

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 16, 2015

TO: Persons on the Attached Mailing List

**RE: Docket No. 2015-1624-MWD
Randolph Todd Company, LLC
Request(s) filed on Permit No. WQ0015314001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **January 20, 2016**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **December 28, 2015**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **January 11, 2016**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www.tceq.texas.gov/goto/eFilings> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, and other requesters and the applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Office of Alternative Dispute Resolution to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) if the request is made by a group or association, identify one or more members who have standing to request a hearing, and the interests the group or association seeks to protect;
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised during the comment period and not withdrawn prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Office may contact requesters to determine their interest in informal discussions with the permit applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

**MAILING LIST
RANDOLPH TODD COMPANY, LLC
DOCKET NO. 2015-1624-MWD; PERMIT NO. WQ0015314001**

FOR THE APPLICANT:

William Randy Rollo, Manager
Randolph Todd Company, LLC
4807 Spicewood Springs Road, Suite 104
Austin, Texas 78759-8444
Tel: (512) 750-0896

Andrew N. Barrett
Andy Barrett & Associates, PLLC
3300 Bee Cave Road
Suite 650, Number 189
Austin, Texas 78746
Tel: (512) 600-3800

Bonnie Billquist
South Texas Wastewater Treatment
P.O. Box 1284
Boerne, Texas 78006-1284
Tel: (830) 249-8098
Fax: (830) 249-4791

Kelly Leach
215 West Bandera Road, Suite C114-47
Boerne, Texas 78006-2820
Tel: (210) 827-7918

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ashley McDonald, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Rebecca Moore, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0058
Fax: (512) 239-4430

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-5678

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
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE
RESOLUTION

via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Bridget C. Bohac
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S)/INTERESTED
PERSON(S):

See attached list.

REQUESTER(S)

Hector X Amaya
Dry Comal Creek Vineyards
1741 Herbelin Rd
New Braunfels, TX 78132-1838

Teresa Barnhill
143 Dry Bear Crk
New Braunfels, TX 78132-1665

Dr. Jerry Barucky
20806 Woodland Cv
Garden Ridge, TX 78266-2775

John Hudson Blodgett
Detex Corporation
2345 Appellation
New Braunfels, TX 78132-2775

Mrs Patricia L & Troy C Brand
1980 S Cranes Mill Rd
New Braunfels, TX 78132-1630

Nelda S Davis
1789 S Cranes Mill Rd
New Braunfels, TX 78132-1615

Ronald R Davis
1789 S Cranes Mill Rd
New Braunfels, TX 78132-1615

Mrs Susan R Dooley Logue
10120 W State Highway 46
New Braunfels, TX 78132-1626

Susan L Dunlap
Southwest English Setter Rescue
462 San Marcos Trl
New Braunfels, TX 78132-1653

Carole Farmer
1600 S Cranes Mill Rd
New Braunfels, TX 78132-1651

Bonnie Houser
Dry Comal Creek Vineyards
1741 Herbelin Rd
New Braunfels, TX 78132-1838

Mr Franklin Houser
Dry Comal Creek Vineyards
1741 Herbelin Rd
New Braunfels, TX 78132-1838

Sabrina A Houser-Amaya
Dry Comal Creek Vineyards
1741 Herbelin Rd
New Braunfels, TX 78132-1838

Edmund O Hubler Retired
692 Rock Castle
Canyon Lake, TX 78133-4844

Sharon Elaine Hubler
692 Rock Castle
Canyon Lake, TX 78133-4844

The Honorable Susan Ingram
29751 Twin Creeks Dr
Bulverde, TX 78163-2407

Richard Lamb
1504 Vino Cir
New Braunfels, TX 78132-2771

Daniel Laroe
922 Homestead Rdg
New Braunfels, TX 78132-1644

Kenneth C Laubach
633 Herbelin Rd
New Braunfels, TX 78132-1837

Victoria Beth Laubach
633 Herbelin Rd
New Braunfels, TX 78132-1837

Mrs Marjorie Marks
1355 Ranch Pkwy Apt 112
New Braunfels, TX 78130-3988

Mrs Elizabeth L Martin
900 Heritage Oaks
New Braunfels, TX 78132-1667

Mr Taylor Martin
900 Heritage Oaks
New Braunfels, TX 78132-1667

Mr Ted M Martin
900 Heritage Oaks
New Braunfels, TX 78132-1667

Ellen McClellan
2282 S Cranes Mill Rd
New Braunfels, TX 78132-1604

Sandy L Nott
143 Dry Bear Crk
New Braunfels, TX 78132-1665

R Pappas
1100 Homestead Rdg
New Braunfels, TX 78132-1605

Mr Rick Peyton
1015 Provence Pl
New Braunfels, TX 78132-2769

Mrs Sandy Peyton
1015 Provence Pl
New Braunfels, TX 78132-2769

Mrs Phyllis Yvonne Ritter
2360 S Cranes Mill Rd
New Braunfels, TX 78132-1618

Jessica Smith
The Springs Events
Po Box 936
Dripping Springs, TX 78620-0936

Mrs Brenda R Sturtevant
1170 Sapling Spg
New Braunfels, TX 78132-2676

Mr John Wesley Sturtevant
1170 Sapling Spg
New Braunfels, TX 78132-2676

Connie Terao
2241 Appellation
New Braunfels, TX 78132-2774

Ms Felicia S Thomas
1128 Provence Pl
New Braunfels, TX 78132-2770

Carl Thompson
1026 Stradina
New Braunfels, TX 78132-2778

Aurora Dozier White
2230 Pinot Blanc
New Braunfels, TX 78132-4800

Randal Dean White
2230 Pinot Blanc
New Braunfels, TX 78132-4800

James A Whitmore
Usaf Retired
257 Dry Bear Crk
New Braunfels, TX 78132-1633

James A Whitmore
President, Waggener Ranch
Property Owners Association
4802 S Cranes Mill Rd
New Braunfels, TX 78132-1647

WITHDRAW OF REQUEST(S)

Denise & Edward Harris
1670 S Cranes Mill Rd
New Braunfels, TX 78132-1651

Ms Denise L Harris
1670 S Cranes Mill Rd
New Braunfels, TX 78132-1651

Edward Harris
1670 S Cranes Mill Rd
New Braunfels, TX 78132-1651

PUBLIC OFFICIALS - INTERESTED PERSON(S)

The Honorable Doug Miller
State Representative, Texas House Of
Representatives District 73
Po Box 2910
Austin, TX 78768-2910

INTERESTED PERSON(S)

Eric Allmon
Frederick Perales Allmon & Rockwell Pc
707 Rio Grande St Ste 200
Austin, TX 78701-2733

Marc Arias
10306 Rinder Farm Ct
New Braunfels, TX 78132-3878

Richard Atkinson
1034 Ranger Rdg
New Braunfels, TX 78132-1841

Cindy Ayers
1669 S Cranes Mill Rd
New Braunfels, TX 78132-1613

Dan W Balgemann
1190 Homestead Rdg
New Braunfels, TX 78132-1605

Mrs Heather Beard
2153 Appellation
New Braunfels, TX 78132-2773

Tracey Blackwell
9745 Trophy Oaks Dr
Garden Ridge, TX 78266-2814

Mrs Patricia L Brand
1980 S Cranes Mill Rd
New Braunfels, TX 78132-1630

Mr Troy Calvin Brand
1980 S Cranes Mill Rd
New Braunfels, TX 78132-1630

Suzanne Byrd
1606 Bordeaux Blanc
New Braunfels, TX 78132-2683

Mr Daniel Cevallos Jr
1606 Angolo
New Braunfels, TX 78132-2782

Thomas M Chaney
1135 Sapling Spg
New Braunfels, TX 78132-2676

Kevin Coleman
1040 Diretto
New Braunfels, TX 78132-2776

Mrs Amy E Collins
1470 S Cranes Mill Rd
New Braunfels, TX 78132-1610

Ronald F Diana
1428 Decanter Dr
New Braunfels, TX 78132-2690

Jonni Doeppenschmidt
2911 Morningside Dr
New Braunfels, TX 78130-7014

Becky Dominick
311 Clear Lk
New Braunfels, TX 78132-1847

Leon Dominick
311 Clear Lk
New Braunfels, TX 78132-1847

Kathy Fincher
1505 Syrah
New Braunfels, TX 78132-2699

Ronald E Fincher
1505 Syrah
New Braunfels, TX 78132-2699

Carol Fisher
1802 Blanco Rd
San Antonio, TX 78212-2614

Kelly Follis
1902 Common St Ste 500
New Braunfels, TX 78130-3188

Ron Frisk
1568 Vintage Way
New Braunfels, TX 78132-2670

Terrence M Frost
1014 Blend Way
New Braunfels, TX 78132-2698

Eddie Dwain Glass
1155 S Cranes Mill Rd
New Braunfels, TX 78132-1670

Gloria Glass
1155 S Cranes Mill Rd
New Braunfels, TX 78132-1670

Lynn Graham
1131 Diretto
New Braunfels, TX 78132-2739

Terrell Graham
18645 State Highway 239 W
Kenedy, TX 78119-4739

Debbie Sabins Grun
1041 Homestead Rdg
New Braunfels, TX 78132-1652

Edward A Grun
1041 Homestead Rdg
New Braunfels, TX 78132-1652

Polly Haberkorn
3060 Rebecca Creek Rd
Canyon Lake, TX 78133-5924

Terri Hall
Texans Untiing For Reform And Freedom
(Texas Turf)
Po Box 29254
San Antonio, TX 78229-0254

Cheryl Hamp
1612 Canyon Trce
Canyon Lake, TX 78133-2145

Denise Harris
1670 S Cranes Mill Rd
New Braunfels, TX 78132-1651

Ken Head
1099 Village Shore Dr
Canyon Lake, TX 78133-5537

Mrs Lezlee Katherine Hebert
208 Burr Oak Ln
Canyon Lake, TX 78133-5490

Corey Henderson
3311 S Cranes Mill Rd Unit 3
New Braunfels, TX 78132-1649

Dr. Kenneth Higby
292 Heritage Oaks
New Braunfels, TX 78132-1650

Thomas A Hodge
Po Box 1742
Canyon Lake, TX 78133-0005

Mrs Ricki Ann Holt
1419 Decanter Dr
New Braunfels, TX 78132-2690

Larry Jackson
1988 Round Table
New Braunfels, TX 78130-8316

Mary Jeanes
1309 Decanter Dr
New Braunfels, TX 78132-2686

Mark Johnson
495 S Chestnut Ave
New Braunfels, TX 78130-6331

Bryan S Jordan
1147 Barolo Ct
New Braunfels, TX 78132-2669

Brittany Judd
1630 Oak Mdws
Canyon Lake, TX 78133-1935

Garrett Keller
8 Spencer Rd
Boerne, TX 78006-8192

Mrs Pat Knipe
Blue Water Real Estate
23120 Fm 306
Canyon Lake, TX 78133-2315

Karen Langelier
28405 Oak Creek Dr
New Braunfels, TX 78132-3653

Calli Laubach
633 Herbelin Rd
New Braunfels, TX 78132-1837

Cara Laubach
7703 Derby Run
Selma, TX 78154-3937

Clint Laubach
633 Herbelin Rd
New Braunfels, TX 78132-1837

Kenneth & Victoria Laubach
633 Herbelin Rd
New Braunfels, TX 78132-1837

Mrs Latisha Loria
891 Cypress Dr
Canyon Lake, TX 78133-2619

Jensie S Madden
1281 Serenity
Fischer, TX 78623-2506

Michael Mchesney
401 Quail Pass
New Braunfels, TX 78132-3093

Matt McClellan
2282 S Cranes Mill Rd
New Braunfels, TX 78132-1604

Mr Carey F McWilliams Jr
1544 Connettere
New Braunfels, TX 78132-2777

Mr Casey James Menn
2075 Johnson Rd
Canyon Lake, TX 78133-3157

Jack Millar
1821 S Cranes Mill Rd
New Braunfels, TX 78132-1617

Dale A Miller
1505 Cabernet
New Braunfels, TX 78132-2768

Jamie Miller
5765 Fig Way
Arvada, CO 80002-1157

Marlene Moore
461 Lakeview Blvd
New Braunfels, TX 78130-5231

Kermit Oneal
8414 Fm 2673
Canyon Lake, TX 78133-6426

Sarah Oneal
8414 Fm 2673
Canyon Lake, TX 78133-6426

Sharon O'Toole
301 Main Plz Ste 354
New Braunfels, TX 78130-5136

Nancy Pappas
1100 Homestead Rdg
New Braunfels, TX 78132-1605

Mrs Amanda L Pierson
1069 Madrone Rd
Fischer, TX 78623-2104

Jill Pope
2321 Appellation
New Braunfels, TX 78132-2775

Jason Retzloff
811 Cross Oak
New Braunfels, TX 78132-2664

Richard K Rheinhardt
231 Burr Oak Ln
Canyon Lake, TX 78133-3904

John C Ritter
2360 S Cranes Mill Rd
New Braunfels, TX 78132-1618

John & Phyllis Y Ritter
2360 S Cranes Mill Rd
New Braunfels, TX 78132-1618

Carolyn Roberts
453 N Business Ih 35 Apt 734
New Braunfels, TX 78130-7886

Anne Rogers
Texas Parks And Wildlife Department
4200 Smith School Rd
Austin, TX 78744-3218

Mr Craig Scallan
736 Serene Woods Cir
Canyon Lake, TX 78133-3559

Michael Sinatra
1637 Vintage Way
New Braunfels, TX 78132-2671

Steve Snyder
815 Brazos St Ste 600
Austin, TX 78701-2515

Susan Syamken
815 Heritage Oaks
New Braunfels, TX 78132-1638

Kyle Terao
2241 Appellation
New Braunfels, TX 78132-2774

Jeff Thomas
1225 Teakwood Dr
Fort Collins, CO 80525-1957

Jacques Van Heerden
330 Maple Way
New Braunfels, TX 78132-4879

Ford Wagner
10000 Highway 46 W
New Braunfels, TX 78132-1622

Ms Louann Wagner
10000 Highway 46 W
New Braunfels, TX 78132-1622

Ron Walton
1308 Bordeaux
New Braunfels, TX 78132-2681

G F Watkins
327 Valley Ldg
New Braunfels, TX 78132-3891

Jeanine Marie Watrous
14 Mission Trce
New Braunfels, TX 78130-6620

Jeff Weiler
1528 Decanter Dr
New Braunfels, TX 78132-2693

John Western
2026 Appellation
New Braunfels, TX 78132-2772

Rori White
2230 Pinot Blanc
New Braunfels, TX 78132-4800

Mr Stan Whittenburg
1005 Breve Cir
New Braunfels, TX 78132-2692

Benton Zwart
309 Copper Trce
New Braunfels, TX 78132-3914