

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

May 1, 2015

TO: Persons on the attached mailing list.

RE: Trio Residential Developers, Inc.
Permit No. WQ0015219001

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 Amended 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 Kendall County Courthouse, 201 East San Antonio Avenue, Boerne, 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.texas.gov/goto/comments> or by mail to the following address:

Bridget C. Bohac, 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 Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac
Chief Clerk

BCB/ms

Enclosure

MAILING LIST
for
Trio Residential Developers, Inc.
Permit No. WQ0015219001

FOR THE APPLICANT:

Marc Frease, President
Trio Residential Developers, Inc.
12345 Alameda Trace Circle, Suite 522
Austin, Texas 78272

Paul A. Schroeder, P.E.
Alamo Consulting Engineering and
Surveying, Inc.
4365 East Evans Road
San Antonio, Texas 78261

Elizabeth Haws Connally
Gardner Law
745 East Mulberry Avenue, Suite 500
San Antonio, Texas 78212

PROTESTANTS/INTERESTED
PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

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

Phillip Urbany, R.S., Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic McWherter, 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:

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

BUTLER , MELISSA
9019 JODHPUR
FAIR OAKS RANCH TX 78015-4330

CAMPBELL , CURT
307 LAKE VIEW DR
BOERNE TX 78006-5616

CANNIZZO , MR JAMES V
US ARMY, CAMP STANLEY
25800 RALPH FAIR RD
BOERNE TX 78015-4877

CORLEY , TIM
102 CLOVERLEAF AVE
ALAMO HEIGHTS TX 78209-3819

CROCKETT , MR ZANE GREY
7203 FAIR OAKS PKWY
FAIR OAKS RANCH TX 78015-4548

DALTON , RICHARD
94 SENDERO WOODS
FAIR OAKS RANCH TX 78015-8370

ELIZONDO , ROY E
28240 STEEPLECHASE LN
FAIR OAKS RANCH TX 78015-4801

FLIELLER , JANET
31004 WOOD BINE WAY
FAIR OAKS RANCH TX 78015-4278

FLOYD , CARROLL R
29322 DUBERRY RDG
FAIR OAKS RANCH TX 78015-4505

FORSTER , ANA
7410 SCINTILLA LN
FAIR OAKS RANCH TX 78015-4534

FREASE , MARC
12345 ALAMEDA TRACE CIR APT 522
AUSTIN TX 78727-6436

FRENCH , BOBBIE
31470 POST OAK TRL
FAIR OAKS RANCH TX 78015-4127

FRESCAS , DAVID & VICKY J
30910 FIREBIRD LN
FAIR OAKS RANCH TX 78015-4164

GONZALEZ , PAUL G
31460 MEADOW CREEK TRL
FAIR OAKS RANCH TX 78015-4109

HALL , MR JIMMY ALAN
JIMMY ALAN HALL PLLC
4600 MUELLER BLVD APT 2121
AUSTIN TX 78723-3372

HAMILTON , CHRIS
7140 ROLLING ACRES TRL
FAIR OAKS RANCH TX 78015-4021

HAMILTON , JAMES
7140 ROLLING ACRES TRL
FAIR OAKS RANCH TX 78015-4021

HARTPENCE , STEVE
31360 MEADOW CREEK TRL
FAIR OAKS RANCH TX 78015-4209

HODGE , THOMAS A
PO BOX 1742
CANYON LAKE TX 78133-0005

HORST , GERALD L
8302 HIGH CLIFF DR
FAIR OAKS RANCH TX 78015-4233

JAMES , TANYA
227 AMMANN RD
BOERNE TX 78015-4676

JASTER , MR THOMAS S
29627 FAIRVIEW PL
FAIR OAKS RANCH TX 78015-4229

KELLER , KIM
8125 WINDMILL CIR
BOERNE TX 78015-4138

KING , BEVERLY & TERRY
31280 POST OAK TRL
FAIR OAKS RANCH TX 78015-4123

KLAR , HARRY & THERESA
443 AMMANN RD
BOERNE TX 78015-4680

KLAR , LAURETTE
443 AMMANN RD
BOERNE TX 78015-4680

KNOPF , MS CAROLYN
8705 JODHPUR
FAIR OAKS RANCH TX 78015-4268

KNOPF , KRIS
8705 JODHPUR
FAIR OAKS RANCH TX 78015-4268

MANITZAS , DEE & GARRY
30850 MAN O WAR DR
FAIR OAKS RANCH TX 78015-4296

MANITZAS , DEE ANNA
30850 MAN O WAR DR
FAIR OAKS RANCH TX 78015-4296

MANITZAS , GARRY
30850 MAN O WAR DR
FAIR OAKS RANCH TX 78015-4296

MCCANLESS , CATHY
38 BROOK RDG
FAIR OAKS RANCH TX 78015-4545

MCCONNELL , ELLIOTT B
PO BOX 1974
BOERNE TX 78006-6974

MCCONNELL , JAMES
PO BOX 1315
BOERNE TX 78006-1315

MCCONNELL , MARY
PO BOX 1315
BOERNE TX 78006-1315

MCDOWELL , KAROL
30811 ROBIN DALE DR
FAIR OAKS RANCH TX 78015-4201

MCEWEN , WAYNE
7621 DIETZ ELKHORN RD
FAIR OAKS RANCH TX 78015-4728

MICHALEC , MILAN J
12 BRANDT RD
BOERNE TX 78006-5707

MILLER , THE HONORABLE DOUG STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 73
PO BOX 2910
AUSTIN TX 78768-2910

MINTZ , LOIS
31620 POST OAK TRL
FAIR OAKS RANCH TX 78015-4151

MOFFETT , HOLLY
8116 TRIPLE CROWN
FAIR OAKS RANCH TX 78015-4625

NICHOLS , KEN
30143 CIBOLO RUN
FAIR OAKS RANCH TX 78015-4294

NICHOLS , RICHARD
PO BOX 1275
BOERNE TX 78006-1275

PEACE , ANNALISA
GREATER EDWARDS AQUIFER ALLIANCE
PO BOX 15618
SAN ANTONIO TX 78212-8818

POPE , KATHERINE
29203 SADDLE SONG
FAIR OAKS RANCH TX 78015-4581

RAY , MARSHALL
PO BOX 841
WEATHERFORD TX 76086-0841

RIHA , CRAIG
49 RANCH TER
FAIR OAKS RANCH TX 78015-8371

RUHL , JO FRANCES
29458 SUMMIT RIDGE DR
FAIR OAKS RANCH TX 78015-4573

RYAN , HELENA & WILLIAM JOHN
30841 ROBIN DALE DR
BOERNE TX 78015-4202

SCALLAN , JOSEPH H
31925 WILD OAK HL
BOERNE TX 78015-4006

SCHILLING , CHERYL
31135 POST OAK TRL
FAIR OAKS RANCH TX 78015-4122

SHINE , KIRSTIN
29511 FAIRWAY BLUFF DR
FAIR OAKS RANCH TX 78015-4469

SHIPP , SUSAN
30603 KEENELAND DR
FAIR OAKS RANCH TX 78015-4265

SMOTHERS , DUB
646 ROSEWOOD AVE
BOERNE TX 78006-2132

SPARKS , POLLY
31220 POST OAK TRL
FAIR OAKS RANCH TX 78015-4123

SPRENCEL , JACI & JOHN
29014 ANGEL FIRE DR
FAIR OAKS RANCH TX 78015-4746

STANTON , JANET & WILLIAM J
31225 POST OAK TRL
FAIR OAKS RANCH TX 78015-4124

STEEN , JOE C
8125 FLAGSTONE HILL DR
FAIR OAKS RANCH TX 78015-4020

TAYLOR , DONNA
31043 KEENELAND DR
FAIR OAKS RANCH TX 78015-4247

THOMPSON , TERRY
31125 POST OAK TRL
FAIR OAKS RANCH TX 78015-4122

TRAPASSO , FRANK A
31820 ROLLING ACRES TRL
FAIR OAKS RANCH TX 78015-4049

WARZECHA , JOSEPH
32020 ROLLING ACRES TRL
FAIR OAKS RANCH TX 78015-4054

WEBSTER , ROBERT
325 STATE HIGHWAY 46 W
BOERNE TX 78006-8113

WILSON , RAYMOND & TERRY
28871 DAPPER DAN DR
FAIR OAKS RANCH TX 78015-4733

WISIAN , ANDRA
319 AMMANN RD
BOERNE TX 78015-4678