seeks to protect surface water and groundwater sustainability, as well as minimize the

[Handwritten signature]

adverse impact of the contamination or use of such waters on residents in southwest Travis County.

Several members of HPR Matters would be significantly impacted by the activities for which JPH Capital, Ltd. is seeking authorization, including three owners of property immediately adjacent to the proposed boundaries of the district, and two more not far downstream on Little Barton Creek. In particular, within its MUD application, JPH Capital proposes to apply treated wastewater on irrigation fields within the District,¹ which will potentially impact members of HPR Matters. Furthermore, activities directly associated with the provision of water and wastewater service will potentially adversely impact members of HPR Matters. Moreover, subsequent development within the proposed district would potentially adversely impact members of HPR Matters.

Judy Hendricks is a member of HPR Matters that will be impacted by the proposed facility. She owns property located at 16618 Destiny Cove (Lot 13, Block A Destiny Hills Section 1). This property is adjacent to Little Barton Creek approximately 610 feet downstream of the JPH Capital property, and within approximately 1200 feet of the proposed wastewater treatment plant. Her property is downstream of several of the proposed Drip Fields. A portion of Ms. Hendricks' property is located within the FEMA floodplain of Little Barton Creek. Thus, the alteration of natural runoff rates and drainage has a particular potential to impact her property. Ms. Hendricks resides on this property, and has a guest house on the property that is approximately 150 feet from Little Barton Creek. Ms. Hendricks enjoys the aesthetic beauty of Little Barton Creek, enjoys wildlife associated with the Creek, and takes walks along the creek. She also engages in recreational activities outside of her home on this property. Contaminants in Little Barton Creek from the upstream drip fields could adversely impact Ms. Hendricks's use and enjoyment of her property, and could adversely impact her use and enjoyment of Little Barton Creek.

Additionally, Mehrad Morabbi is a member of HPR Matters. Mr. Morabbi's property is adjacent to both Little Barton Creek and the boundaries of the proposed district. Similar to the property owned by Ms. Hendricks, a portion of Mr. Morabbi's property is located in the FEMA floodplain of Little Barton Creek. Consequently, his property is downstream of both the district's proposed drip fields and areas where development is anticipated to increase the amount of impervious cover. Contamination from the upstream irrigation fields and odors from the nearby wastewater treatment plant

¹ TCEQ Core Data Form as completed and contained in the application, p. 2; Masonwood West (Travis County MUD # 22) Markey Analysis Creation Report, p. 4 (Hatchett Property Lotting Plan B)

units could adversely impact Mr. Morabbi's property, and could adversely impact Mr. Morabbi's use and enjoyment of his property. Given the location of a portion of his property within the FEMA floodplain, the alteration of natural runoff rates and drainage has a particular potential to impact his property.

Likewise, Jessica Tennant is a member of HPR Matters. Ms. Tennant owns property at 16706 Destiny Cove (Lot 12 Block A Destiny Hills Sec 1), and she also resides on this property. This property is adjacent to Little Barton Creek approximately 320 feet downstream of the boundaries of the proposed district. A portion of Ms. Tennant's property is located in the FEMA floodplain of Little Barton Creek, and her property is downstream of several of the anticipated drip fields within the proposed district. Thus, the alteration of natural runoff rates and drainage has a particular potential to impact her property. Contamination from the upstream irrigation fields and odors from the nearby wastewater treatment plant units could adversely impact Ms. Tennant's property, and could adversely impact Ms. Tennant's use and enjoyment of her property.

Dick and Kathie Hanson are members of HPR Matters. They own property adjacent to the proposed facility. The Hansons reside on this property and engage in recreational activities on this property. In addition, the Hansons own a groundwater well on this property. The Hansons' property is adjacent to the boundaries of the proposed district, downstream of one of the anticipated drip fields, and approximately 3,300 feet from the proposed wastewater treatment plant. Odors from the proposed wastewater treatment plant, and drip irrigation fields, could potentially adversely impact the Hanson's use and enjoyment of their property. Groundwater contamination resulting from the application of wastewater on the proposed drip fields could adversely impact the quality of groundwater in the Hansons' well. The impact of development within the proposed district on recharge capabilities of groundwater in the area, and groundwater levels in the area, also has the potential to impact the Hanson's groundwater well.

II. Travis County MUD No. 22 will unreasonably affect natural run-off rates and drainage

JPH Capital intends to develop property within the District in a manner that will significantly increase the impermeable cover within the boundaries of the proposed District. In some areas, the applicant intends to install a subsurface drip irrigation fields that will potentially alter the natural drainage rates from those areas. This alteration of the landscape will alter the current drainage patterns of the area within the proposed district.

III. Travis County MUD No. 22 will unreasonably affect groundwater quality and recharge.

Irrigation of wastewater effluent as proposed will be potentially harmful to groundwater. Even if groundwater is at the depth beneath the surface claimed by JPH Capital LLC, there are existing wells on site will provide pathways for contamination to move into this groundwater. Installation of the piping systems associated with the provision of water service and wastewater service will provide new enhanced flow paths towards groundwater and surface waters. Additionally, the increase in impervious cover associated with the development in the proposed district has the potential to impact the recharge capability of underlying groundwater sources, and the groundwater levels in these groundwaters.

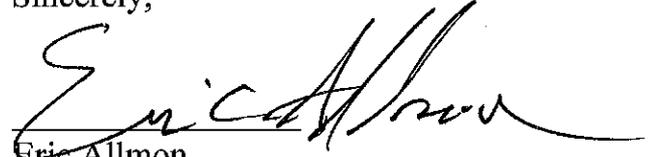
IV. Travis County MUD No. 22 will unreasonably affect surface water quality.

The anticipated development and irrigation activities within the District will also cause unacceptable harm to area surface waters. Construction within the District will potentially result in a significant increase in the discharge of suspended solids into Little Barton Creek, upstream of properties owned by Mr. Morabbi, Judy Hencricks, and Jessica Tennant. The application of wastewater in the watershed of Little Barton Creek further has the potential to impact water quality in Little Barton Creek as it flows adjacent to properties owned by these members of HPR Matters.

V. Conclusion

The impacts described above justify Denial of JPH Capital's application for the formation of Travis County Municipal Utility District No. 22, and will negatively impact affect HPR Matters and the members of HPR Matters. Therefore, HPR Matters requests a contested case hearing in this matter.

Sincerely,



Eric Allmon

**FREDERICK, PERALES, ALLMON
& ROCKWELL, P.C.**

707 Rio Grande, Suite 200

Austin, TX 78701

Tel. (512) 469-6000

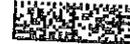
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Ms. Bridget Bohac
Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality,
P. O. Box 13087
Austin, Texas 78711-3087



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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CHIEF CLERKS OFFICE

Of Counsel:
Rick Lowrie

May 23, 2014

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

DIS
9/594

REVIEWED
MAY 23 2014
By [Signature]

H

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Sincerely,



Eric Allmon

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FAX COVER SHEET

TO: Bridget Bohac
Office of the Chief Clerk
Texas Commission on Environmental Quality

512-239-3311

CHIEF CLERKS OFFICE

2014 MAY 23 PM 1:12

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FROM: Eric Allmon
DATE: May 23, 2014

DOCUMENTS	NUMBER OF PAGES (not including cover pg.)
Re: Supplemental Hearing Request regarding Petition of JPH Capital Ltd., for creation of Travis County Municipal Utility District No. 22, TCEQ Internal Control No. D-12032013-010	4

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FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

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Rick Lowerre

April 30, 2014

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BY 

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Municipal Utility District No. 22, **TCEQ Internal Control No. D-12032013-010**

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JPH's petition does not demonstrate that its application meets all applicable requirements.

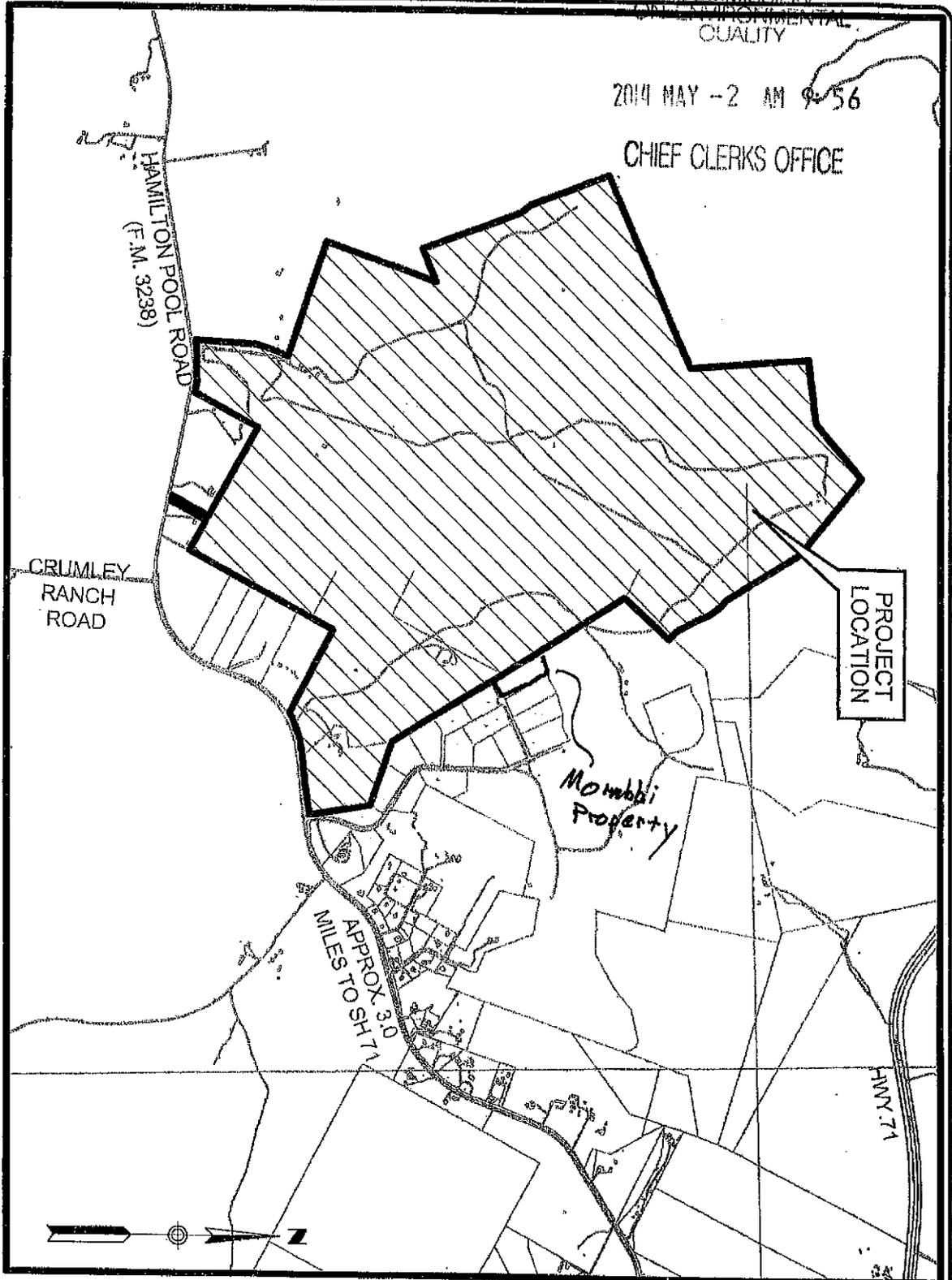
Respectfully Submitted,



Eric Allmon

2014 MAY -2 AM 9:56

CHIEF CLERKS OFFICE



TRAVIS COUNTY M.U.D. #22
TRAVIS COUNTY, TEXAS

Exhibit B

road map - c

1 OF 1

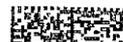
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Of Counsel:
Rick Lowerre

April 30, 2014

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

REVIEWED H

CHIEF CLERK'S OFFICE

2014 MAY -1 10:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Hearing Request Regarding Petition of JPH Capital, LTD for creation of Travis County
Municipal Utility District No. 22, **TCEQ Internal Control No. D-12032013-010**

Ms. Bohac:

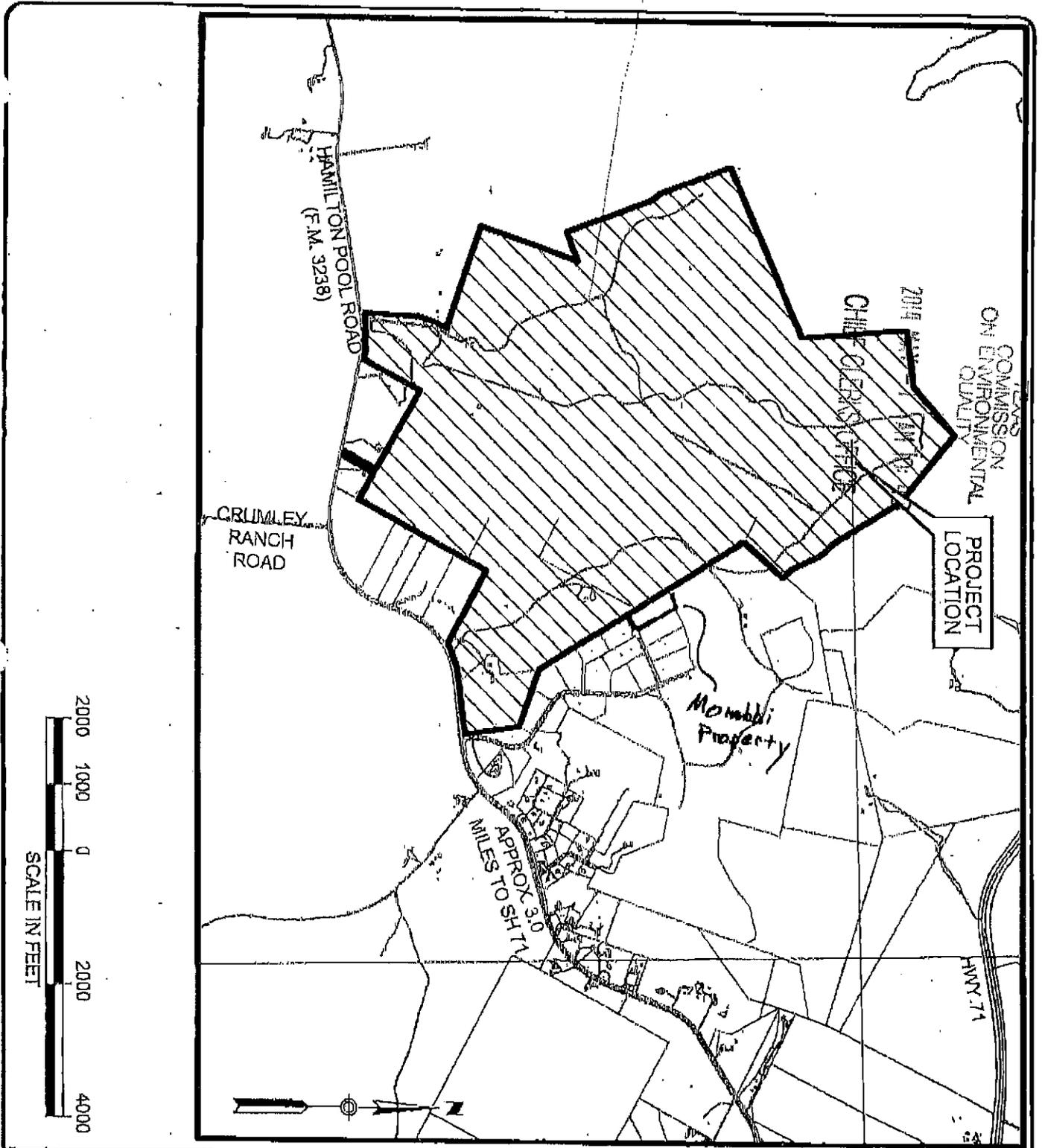
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JPH's petition does not demonstrate that its application meets all applicable requirements.

Respectfully Submitted,

Eric Allmon



TRAVIS COUNTY M.U.D. #22
 TRAVIS COUNTY, TEXAS

Exhibit B

road mmp - c

1 OF 1