

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



*Vic McWherter, Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 14, 2016

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

RE: **WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**  
**TCEQ DOCKET NO. 2016-0022-MWD**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Tucker".

Aaron Tucker, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

Enclosure



**TCEQ DOCKET NO. 2016-0022-MWD**

**IN THE MATTER OF  
THE APPLICATION OF  
WEST TRAVIS  
COUNTY PUBLIC  
UTILITY AGENCY FOR  
TCEQ PERMIT NO.  
WQ0013594001**

§  
§  
§  
§  
§  
§  
§

**BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUESTS  
FOR HEARING**

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Requests for Hearing in the above-referenced matter. OPIC finds that the applicant's compliance history raises issues that foreclose approval of the renewal application without the necessity of a holding a public hearing and recommends granting the requests for a contested case hearing filed by M.E. Cook, Frederick W. Goff, Alan Kirshbom, Johanna Nabben, Brian Newell, Donna Ruiz, Robert M. Ruiz, Mark Shade, Patricia Sinnott, and Ty Wenglar.

**I. INTRODUCTION**

**A. Background of Facility**

Applicant West Travis County Public Utility Agency (West Travis PUA or PUA) has applied to the TCEQ for a renewal to TCEQ Permit No. WQ0015245001 which authorizes the disposal of treated domestic wastewater at a daily average flow not exceed 0.675 million gallons per day (MDG) at Outfall 001, and 0.325 MGD via surface irrigation of 350 acres of public access land. The 350 acre irrigation site consist of the 200-acre Spillman Ranch site's golf course, medians and parks, and the 150-acre CCNG Development Company, L.P.'s golf course. The existing wastewater treatment facility

serves an area that is generally the extraterritorial jurisdiction (ETJ) of the City of Bee Cave.

The Lake Pointe Wastewater Treatment Facility consists of an activated sludge process plant using the single stage nitrification mode. Treatment units will include two parallel trains consisting of a bar screen, two equalization basins, two aeration basins, two final clarifiers, two aerobic digesters, two chlorine contact chambers, and cloth disk filters at one site (Site A) and another train consisting of an equalization basin, bar screen, aeration basin, final clarifier, aerobic digester, chlorine contact chamber, and cloth disk filters at another site (Site B).

The wastewater treatment facility and disposal site are located at 3100 Napa Drive, Austin, in Travis County, Texas 78738 (Site A). The Effluent Pond No. 1 is located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (Spillman Ranch) is also located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (CCNG) is located approximately 2,500 feet south of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The Effluent Pond No. 2 and another treatment facility are located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 (Site B).

The wastewater treatment facilities and storage pond 2 are located in the drainage basin of Lake Austin in Segment No. 1403. The disposal sites and storage pond 1 are located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. No discharge of pollutants into water in the state is authorized by this permit.

## **B. Procedural Background**

The renewal application was received on June 3, 2014, and declared administratively complete on July 14, 2014. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published in English on July 25, 2014, in the *Austin American Statesman*, Travis County, Texas and on July 24, 2014 in Spanish in *El Mundo*, Travis County, Texas. The Executive Director completed the technical review of the application on February 9, 2015, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published in English on April 9, 2015, in the *Austin American Statesman*, Travis County, Texas and in Spanish in *El Mundo*, Travis County Texas. A public meeting was held in Bee Cave, Texas on August 13, 2015; the notice of the public meeting was published in the *Austin American Statesman* on July 10, 2015. The comment period for this application ended on August 13, 2015. The Office of Chief Clerk received over 100 timely comment letters. The original Response was filed on November 4, 2015; the amended Response was filed to correct the end of the comment period. No changes were made to the comments and responses in the amended Response. The Office of the Chief Clerk mailed the Response to Comments and Final Decision Letter on November 10, 2015. The deadline to file a request for a contested case hearing was December 10, 2015.

The Commission received timely requests for a contested case hearing from the Lake Austin Lake Pointe Homeowners Association, Inc. ("Lake Pointe HOA"), Eileen Brzoska, M.E. Cook, Frederick W. Goff, Hope and John Harrod, John M. Harrod, John and Sarah Harrod, Alan Kirshbom, Johanna Nabben, Brian Newell, Donna Ruiz, Robert M. Ruiz, Mark Shade, Patricia Sinnott, and Ty Wenglar. The Lake Pointe HOA withdrew its hearing request on November 5, 2015. OPIC recommends that the Commission grant the hearing request

submitted by M.E. Cook, Frederick W. Goff, Alan Kirshbom, Johanna Nabben, Brian Newell, Donna Ruiz, Robert M. Ruiz, Mark Shade, Patricia Sinnott, and Ty Wenglar.

## II. APPLICABLE LAW

This application was administratively complete on June 27, 2014. As the application was declared administratively complete after September 1, 1999 and before September 1, 2015, a person may request a contested case hearing on the application pursuant to the requirements of Texas Water Code Section 5.556, added by Act 1999, 76<sup>th</sup> Leg., ch. 1350 (commonly known as “House Bill 801”).

Under the applicable statutory and regulatory requirements, a person may request that the Commission reconsider the ED’s decision or hold a contested case hearing. TEXAS WATER CODE § 5.556. The commission may not grant a request for a contested case hearing unless the Commission determines that the request was filed by an “affected person” as defined by Section 5.115. TEXAS WATER CODE § 5.556(c). The commission may not refer an issue to the State Office of Administrative Hearings for a hearing unless the Commission determines that the issue involves a disputed question of fact, was raised during the public comment period and is relevant and material to the decision on the application. TEXAS WATER CODE § 5.556(d).

A hearing request must substantially comply with the following: give the name, address, and daytime telephone number of the person who files the request; identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the

requestor believes he or she will be affected by the activity in a manner not common to members of the general public; request a contested case hearing; and provide any other information specified in the public notice of application. 30 TEX. ADMIN. CODE § 55.201(d).

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.” TEXAS WATER CODE § 5.115(a); 30 TEX. ADMIN. CODE § 55.203(a). An interest common to members of the general public does not qualify as a personal justiciable interest. *Id.* Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. 30 TEX. ADMIN. CODE § 55.203(b). In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TEX. ADMIN. CODE § 55.203(c).

The Commission shall grant an affected person’s timely filed hearing request if the request is made pursuant to a right to hearing authorized by law and the request raises disputed issues of fact that were raised during the comment period and that are relevant

and material to the Commission's decision on the application. 30 TEX. ADMIN. CODE § 55.211(c).

Accordingly, responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

30 TEX. ADMIN. CODE § 55.209(e).

### **III. DISCUSSION**

#### **A. Right to a Contested Case Hearing**

Applicant's compliance history raises several issues regarding its ability to comply with a material term of the permit, and therefore forecloses approval of the renewal application without the necessity of a holding a public hearing under 30 TAC § 55.201(i)(5)(E) and TWC § 26.028(d). Although Applicant most recently received a compliance history classification rating of "satisfactory" on September 1, 2015,<sup>1</sup> the rating is not dispositive under the present "raises no issues" standard. Commission rules do not restrict the inquiry solely to the classification rating but focus more broadly on the

---

<sup>1</sup> Compliance History Report, (Exhibit A).

likelihood of compliance given the previous five years: “*raises no issues* regarding the applicant’s ability to comply with a *material term* of the permit.” 30 TAC § 55.201(i)(5)(E) (emphasis added). The “raises no issues” standard ensures that only existing facilities with a sterling compliance record are afforded an exception to the general right to a contested case hearing.

Over the past five years, Applicant has had multiple issues complying with the materials terms of its permit resulting in several moderate and minor notices of violations, a final administrative enforcement order in 2011, and an ongoing compliance agreement with the Executive Director.<sup>2</sup> Unfortunately, these violations—as well as complaints and comments submitted by affected persons—show a persistent pattern of operational issues, unauthorized discharges, and nuisance odor conditions. As this permit renewal goes before the Commission, Applicant currently has an active Notice of Violation (NOV), classified as “moderate,” from February 2016 for failure to adequately operate and maintain disposal systems.<sup>3</sup> This most recent violation occurred subsequent to implementation of the compliance agreement to address problems at the wastewater treatment plant and the September 2015 compliance history rating. A present inability to comply with an existing permit term clearly raises an issue regarding Applicant’s ability to comply with a permit term. Also, the permit term is material, evidenced by the Commission classifying the violations as moderate.<sup>4</sup>

---

<sup>2</sup> Compliance History Report, (Exhibit A); Compliance Agreement of December 9, 2013 (Exhibit B)

<sup>3</sup> TCEQ Central Registry Query for Notice of Violations for Permit No. WQ0013594001 (last search March 11, 2015) (Central Registry - NOV's) (Exhibit C).

<sup>4</sup> *Id.*

Other than concerns related to compliance history, this renewal would not trigger a contested case hearing right. Applicant is not applying to increase the quantity of waste or change the discharge location. 30 TAC § 55.201(i)(5)(A). The renewal application maintains or improves the discharge limits in the original permit. 30 TAC § 55.201(i)(5)(B). The ED conducted a public meeting on August 13, 2015 in Bee Caves. 30 TAC § 55.201(i)(5)(C). *See also* 30 TAC § 55.154(c) (requiring a public meeting when the ED determines there is a substantial or significant degree of public interest in the application or a member of the legislature who represents the general area requests one). The ED's Response to Public Comment was mailed to interested persons on November 10, 2015. 30 TAC § 55.201(i)(5)(D). Because Applicant's compliance history raises issues regarding its ability to comply with a material term of the permit, affected persons who have submitted a valid hearing request have a right to a contested case hearing.

**B. Determination of Affected Person Status**

**Eileen Brzoska**

Eileen Brzoska filed a timely request for a hearing on May 6, 2015 providing her address on Tulare Drive in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms she lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Although she lives in close proximity to the treatment plant, her request does not state how she will be adversely affected by the facility, and, thereby, does not state an interest that may be affected by the application. For these reasons her request fails to sufficiently comply with the requirements of a hearing request in 30 Texas Administrative Code § 55.201(d). Therefore, OPIC recommends that

the Commission find that she does not qualify as an “affected person.”

**M.E. Cook**

M.E. Cook filed a timely request for a hearing on May 3, 2015 stating she is a long-term resident of the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms she lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mrs. Cook states that she has endured many plants upsets and nuisance odors and is concerned about nuisance odors. Because Mrs. Cook lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mrs. Cook is an affected person.

**Frederick W. Goff**

Frederick W. Goff filed a timely request for a hearing on May 4, 2015 stating he lives one block from one of the wastewater treatment plants. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Goff states that he has experienced terrible odors over the years and is concerned that these odors will continue unless changes are made. Because Mr. Goff lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Goff is an affected person.

**Hope and John Harrod**

Hope and John Harrod filed a timely request for a hearing on May 6, 2015 providing their address on Palmdale Court in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms they live in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Although they live in

close proximity to the treatment plant, their request does not state how they will be adversely affected by the facility, and, thereby, does not state an interest that may be affected by the application. For these reasons their request fails to sufficiently comply with the requirements of a hearing request in 30 Texas Administrative Code § 55.201(d). Therefore, OPIC recommends that the Commission find that they do not qualify as “affected persons.”

**John M. Harrod**

John M. Harrod filed a timely request for a hearing on May 6, 2015 providing his address on Palmdale Court in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Although he lives in close proximity to the treatment plant, his request does not state how he will be adversely affected by the facility, and, thereby, does not state an interest that may be affected by the application. For these reasons his request fails to sufficiently comply with the requirements of a hearing request in 30 Texas Administrative Code § 55.201(d). Therefore, OPIC recommends that the Commission find that he does not qualify as an “affected person.”

**John and Sarah Harrod**

John and Sarah Harrod filed a timely request for a hearing on May 6, 2015 providing their address on Palmdale Court in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms they live in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Although they live in close proximity to the treatment plant, their request does not state how they will be adversely affected by the facility, and, thereby, does not state an interest that may be

affected by the application. For these reasons their request fails to sufficiently comply with the requirements of a hearing request in 30 Texas Administrative Code § 55.201(d). Therefore, OPIC recommends that the Commission find that they do not qualify as “affected persons.”

**Alan Kirshbom**

Alan Kirshbom filed a timely request for a hearing on May 4, 2015 stating that he lives on Carlsbad Drive in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Kirshbom states that he and his family have experienced sewage overflow from the manhole covers and terrible raw sewage smells. He is concerned that these issues must be addressed in the permit. Because Mr. Kirshbom lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Kirshbom is an affected person.

**Johanna Nabben**

Johanna Nabben filed a timely request for a hearing on May 3, 2015 stating she lives on Cascade Falls Drive in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms she lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Ms. Nabben states that she and her family have experienced terrible odors and sewage overflows from the manholes over the past few years. She is concerned about nuisance odors and whether the permit will protect her family’s health, safety, and ability to enjoy their property. Because Ms. Nabben lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Ms. Nabben is an affected person.

**Brian Newell**

Brian Newell filed a timely request for a hearing on May 6, 2015 stating that he has lived on Carlsbad Drive in the Lake Pointe subdivision for ten years. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Newell states that he has experienced terrible odors and sewage spills due to the lack of proper management and accountability by the PUA. He wants to ensure that the permit will include appropriate quality standards to address operational issues and nuisance odors while also protecting his health, safety, and ability to enjoy his property. Because Mr. Newell lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Newell is an affected person.

**Donna Ruiz**

Donna Ruiz filed a timely request for a hearing on May 4, 2015 stating she lives on Carlsbad Drive in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms she lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Ms. Ruiz states that she has endured terrible odors and multiple sewage spills relating to the nearby wastewater treatment plant. She is concerned the plant poses a health risk to her community. Because Ms. Ruiz lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Ms. Ruiz is an affected person.

**Robert M. Ruiz**

Robert M. Ruiz filed a timely request for a hearing on May 4, 2015 stating that he lives on Carlsbad Drive in the Lake Pointe subdivision. The map prepared by the Executive

Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Ruiz states that he has endured terrible odors and multiple sewage spills relating to the nearby wastewater treatment plant. He is concerned the plant poses a health risk to his community. He wants to ensure that the permit will include appropriate quality standards to address operational issues and nuisance odors while also protecting his health, safety, and property. Because Mr. Ruiz lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Ruiz is an affected person.

**Mark Shade**

Mark Shade filed a timely request for a hearing on May 6, 2015 stating that he lives on Cascade Falls Drive in the Lake Pointe subdivision. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Shade states that he has endured terrible odors over the past few years relating to the nearby wastewater treatment plant and is worried that they will continue or get worse causing potential health issues. He also notes that there have been sewage overflows out of the manholes on neighborhood streets. He is concerned the plant poses a health risk to his community. He wants to ensure that the permit will include appropriate quality standards to address operational issues and nuisance odors while also protecting his health, safety, and ability to enjoy his property. Because Mr. Shade lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Shade is an affected person.

**Patricia Sinnott**

Patricia Sinnott filed a timely request for a hearing on May 7, 2015 stating she has

lived on Normandy Ridge Lane in the Lake Pointe subdivision for almost 18 years. The map prepared by the Executive Director (Exhibit D) confirms she lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Ms. Sinnott states that she has endured ongoing problems with the nearby wastewater treatment plant including nuisance odors and sewage spills. She is concerned that if the renewal permit does not include recommendations made by the Wallace Group the situation will only deteriorate. Because Ms. Sinnott lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Ms. Sinnott is an affected person.

*Ty Wenglar*

Ty Wenglar filed a timely request for a hearing on May 7, 2015 stating that he has lived on Carlsbad Drive in the Lake Pointe subdivision since August 2014 only a couple of houses away from the nearby treatment plant. The map prepared by the Executive Director (Exhibit D) confirms he lives in close proximity to the wastewater treatment facility and disposal site located at 3100 Napa Drive (Site A). Mr. Wenglar states that he has experienced terrible odors and sewage spills due to the nearby wastewater treatment plant. He wants to ensure that the permit will include appropriate quality standards to address operational issues and nuisance odors while also protecting his health, safety, and ability to enjoy his property. Because Mr. Wenglar lives in close proximity to the facility and raises issues that are not common to the general public, OPIC finds that Mr. Wenglar is an affected person.

**C. Issues Raised in the Hearing Request**

The following issues have been raised in the hearing request:

- (1) Whether the draft renewal permit contains sufficient provisions to prevent nuisance odors?
- (2) Whether the draft renewal permit contains sufficient provisions to ensure the facility will not interfere with the nearby residents' use and enjoyment of their property?
- (3) Whether the draft renewal permit contains sufficient provisions to ensure protection of the health and safety of nearby residents?
- (4) Whether the draft permit contains sufficient provisions to adequately ensure compliance with applicable regulations and permit provisions given the applicant's compliance history?
- (5) Whether the draft renewal permit provisions should be written with no expiration date?
- (6) Whether the draft renewal permit should require PUA to offer its customers within the Lake Pointe neighborhood the opportunity to enroll in a customer notification system to receive timely alerts on spills, outages, and emergencies?

#### **D. Issues Raised During the Public Comment Period**

Issues must be raised during the comment period and must not have been withdrawn. 30 TEX. ADMIN. CODE §§ 55.201(c), (d)(4), 55.211(c)(2)(A). All issues were raised during the comment period.

#### **E. Disputed Issues**

There is no agreement between the hearing requests and the ED on the issues raised in the hearing requests.

#### **F. Issues of Fact**

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. 30 TEX. ADMIN. CODE § 55.211(c)(2)(A). All of the issues presented are

issues of fact appropriate for referral to SOAH except for issue 5. Issue 5 is an issue of law because TCEQ rules require that permits must have a specified term and therefore, an expiration date. 30 TAC § 305.127.

**G. Relevant and Material Issues to the Decision on the Application**

The hearing request raises issues relevant and material to the Commission's decision under the requirements of 30 TEX. ADMIN. CODE §§ 55.201(d)(4) and 55.211(c)(2)(A). In order to refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–51 (1986) (in discussing the standards applicable to review motions for summary judgment the Court stated “[a]s to materiality, the substantive law will identify which facts are materials . . . it is the substantive law's identification of which facts are critical and which facts are irrelevant that governs”). Relevant and material issues are those governed by the substantive law under which this permit is to be issued. *Id.*

Issues 1-4 are relevant and material as they are governed by the substantive law under which this permit is to be issued. TEXAS WATER CODE § 26.003 provides it is the “policy of the state and purpose of this subchapter to maintain the quality of the water in the state consistent with the public health and enjoyment.” TEXAS WATER CODE § 26.027(a) grants the Commission discretion “to refuse to issue a permit when the commission finds that issuance of the permit would violate the provisions of any state or federal law or rule or regulation promulgated thereunder, or when the commission finds that issuance of the permit would interfere with the purpose of this chapter.” TCEQ rules

provide that a wastewater treatment facility must “abate and control a nuisance odor.” 30 TEX. ADMIN. CODE § 309.13(e). Additionally, “the commission may not . . . renew a permit for a wastewater treatment plant if the facility does not meet the requirements of § 309.13. 30 TEX. ADMIN. CODE § 309.14(a). Furthermore, “a permittee has a duty to comply with all permit conditions” and “shall at all times properly operate and maintain all facilities and systems of treatment and control.” 30 TEX. ADMIN. CODE § 305.125(1), (5). “Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds . . . for denial of a permit renewal application or an application for a permit for another facility.” 30 TEX. ADMIN. CODE § 305.125(1); *see also* 30 TEX. ADMIN. CODE § 305.66(5), (6). Issue 6 does not address a relevant and material issue because it would not be necessary for a decision on the permit; however, OPIC notes the possibility of the notification proposal being addressed under issue 3 if special provisions are considered either during mediation or the hearing.

#### **H. Issues Recommended for Referral**

OPIC recommends referring Issues No. 1-4 in § III. C to SOAH for a contested case hearing.

#### **I. Maximum Expected Duration for the Contested Case Hearing.**

Commission Rule 30 TEX. ADMIN. CODE § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that no hearing shall be longer than one year from the first day of the preliminary hearing to the date the proposal for decision is issued. To assist the

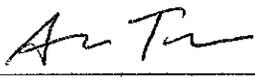
Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TEX. ADMIN. CODE § 209(d)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be six months from the first date of the preliminary hearing until the proposal for decision is issued.

#### IV. CONCLUSION

For these reasons, OPIC respectfully recommends that the Commission grant the requests for a contested case hearing from M.E. Cook, Frederick W. Goff, Alan Kirshbom, Johanna Nabben, Brian Newell, Donna Ruiz, Robert M. Ruiz, Mark Shade, Patricia Sinnott, and Ty Wenglar.

Respectfully submitted,

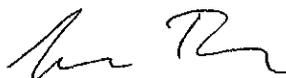
Vic McWherter  
Public Interest Counsel

By: 

Aaron B. Tucker  
Assistant Public Interest Counsel  
State Bar No. 24088553  
(512) 239-6823 PHONE  
(512) 239-6377 FAX

**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2016 the original and seven true and correct copies of the Office of the Public Interest Counsel's Response to Requests for Hearing were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail or by deposit in the U.S. Mail.



\_\_\_\_\_  
Aaron B. Tucker



# Exhibit A





# Compliance History Report

**PUBLISHED** Compliance History Report for CN604021980, RN102077989, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

|   |  |                                 |              |                     |                |
|---|--|---------------------------------|--------------|---------------------|----------------|
| <b>Customer, Respondent, or Owner/Operator:</b>   | CN604021980, West Travis County Public Utility Agency  | <b>Classification:</b>          | SATISFACTORY | <b>Rating:</b>      | 2.25           |
| <b>Regulated Entity:</b>  | RN102077989, LAKE POINTE WWTP  | <b>Classification:</b>          | SATISFACTORY | <b>Rating:</b>      | 2.25           |
| <b>Complexity Points:</b>   | 8  | <b>Repeat Violator:</b>         | NO           |                     |                |
| <b>CH Group:</b>  | 08 - Sewage Treatment Facilities   |                                 |              |                     |                |
| <b>Location:</b>  | LOCATED 3100 NAPA DR APPROX 1000 FT N FM 2244 AND 3000 FT NE OF THE INTERX OF FM2244 AND SH 71 TRAVIS, TX, TRAVIS COUNTY |                                 |              |                     |                |
| <b>TCEQ Region:</b>   | REGION 11 - AUSTIN   |                                 |              |                     |                |
| <b>ID Number(s):</b>  |  |                                 |              |                     |                |
| <b>WASTEWATER PERMIT</b>  | WQ0013594001   | <b>WASTEWATER AUTHORIZATION</b> | R13594001    |                     |                |
| <b>Compliance History Period:</b>   | September 01, 2010 to August 31, 2015  | <b>Rating Year:</b>             | 2015         | <b>Rating Date:</b> | 09/01/2015     |
| <b>Date Compliance History Report Prepared:</b>   | March 03, 2016   |                                 |              |                     |                |
| <b>Agency Decision Requiring Compliance History:</b>  | Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.                      |                                 |              |                     |                |
| <b>Component Period Selected:</b>   | June 03, 2009 to March 03, 2016  |                                 |              |                     |                |
| <b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b> |  |                                 |              |                     |                |
| <b>Name:</b>  | TCEQ Staff Member  |                                 |              | <b>Phone:</b>       | (512) 239-1000 |

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/13/2011 ADMINORDER 2011-0170-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Rqmt Prov: Permit Conditions 2.g PERMIT  
Description: Failed to prevent the unauthorized discharges of wastewater.

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

### D. The approval dates of investigations (CCEDS Inv. Track. No.):

- |        |               |           |
|--------|---------------|-----------|
| Item 1 | July 02, 2013 | (1100763) |
| Item 2 | July 03, 2013 | (1100309) |

Item 3 November 26, 2013 (1128836)  
Item 4 February 26, 2014 (1151144)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/15/2015 (1252248) CN604021980  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Page 24, Item 6 PERMIT  
Description: Failed to prevent ponding of treated effluent during irrigation.
- 2 Date: 07/31/2015 (1258790) CN604021980  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
Page 9, Item 2g PERMIT  
TWC Chapter 26 26.121  
Description: Failed to prevent an unauthorized discharge  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Pages 24 and 25, Items 6 and 7 PERMIT  
Description: Failed to properly operate and maintain the disposal system
- 3 Date: 02/12/2016 (1296023) CN604021980  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Page 10, Item 1 PERMIT  
Description: Failed to adequately operate and maintain disposal systems

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# **Exhibit B**



MWD/WQ0013594001/CO/12-09-2013/CA



816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: (512) 322-5800  
Facsimile: (512) 472-0532  
www.lglawfirm.com

Ms. Bentley's Direct Line: (512) 322-5851  
jbentley@lglawfirm.com

December 9, 2013

**RECEIVED**  
DEC 09 2013  
ENFORCEMENT DIVISION

Mr. Remington Burklund  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Mail Code 169  
Austin, Texas 78753

VIA HAND DELIVERY

RE: Compliance Agreement  
West Travis County Public Utility Agency  
Lake Pointe WWTP; RN101625721  
TPDES Permit No. WQ0013594001; Case No. 47642

**RECEIVED**  
MAR 11 2015  
TCEQ  
CENTRAL FILE ROOM

Dear Mr. Burklund:

Please find enclosed the original executed document of the above-referenced agreement as approved by the Board today for your files and records.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

*Judy Golden-Bentley*  
Judy Golden-Bentley  
Paralegal

Enclosure

cc Don Rauschuber, General Manager  
w/enclosure

David Klein *of the firm*  
w/enclosure

Brad Castleberry *of the firm*  
w/enclosure

# **Texas Commission on Environmental Quality**

## **Compliance Agreement**

West Travis County Public Utility Agency  
TPDES Permit No. WQ0013594001; Case No. 47642  
Lake Point WWTP; RN101625721  
Travis County, Texas

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 7 and 26 (the "Code"), and the regulations promulgated pursuant to the Code.

West Travis County Public Utility Agency (the "Respondent") owns and operates the Lake Point Wastewater Treatment Plant, located at 3100 Napa Drive, approximately 1000 feet north of Farm-to-Market Road 2244 and 3000 feet northeast of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas (the "Facility").

The Facility, which operates under Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013594001, is in violation of the TCEQ's requirements found in the TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 305. It has been determined that the Respondent's operations are deficient due to its failure to maintain the Facility in compliance with the Code, TCEQ's rules, and TPDES Permit No. WQ0013594001. The Respondent will be required to correct the violations listed in the following paragraphs to ensure a reduction of risk to public health and the environment, and to bring the Facility into compliance with its TPDES permit, the Code, and rules of the TCEQ.

### **Violations**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE ch. 26.121(a), TEX. HEALTH & SAFETY CODE ch. 341.011(5), and TPDES Permit No. WQ0013594001, Permit Conditions No. 2.g, as documented during an investigation conducted on May 22, 2013 through July 25, 2013, October 16, 2013, November 1, 2013, and a record review conducted on August 21, 2013. Specifically, sanitary sewer overflows ("SSO") have occurred from a manhole located on Napa Drive which discharged wastewater into nearby storm drains and subsequent ponds; and
2. Failed to properly operate and maintain the wastewater treatment plant and collection system, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013594001, Operational Requirements No. 1, as documented during an investigation conducted on May 22, 2013 through July 25, 2013, and a

record review conducted on August 21, 2013. Specifically, deficient operation and maintenance of the Facility resulted in the emission of odors in the adjacent neighborhood.

In response to these violations, and in an effort to ensure appropriate efforts to achieve compliance are pursued with due diligence, and completed in a reasonable time, the Respondent and the Commission have entered into this Compliance Agreement ("CA").

TCEQ acknowledges that, by October 7, 2013, the Respondent has completed the following corrective actions at the Facility:

1. Extended the odor treatment system to include the influent wet well;
2. Completed construction of the Vapex™ odor abatement system;
3. Implemented calcium nitrate addition to the collection system to address odor issues;
4. Repaired and/or replaced covers for the equalization basins;
5. Constructed an additional lift station and effluent storage pond at the Bohl's Tract;
6. Cleaned and rehabilitated the equalization basin, the clarifier, and the aeration basin for Train No. 2;
7. Cleaned the digesters for Train Nos. 1 and 2;
8. Revised sludge handling protocol and developed a Standard Operating Procedure ("SOP") for decanting and sludge hauling; and
9. Revised process operations for the influent lift station to provide for automated pH adjustment.

### **Provisions**

The provisions of this CA are as follows:

1. Beginning immediately upon the effective date of this CA, the Respondent shall:
  - a. Maintain a log of all odor complaints from all home owners or commercial property owners, and track all repairs and corrective measures that are completed in response to the complaints;

- b. Upon written request by the Lake Point Home Owners Association (" Lake Point HOA"), provide an oral status report at each noticed Lake Point HOA meeting on all odor abatement and system capacity related projects;
  - c. Inspect the Napa and Bayton manholes on a weekly basis, take any necessary maintenance actions required, and prepare written condition assessment reports for each;
  - d. On a bi-weekly basis, provide a summary of hydrogen sulfide readings associated with all four (4) odor data loggers, and provide summary data available for inspection by the Commission at the Facility;
  - e. Notify the TCEQ Austin Regional Office of SSOs and conduct appropriate remediation actions as soon as practicable upon discovery of any SSOs; and
  - f. Provide redundancy for the high-level alarm systems at all 20 lift stations by installing a second float wired directly to the dialer at all lift stations, beginning with the lift stations located at the Facility and on Napa Street, and completing construction of five (5) lift stations every sixty days.
2. Within 90 days after the effective date of this CA, and on a quarterly basis thereafter, the Respondent shall provide a report to the Commission, to the addresses provided in Provision No. 9.b, which contains information regarding the progress of the corrective actions contained in this CA. These reports shall include information regarding actions taken by the Respondent towards completion of the Provisions of this CA as well as a record of the SSOs that have occurred and the actions taken to remediate unauthorized wastewater discharges;
  3. Within 180 days after the effective date of this CA, the Respondent shall:
    - a. Develop and submit a wastewater master plan ("Wastewater Plan") for the Facility that addresses unauthorized discharges related to SSOs. The Wastewater Plan shall be prepared by a licensed professional engineer or TCEQ Class A licensed operator. At a minimum, the engineering report shall address potential discharges, and proposed solutions to prevent unauthorized discharges related to SSOs. Proposed solutions shall be supported by actual test data or appropriate calculations; and
    - b. Develop and submit an odor prevention plan ("Odor Plan"). The Odor Plan shall be prepared by a licensed professional engineer or TCEQ Class A licensed operator. At a minimum, the odor plan shall address existing climatological conditions such as wind velocity and atmospheric stability, potential odor generating units, and proposed solutions to prevent

nuisance conditions in the adjacent properties. Proposed solutions shall be supported by actual test data or appropriate calculations.

4. The Respondent shall complete the development of the Odor Plan and Wastewater Plan for the Facility within 180 days from the effective date of this CA. If the Respondent does not complete the development of the Odor Plan and Wastewater Plan for the Facility within 180 days from the effective date of this CA, this CA shall immediately terminate;
5. On or before September 30, 2014, the Respondent shall:
  - a. Complete construction of Lift Station No. 14 and all associated appurtenances;
  - b. Complete construction of additional wastewater treatment facilities at Bohl's Tract; and
  - c. Submit written certification of compliance with Provision Nos. 1.f, 3, 5.a, and 5.b, in accordance with Provision No. 9.b, below.
6. On or before December 31, 2014, the Respondent shall implement all proposed solutions identified in the Odor Plan to prevent nuisance conditions in the adjacent properties;
7. By September 1, 2015, the Respondent shall implement all proposed solutions identified in Phase I of the Wastewater Plan to prevent unauthorized discharges;
8. By September 1, 2016, the Respondent shall implement all proposed solutions identified in Phase II of the Wastewater Plan to prevent unauthorized discharges;
9. By November 1, 2016, the Respondent shall:
  - a. Submit a written Final Report that contains the following:
    - i. A summary of all corrective actions that have been completed in accordance with the Provisions in this CA; and
    - ii. A description of the overall improvement the corrective actions had on the Facility.
  - b. Submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Provision Nos. 1.a through 1.e, 6, 7, 8, and 9.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

10. The Executive Director may grant an extension of any deadline in this CA or in any plan, report, or other document submitted pursuant to this CA, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director;
11. This CA shall terminate on November 30, 2016, or when compliance with the Code, TCEQ's rules, TPDES Permit No. WQ0013594001, and odor prevention is achieved and certified in accordance with Provision No. 9.b, whichever occurs first; and
12. This CA shall in no manner preclude the enforcement of violations, whether similar to those noted in this CA or otherwise, for events which exceed levels protective of human health or the environment.

Compliance Agreement  
West Travis County Public Utility Agency  
Page 6

In return for the Respondent's agreement and adherence to these terms, the TCEQ will exercise its enforcement discretion related to similar violations as addressed by this CA. The TCEQ shall not be limited in any way from pursuing violations not addressed by this CA. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the Respondent must immediately notify the Commission so that an amendment to this CA can be discussed. The effective date of this CA is the signature date of the Respondent's authorized representative. Acceptance of the terms of this CA is indicated by the signatures below.

Larry Fox                      President                      12/9/13  
Authorized Representative of                      Title                      Date  
West Travis County Public Utility Agency

Larry Fox  
Printed Name of Authorized Representative of  
West Travis County Public Utility Agency

Sandy Van Cleave                      11-16-13  
Sandy Van Cleave, Manager                      Date  
Enforcement Division  
Texas Commission on Environmental Quality



# Exhibit C



Questions or Comments &gt;&gt;

[Query Home](#)   
 [Customer Search](#)   
 [RE Search](#)   
 [ID Search](#)   
 [Document Search](#)   
 [Permit Detail](#)   
 [TCEQ Home](#)

## Central Registry

Detail of: **Wastewater Permit WQ0013594001**For: **LAKE POINTE WWTP (RN102077989)**

LOCATED 3100 NAPA DR APPROX 1000 FT N FM 2244 AND

Permit Status: **ACTIVE**Held by: **WEST TRAVIS COUNTY PUA (CN604021980)****OWNER** Since 04/25/2001 [View Compliance History](#)

Mailing Address: 816 CONGRESS AVE STE 1900 AUSTIN, TX 78701-2478

### Notice of Violations Current TCEQ Rules

| NOV Date   | Status   | Citation/Requirement Provsion   | Allegation  | Classification | Self Reporting Indicator |
|------------|----------|---|---|----------------|--------------------------|
| 02/12/2016 | ACTIVE   | 30 TAC Chapter 305, SubChapter F 305.125(1) ; PERMIT Page 10, Item 1  | Failed to adequately operate and maintain disposal systems                                      | MODERATE       | NO                       |
| 07/31/2015 | RESOLVED | 30 TAC Chapter 305, SubChapter F 305.125(1) ; PERMIT Pages 24 and 25, Items 6 and 7   | Failed to properly operate and maintain the disposal system                                     | MODERATE       | NO                       |
| 07/31/2015 | RESOLVED | TWC Chapter 26 26.121 ; 2D TWC Chapter 26, SubChapter A 26.121 (a) ; 2D TWC Chapter 26, SubChapter A 26.121(a)(1) ; 2D TWC Chapter 26, SubChapter A 26.121(c) ; 2D TWC Chapter 26, SubChapter A 26.121(d) ; 2D TWC Chapter 26, SubChapter A 26.121 (e) ; PERMIT Page 9, Item 2g   | Failed to prevent an unauthorized discharge   | MODERATE       | NO                       |
| 05/15/2015 | RESOLVED | 30 TAC Chapter 305, SubChapter F 305.125(1) ; PERMIT Page 24, Item 6  | Failed to prevent ponding of treated effluent during irrigation.                                | MINOR          | NO                       |
| 05/15/2013 | RESOLVED | 30 TAC Chapter 305, SubChapter F 305.125(1)   | Failed to meet effluent llmlts  | MODERATE       | NO                       |
| 05/15/2013 | RESOLVED | TWC Chapter 26 26.121 ; 2D TWC Chapter 26, SubChapter A 26.121 (a) ; 2D TWC Chapter 26, SubChapter A 26.121(a)(1) ; TWC Chapter 26 26.121(a)(2) ; 2D TWC Chapter 26, SubChapter A 26.121 (a)(3) ; 2D TWC Chapter 26, SubChapter A 26.121(b) ; 2D TWC Chapter 26, SubChapter A 26.121 (c) ; 2D TWC Chapter 26, SubChapter A 26.121(d) ; 2D TWC Chapter 26, SubChapter A 26.121 (e) ; 30 TAC Chapter 305, SubChapter F 305.125(4) ; 30 TAC Chapter 305, SubChapter F 305.125 (5) ; PERMIT Page 9, Item 2g | Failed to prevent unauthorized discharges   | MODERATE       | NO                       |
| 01/24/2012 | RESOLVED | TWC Chapter 26 26.121   | § 26.121. Unauthorized Discharges Lake Pointe Sewage Treatment Plant Permit Number WQ001-35994- | MODERATE       | NO                       |

|  |  |  |   |  |  |
|--|--|--|---|--|--|
|  |  |  | <p>001. On November 23, 2011, the system discharged approximately 20,000 gallons of treated wastewater effluent into/adjacent to Water in the State. Approximately 12,000 gallons entered a retention pond behind "The Shops at the Galleria Mall", located in Bee Cave, Texas, approximately 8,000 gallons flowed onto the ground and some effluent reached Little Barton Creek.</p> |  |  |
|--|--|--|---|--|--|

[Site Help](#) | [Disclaimer](#) | [Web Policies](#) | [Accessibility](#) | [Our Compact with Texans](#) | [TCEQ Homeland Security](#) | [Contact Us](#) | [Central Registry](#) | [Search Hints](#) | [Report Data Errors](#)  
[Statewide Links: Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

© 2002-2013 Texas Commission on Environmental Quality

# **Exhibit D**



# West Travis County Public Utility Agency WQ0013594001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087

Date: 3/7/2016

0 0.25 0.5  
Miles

- WWTP
- Pond
- Irrigation Area
- Watercourse
- 1 mile radial distance

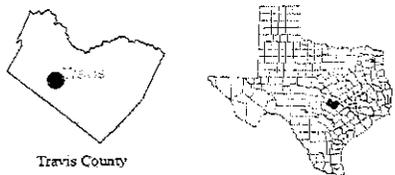
Requester

| ID | NAME              |
|----|-------------------|
| 1  | Wenglar, Ty       |
| 2  | Sinnott, Patricia |
| 3  | Harrod, John M    |
| 4  | Brzoska, Eileen   |
| 5  | Nabben, Johanna   |
| 6  | Shade, Mark       |
| 7  | Newell, Brian     |
| 8  | Goff, Frederick W |
| 9  | Ruiz, Robert M    |
| 10 | Ruiz, Donna       |
| 11 | Kirshbom, Alan    |
| 12 | Cook, M E         |

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

CRF # 0306a



Travis County

The facility is located in Travis County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Travis County (red) in the state of Texas.



**MAILING LIST**  
**WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**  
**TCEQ DOCKET NO. 2016-0022-MWD**

FOR THE APPLICANT:

Dan Rauschuber, General Manager  
West Travis County Public Utility  
Agency  
12117 Bee Cave Road, Suite 120  
Bee Cave, Texas 78738  
Tel: 254/793-3101 Fax: 512/263-2289

David Klein  
Lloyd Gosselink Rochelle & Townsend,  
P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478  
Tel: 512/322-5800 Fax: 512/472-0532

Dennis Lozano, P.E.  
Murfee Engineering Company, Inc.  
1101 South Capital of Texas Highway  
Suite 110  
West Lake Hills, Texas 78746-6445  
Tel: 512/327-9204 Fax: 512/327-2947

FOR THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney  
TCEQ Environmental Law Division  
MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606

Julian Centeno, Technical Staff  
TCEQ Water Quality Division,  
MC- 148  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4608 Fax: 512/239-4430

Brian Christian, Director  
TCEQ Environmental Assistance  
Division, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678

FOR ALTERNATIVE DISPUTE  
RESOLUTION

Kyle Lucas  
TCEQ 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 Bohac  
TCEQ Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300 Fax: 512/239-3311

REQUESTERS:

Eileen Brzoska  
12020 Tulare Dr.  
Austin, Texas 78738-5428

M. E. Cook  
12310 Carlsbad Dr.  
Austin, Texas 78738-5334

Frederick W. Goff  
12405 Carlsbad Dr.  
Austin, Texas 78738-5336

Hope & John Harrod  
2803 Palmdale Ct.  
Austin, Texas 78738-5343

John M. Harrod  
2803 Palmdale Ct.  
Austin, Texas 78738-5343

John & Sarah Harrod  
2803 Palmdale Ct.  
Austin, Texas 78738-5343

Alan Kirshbom  
12319 Carlsbad Dr.  
Austin, Texas 78738-5334

Johanna Nabben  
2804 Cascade Falls Dr.  
Austin, Texas 78738-5346

Brian Newell  
12307 Carlsbad Dr.  
Austin, Texas 78738-5334

Donna Ruiz  
12306 Carlsbad Dr.  
Austin, Texas 78738-5334

Robert M. Ruiz  
12306 Carlsbad Dr.  
Austin, Texas 78738-5334

Mark Shade  
2804 Cascade Falls Dr.  
Austin, Texas 78738-5346

Patricia Sinnott  
3506 Normandy Ridge Ln.  
Austin, Texas 78738-5444

Ty Wenglar  
12305 Carlsbad Dr.  
Austin, Texas 78738-5334