



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 23, 2015

TO: Persons on the attached mailing list.

RE: Ventana Development McCrary, Ltd.  
Permit No. WQ0015241001

### **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 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 Fort Bend County Bob Lutts Fulshear/Simonton Branch Library, 8100 FM 359 Fulshear, 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/lg

Enclosure

MAILING LIST  
for  
Ventana Development McCrary, Ltd.  
Permit No. WQ0015241001

FOR THE APPLICANT:

James B. Grover  
Ventana Development McCrary, Ltd.  
142 County Road 222  
Bay City, Texas 77414

Gregg B. Haan, P.E.  
LJA Engineering  
2929 Briarpark Drive, Suite 600  
Houston, Texas 77042

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

Celia Castro, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
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Austin, Texas 78711-3087

David Akoma, 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  
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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

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RICHMOND TX 77406-9184

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BLASCHKE SERVICES  
3915 BRYNMAWR DR  
RICHMOND TX 77406-8137

CONWAY , MRS & MR HUGH  
4015 BRYNMAWR DR  
RICHMOND TX 77406-8136

CRADIT , GAIL & RONALD  
3927 DAWN LN  
RICHMOND TX 77406-7662

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RICHMOND TX 77469-5126

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RICHMOND TX 77406-9666

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PO BOX 7555  
WACO TX 76714-7555

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RICHMOND TX 77406-7626

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RICHMOND TX 77406-8188

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PO BOX 1333  
RICHMOND TX 77406-0034

GLEGHORN, CHERIE & LEE, SHAWN  
2619 MCCRARY RD  
RICHMOND TX 77406-8183

GLOS , AL & DARLENE  
3917 EMPRESS LN  
RICHMOND TX 77406-8135

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3710 PEMBROOKE DR  
RICHMOND TX 77406-9671

GREASER , GARY  
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SUGAR LAND TX 77478-3232

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3911 PEMBROOKE WAY  
RICHMOND TX 77406-8139

HOOVER , MR MICHAEL  
4118 PEMBROOKE WAY  
RICHMOND TX 77406-9193

KILGORE , LAURA SLATON  
3918 BRYNMAWR DR  
RICHMOND TX 77406-8132

KRUEGER , DANIEL & DONNA  
3926 EMPRESS LN  
RICHMOND TX 77406-8131

MORROW , JOEL & LYDIA  
PO BOX 250  
RICHMOND TX 77406-0007

NECK JR , MR KIRBY  
4110 BRYNMAWR DR  
RICHMOND TX 77406-9600

NOONAN II , MR JAMES CARTER  
3622 PEMBROOKE DR  
RICHMOND TX 77406-9168

PALMER , LEE  
4009 PEMBROOKE WAY  
RICHMOND TX 77406-9603

POLITES , MR JOHN MICHAEL  
3525 PEMBROOKE DR  
RICHMOND TX 77406-9192

POLITES , MRS KAY ELLEN  
3525 PEMBROOKE DR  
RICHMOND TX 77406-9192

RODRIGUEZ , CANDACE HEATHER  
3926 BRYNMAWR DR  
RICHMOND TX 77406-8132

ROY , GAIL  
4011 BRYNMAWR DR  
RICHMOND TX 77406-8136

ROY , MR RUSSELL L  
4011 BRYNMAWR DR  
RICHMOND TX 77406-8136

SCHENKEL , ALDERT & INGRID  
4019 BRYNMAWR DR  
RICHMOND TX 77406-8136

SCHENKEL , MISS SOPHIE GERALDINE  
4019 BRYNMAWR DR  
RICHMOND TX 77406-8136

SCHENKEL-NEPPELENBROEK , MRS INGRID  
4019 BRYNMAWR DR  
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SOLDANO , JULIE & LOUIS  
4008 PEMBROOKE WAY  
RICHMOND TX 77406-9651

SUTHERLAND , STEVEN & TRUDY  
4026 BRYNMAWR DR  
RICHMOND TX 77406-8133

TREACY , BOBBI & ROBERT J  
3717 PEMBROOKE DR  
RICHMOND TX 77406-9198

WARD , VICKI & WALTER LANE  
4014 BRYNMAWR DR  
RICHMOND TX 77406-8133

WHITE , DAVID B  
BRYNMAWR LAKE HOME OWNER'S ASSOCIATION  
3927 BRYNMAWR DR  
RICHMOND TX 77406-8137

WHITE , PAMELA JEAN  
3927 BRYNMAWR DR  
RICHMOND TX 77406-8137

WHITLEY , FRANK & SANDY  
4003 BRYNMAWR DR  
RICHMOND TX 77406-8136

WILLIAMS , CATHY & PHILIP  
4020 BRYNMAWR DR  
RICHMOND TX 77406-8133

ZERWAS , THE HONORABLE JOHN STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 2:  
PO BOX 2910  
AUSTIN TX 78768-2910