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Richard A. Hyde, P.E., *Executive Director*



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

April 18, 2016

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

Re: Executive Director's Response to Hearing Requests for SouthStar at Vintage Oaks, LLC; Permit No. WQ0015320001

Dear Ms. Bohac:

Enclosed for filing are the original and seven copies of the "Executive Director's Response to Hearing Requests." If you have any questions or comments, please call me at (512) 239-3417.

Sincerely,

A handwritten signature in cursive script that reads "Kathy J. Humphreys".

Kathy J. Humphreys
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

TCEQ DOCKET NO. 2016-0229-MWD

APPLICATION BY SOUTHSTAR	§	BEFORE THE TEXAS
AT VINTAGE OAKS, LLC	§	COMMISSION ON
FOR NEW PERMIT	§	ENVIRONMENTAL QUALITY
NO. WQ0015320001	§	

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

The Executive Director of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Hearing Requests on SouthStar at Vintage Oaks, LLC for new Permit No. WQ0015320001. John Hudson Blodgett, Rex Lee Brown, Mr. and Mrs. Michaela Cade, Thomas M. Chaney, James A. Chew, Thomas Crossan, Ronald E. Fincher, Russ S. Garner, David Granato, Christopher Heim, Ricki Ann Holt, Franklin Houser, Sabrina A Houser-Amaya, Jenny Jurica, Kevin Jurica, Sandra Langston, Rick Peyton, Sandy Peyton, Louis J. Rimmelin IV, Melissa Rimmelin, Allene Saleck, Connie Terao, Jeff Thomas, and Carl Thompson submitted timely hearing requests.

Attached for Commission consideration are the following:

- Attachment A – Satellite maps of the area
- Attachment B – SouthStar Application, Page 12

I. FACILITY DESCRIPTION

SouthStar applied to the Texas Commission on Environmental Quality (TCEQ) for new Permit No. WQ0015320001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.035 million gallons per day (MGD) in the Interim I phase, 0.070 MGD in the Interim II phase, and 0.130 MGD in the Final phase via surface irrigation of 40 acres of public access open areas with trails. The facility will include one storage pond with a total surface area of 6 acres and total capacity of 39.36 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 3.5 acre-feet per year per acre irrigated. The proposed wastewater treatment facility will serve a residential subdivision, Vintage Oaks at the Vineyard, in Comal County.

The Vintage Oaks at the Vineyard Wastewater Treatment Facility (WWTF) will consist of an activated sludge process plant using the membrane bioreactor system (MBR). Treatment units will include a fine screen, flow equalization tank, anoxic tank with chemical dosing for phosphorus removal, aerobic membrane unit, sludge holding tank, and UV disinfection system. Unit capacities will depend on the phase in which the facility is operating. Influent to the facility will be septic tank effluent. The facility has

not been constructed.

Sludge generated from the treatment facility would be hauled by a registered transporter and disposed of at Mesquite Creek Landfill, Permit No. 66B, a TCEQ permitted landfill in Comal County. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The WWTF and disposal site would be located in the Vintage Oaks at the Vineyard subdivision, 0.2 mile east of the intersection of Vintage Way and State Highway 46, partially within the City of New Braunfels's extraterritorial jurisdiction, in Comal County, Texas 78132.

The WWTF and disposal site would be located in the drainage basin of Dry Comal Creek in Segment No. 1811 of the Guadalupe River Basin. No discharge of pollutants into water in the state would be authorized by this permit.

The effluent limitations in the draft permit, based on a daily average, are 5 mg/l CBOD5, 5 mg/l TSS, 2 mg/l NH3-N, and 1 mg/l Total Phosphorus. The single grab effluent limitations are 30 mg/l CBOD5, 30 mg/l TSS, 15 mg/l NH3-N and 6 mg/l Total Phosphorus. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

II. BACKGROUND

The application for a new permit was received on December 3, 2014, and declared administratively complete on January 20, 2015. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on February 20, 2015, in the *New Braunfels Herald-Zeitung*, Comal County, Texas. The Executive Director completed the technical review of the application on June 11, 2015, and prepared a draft permit. A combined Notice of Application and Preliminary Decision (NAPD) and Notice of Public Meeting was published on August 8, 2015, in the *New Braunfels Herald-Zeitung*, Comal County, Texas. A public meeting was held September 10, 2015, at the New Braunfels Civic Center. During the Executive Director's review of public notice documents, the Executive Director discovered that SouthStar should have published notice in Spanish as well as in English. A combined NORI/NAPD was published in Spanish in the *La Voz* on October 2, 2015. The Executive Director's Response to Comments was mailed on January 7, 2016, the hearing request period ended on February 8, 2016.

The comment period for this application closed on November 2, 2015. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

III. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment and for the Commission's consideration of hearing requests. The application in this case was declared administratively complete on May 9, 2013. Therefore, it is subject to the House Bill 801 requirements. The Commission implemented House Bill 801 by adopting procedural rules in title 30, chapters 39, 50, and 55 of the Texas Administrative Code.

A. Response to Requests

"The Executive Director, the public interest counsel, and the applicant may submit written responses to [hearing] requests . . ." ¹

According to 30 TAC § 55.209(e), responses to hearing requests must specifically address the following:

- (1) Whether the requester is an affected person
- (2) Which issues raised in the hearing request are disputed
- (3) Whether the dispute involves questions of fact or 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 ED's RTC
- (6) Whether the issues are relevant and material to the decision on the application
- (7) A maximum expected duration for the contested case hearing

B. Hearing Request Requirements

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements. As noted in 30 TAC § 55.201(c), "A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided . . . and may not be based on an issue that was 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 RTC."

According to 30 TAC § 55.201(d), a hearing request must substantially comply with the following:

- (1) Give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, and

¹ 30 TEX. ADMIN. CODE § 55.209(d) (West 2015).

- who shall be responsible for receiving all official communications and documents for the group.
- (2) Identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requester's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requester believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public.
 - (3) Request a contested case hearing.
 - (4) List all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requester should, to the extent possible, specify any of the ED's responses to comments that the requester disputes and the factual basis of the dispute and list any disputed issues of law or policy.
 - (5) Provide any other information specified in the public notice of application.

C. Requirement that Requester Be an Affected Person

To grant a contested case hearing, the Commission must determine that a requester is an affected person. The factors to consider in making this determination are found in 30 TAC § 55.203 and are as follows:

- (a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
- (c) 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
 - (6) For governmental entities, their statutory authority over or interest in the issues relevant to the application.

When the requester is a group or association, it must also comply with requirements found in 30 TAC § 55.205 which provides:

- (a) A group or association may request a contested case hearing only if the group or association meets all of the following requirements:
 - (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
 - (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
 - (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

- (c) The Executive Director, the public interest counsel, or the applicant may request that a group or association provide an explanation of how the group or association meets the requirements of subsection (a) of this section. The request and reply shall be filed according to the procedure in § 55.209 of this title (relating to Processing Requests for Reconsideration and Contested Case Hearing).

D. Referral to the State Office of Administrative Hearings (SOAH)

Section 50.115(b) of 30 TAC details how the Commission refers a matter to SOAH: “When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” Section 50.115(c) further states, “The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: (1) involves a disputed question of fact; (2) was raised during the public comment period; and (3) is relevant and material to the decision on the application.”

IV. HEARING REQUEST ANALYSIS

A. Whether the Hearing Requests Comply with 30 TAC § 55.201(c) and (d)

John Hudson Blodgett, Rex Lee Brown, Mr. and Mrs. Michaela Cade, Thomas M. Chaney, James A. Chew, Thomas Crossan, Ronald E. Fincher, Russ S. Garner, David Granato, Ricki Ann Holt, Kevin Jurica, Sandra Langston, Rick Peyton, Sandy Peyton, Louis J. Rimmelin IV, Melissa Rimmelin, Allene Saleck, Connie Terao, Jeff Thomas, and Carl Thompson submitted timely hearing requests that raised issues presented during the public comment period that have not been withdrawn. They provided their addresses and phone numbers, or those of their representative, and requested a hearing. They identified themselves as persons with what they believed to be personal justiciable interests affected by the application, which will be discussed in greater detail below, and provided lists of disputed issues of fact that were raised during the public comment

period. The Executive Director concludes that these hearing requests substantially comply with the section 55.201(c) and (d) requirements.

Christopher Heim, Frank Houser, Sabrina A. Houser Amaya, and Jenny Jurica submitted timely hearing requests, but did not raise any issues. They provided their addresses and phone numbers, or those of their representative, and requested a hearing. They identified themselves as persons with what they believed to be personal justiciable interests affected by the application, which will be discussed in greater detail below, however they did not provide any disputed issues of fact that were raised during the public comment period. The Executive Director concludes that these hearing requests do not substantially comply with the section 55.201(c) and (d) requirements.

B. Whether the Individual Requesters Meet the Affected Person Requirements

1. John Hudson Blodgett

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Mr. Blodgett is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Mr. Blodgett raised three issues: 1) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone; 2) whether the developer should be required to use septic systems instead of a WWTF; and 3) whether the treatment system SouthStar intends on using is the proper system for the area. Mr. Blodgett does not appear to live near the WWTF or the irrigation fields nor did he describe how his interests in the issues he raised are different from the interests of the general public.

All of the issues Mr. Blodgett raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that John Hudson Blodgett is not an affected person.

2. Rex Lee Brown

The Executive Director reviewed all of the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Mr. Brown is an affected person because he has a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues Mr. Brown raised are included in the factors delineated in 30 TAC § 55.203. Specifically, Mr. Brown raised the issue of whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone.

The Executive Director considered whether Mr. Brown has an interest that is not in common with the general public. According to the address Mr. Brown provided in his request his property is adjacent to SouthStar's property and is very close to a proposed

irrigation field. Because of his proximity to the irrigation fields, the potential impact to Mr. Brown is different from the interests of the general public. The Executive Director also considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the potential for pollution of the Edwards Aquifer Recharge zone and the proposed wastewater discharge permit.

Mr. Brown identified a personal judiciable interest that is not in common to the general public and identified a reasonable relationship between his concerns and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Rex Lee Brown is an affected person.

3. Mr. Michaela and Mrs. Michaela Cade

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Mr. and Mrs. Cade are affected persons because they have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues they raised are included in the factors delineated in 30 TAC § 55.203. Specifically, Mr. and Mrs. Cade raised issues regarding: 1) whether an independent study should have been performed; 2) whether the WWTF would leak raw sewage; 3) whether the WWTF would be subject to power failures; 4) whether the WWTF would cause odors; 5) whether the construction and operation of the WWTF would cause noise; 6) whether the WWTF or the irrigation areas would negatively impact animals, plants, or the environment; 8) whether the TCEQ should consider the cumulative impacts of several wastewater treatment facilities in the same area; and 9) whether the WWTF or irrigation areas will cause groundwater contamination.

The Executive Director considered whether Mr. and Mrs. Cade have an interest that is not in common with the general public. In their hearing request the Cades expressed a concern over odors from the proposed WWTF. Because of the location of their residence relative to the WWTF and the irrigation fields, the potential impact of odors on the Cades is different from the impact of odors on the general public. The Executive Director also considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the concerns raised by Mr. and Mrs. Cade and the proposed permit.

Mr. Michaela and Mrs. Michaela Cade raised issues that are not in common with the general public and there is a reasonable relationship between their issues and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Mr. Michaela and Mrs. Michaela Cade are affected persons.

4. Thomas Chaney

The Executive Director reviewed the factors found in 30 TAC § 55.203 for

determining if a person is an affected person and recommends that the Commission find that Mr. Chaney is an affected person because he has a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues Mr. Chaney raised are included in the factors delineated in 30 TAC § 55.203. Specifically, Mr. Chaney raised six issues: 1) whether the drain field or absorption areas are too close to the community's well head; 2) whether the WWTF would negatively impact to his family's use and enjoyment of their home; 3) whether the WWTF would cause odors; 4) whether the construction and operation of the WWTF would cause light pollution; 5) whether the construction and operation of the WWTF would cause noise; and 6) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone.

The Executive Director considered whether Mr. Chaney has an interest that is not in common with the general public. In his hearing request Mr. Chaney stated that his house is less than 1,000 feet from the wastewater treatment plant. Additionally, because of Mr. Chaney's proximity to the WWTF and the irrigation fields, he is more likely to be impacted by the WWTF and irrigation fields than members of the general public. The Executive Director also considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the issues Mr. Chaney raised and the proposed permit.

Mr. Chaney identified a personal judiciable interest that is not in common to the general public and identified a reasonable relationship between his issues and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Thomas Chaney is an affected person.

5. James A. Chew

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Mr. Chew is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Mr. Chew raised five issues: 1) whether spraying treated effluent near a creek bed would cause an environmental nuisance; 2) whether surface irrigation fields are appropriate on the Edwards Aquifer Recharge Zone; 3) whether there is the possibility of windblown effluent; 4) whether there could be environmental damage caused by a leak in the pressure sewer lines; and 5) whether the treatment system SouthStar intends on using is the proper system for the area. Mr. Chew does not appear to live near the WWTF or the irrigation fields nor did he describe how his interests in the issues he raised are different from the interests of the general public.

All of the issues Mr. Chew raised are interests that are in common with the

general public; therefore, the Executive Director recommends that the Commission find that James Chew is not an affected person.

6. Thomas Crossan

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Thomas Crossan is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. The only issue Mr. Crossan raised was whether the application was in the library as required.

The only issue Thomas Crossan raised is an interest that is in common with the general public; therefore, the Executive Director recommends that the Commission find that Thomas Crossan is not an affected person.

7. Ronald E. Fincher

The Executive Director reviewed all of the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Ronald Fincher is an affected person because he has a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues Mr. Fincher raised are included in the factors delineated in 30 TAC § 55.203. Specifically, Mr. Fincher raised four issues: 1) whether the WWTF or the irrigation fields would be located too close to the primary drinking water source for the neighborhood; 2) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone; 3) whether an environmental impact study should be conducted; and 4) whether the location of the facility is contrary to the Commission's goals.

The Executive Director considered whether Ronald Fincher has an interest that is not in common with the general public. In his hearing request Mr. Fincher stated that his house is less than 1,000 feet from the wastewater treatment plant. Because of his proximity to the WWTF and the irrigation fields, the potential impact to his use and enjoyment of his property is different from the interests of the general public. The Executive Director also considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the interest claimed and the activity regulated.

Ronald Fincher raised issues that are not in common with the general public and there is a reasonable relationship between the issues he raised and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Ronald Fincher is an affected person.

8. Russ S. Garner

The Executive Director reviewed the factors found in 30 TAC § 55.203 for

determining if a person is an affected person and recommends that the Commission find that Russ Garner is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. The only issue Mr. Garner raised was whether the developer was honest.

The only issue Russ Garner raised is an interest that is in common with the general public, additionally the issue does not meet any of the criteria in 30 TAC § 55.203(c); therefore, the Executive Director recommends that the Commission find that Russ Garner is not an affected person.

9. David Granato

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that David Granato is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. The only issue Mr. Granato raised was a general concern over the impact of the proposed facility and whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone. Mr. Granato does not appear to live near the WWTF or the irrigation fields nor did he describe how his interest in the Edwards Aquifer is different from the interests of the general public.

The only issues David Granato raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that David Granato is not an affected person.

10. Christopher Heim

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Christopher Heim is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Christopher Heim did not raise any issues.

Because Christopher Heim did not raise any issues, the Executive Director recommends that the Commission find that Christopher Heim is not an affected person.

11. Ricki Ann Holt

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Ricki Ann Holt is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Ricki

Ann Holt questioned whether the developer considered the existing residents, which is an interest that is in common with the general public.

The only issue Ricki Ann Holt raised is an interest that is in common with the general public; therefore, the Executive Director recommends that the Commission find that Ricki Ann Holt is not an affected person.

12. Franklin Houser

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Franklin Houser is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Franklin Houser did not raise any issues.

Because Franklin Houser did not raise any issues, the Executive Director recommends that the Commission find that Franklin Houser is not an affected person.

13. Sabrina A. Houser-Amaya

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Sabrina A. Houser-Amaya is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Sabrina Houser-Amaya did not raise any issues.

Because she did not raise any issues, the Executive Director recommends that the Commission find that Sabrina Houser-Amaya is not an affected person.

14. Jenny Jurica

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Jenny Jurica is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Jenny Jurica did not raise any issues.

Because she did not raise any issues, the Executive Director recommends that the Commission find that Jenny Jurica is not an affected person.

15. Kevin Jurica

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Kevin Jurica is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest

affected by the application, that is not common to members of the general public. Kevin Jurica raised two issues: 1) whether a wastewater facility should be located on the Edwards Aquifer Recharge Zone; and 2) whether the latitude for the location of the wastewater treatment facility provided in the application is correct. According to the address Kevin Jurica provided in his hearing request, he does not live in the proximity of the proposed WWTF or irrigation areas. Mr. Jurica does not appear to live near the WWTF or the irrigation fields nor did he describe how his interests in the issues he raised are different from the interests of the general public.

All of the issues Mr. Jurica raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Kevin Jurica is not an affected person.

16. Sandra Langston

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Sandra Langston is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. According to the address Sandra Langston provided in her hearing request, she does not live near the proposed WWTF or the irrigation fields. Additionally, the only issue she raised was a general concern regarding whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone. Ms. Langston does not appear to live near the WWTF or the irrigation fields nor did she describe how her interest in the issue she raised was different from the interests of the general public.

The only issue Ms. Langston raised is an interest that is in common with the general public; therefore, the Executive Director recommends that the Commission find that Sandra Langston is not an affected person.

17. Rick Peyton

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Rick Peyton is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Rick Peyton raised five issues: 1) whether the proposed WWTF would cause pollution of the Edwards Aquifer; 2) whether the WWTF would negatively impact the 100 year flood plain; 3) whether the construction and operation would cause an increase in truck traffic; 4) whether the WWTF would negatively impact property values; and 5) whether the TCEQ should consider the cumulative impacts of several wastewater treatment facilities in the same area. Mr. Peyton does not appear to live near the WWTF or the irrigation fields nor did he describe how his interests in the issues he raised are different

from the interests of the general public.

All of the issues Mr. Peyton raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Rick Peyton is not an affected person.

18. Sandy Peyton

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Sandy Peyton is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Sandy Peyton raised five issues: 1) whether the proposed WWTF would cause pollution of the Edwards Aquifer; 2) whether the WWTF would negatively impact the 100 year flood plain; 3) whether the construction and operation would cause an increase in truck traffic; 4) whether the WWTF would negatively impact property values; and 5) whether the TCEQ should consider the cumulative impacts of several wastewater treatment facilities in the same area. Ms. Peyton does not appear to live near the WWTF or the irrigation fields nor did she describe how her interests in the issues she raised are different from the interests of the general public.

All of the issues Ms. Peyton raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Sandy Peyton is not an affected person.

19. Louis J. Rimmelin IV

The Executive Director reviewed all of the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Louis Rimmelin is an affected person because he has a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues Louis Rimmelin raised are included in the factors delineated in 30 TAC 55.203. Specifically, Louis J Rimmelin raised eight issues: 1) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone; 2) whether the WWTF would cause odors; 3) whether individuals would be exposed to chemicals from the WWTF; 4) whether the application should be denied because of the consequences of an accident; 5) whether the concentration of waste from the WWTF would put additional strain on the limited water supply system; 6) whether the WWTF would negatively impact the aesthetics of the area; 7) whether the WWTF would negatively impact property values; and 8) whether the WWTF and irrigation areas were part of the Master Plan for the community.

The Executive Director considered whether Mr. Rimmelin has an interest that is not in common with the general public. In his hearing request Mr. Rimmelin stated that

his house is less than 200 yards from the proposed site. Because of Louis Rimmelin's proximity to the WWTF and the irrigation fields, he is more likely to be impacted by the facility than members of the general public. The Executive Director also considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the issues Mr. Rimmelin raised and the proposed permit.

Louis Rimmelin raised issues that are not in common with the general public and there is a reasonable relationship between the issues he raised and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Louis J. Rimmelin IV is an affected person.

20. Melissa Rimmelin

The Executive Director reviewed all of the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Melissa Rimmelin is an affected person because she has a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public, and the issues Melissa Rimmelin raised are included in the factors delineated in 30 TAC § 55.203. Specifically, Melissa Rimmelin raised five issues: 1) whether the WWTF would negatively impact water quality; 2) whether the WWTF would negatively impact property values; 3) whether the WWTF would negatively impact the aesthetics of the area; 4) whether the WWTF would negatively impact the health of the community; and 5) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone.

Executive Director considered whether Melissa Rimmelin has an interest that is not in common with the general public. In her hearing request Ms. Rimmelin stated that her house is less than 200 yards from the proposed site. Because of Melissa Rimmelin's proximity to the WWTF and the irrigation fields, she is more likely to be impacted by the facility than members of the general public. The Executive Director considered the issues in 30 TAC § 55.203(c) and determined that there is a reasonable relationship between the issues Ms. Rimmelin raised and the proposed permit.

Melissa Rimmelin raised issues that are not in common with the general public and identified a reasonable relationship between her concerns and discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Melissa Rimmelin is an affected person.

21. Allene Saleck

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Allene Saleck is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Allene

Saleck raised issues regarding: 1) whether the treatment system SouthStar intends on using is the proper system for the area; 2) whether the WWTF would negatively impact the quality of life in the existing development and negatively impact the use and enjoyment of existing homes; 3) whether the WWTF would negatively impact water quality; 4) whether the WWTF would negatively impact the aesthetics of the area; 5) whether the discharge from the WWTF would negatively impact Dry Comal Creek, Comal River, and the Guadalupe River. Ms. Saleck does not appear to live near the WWTF or the irrigation fields nor did she describe how her interests in the issues she raised are different from the interests of the general public.

All of the issues raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Allene Saleck is not an affected person.

22. Connie Terao

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Connie Terao is not an affected person because she does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Connie Terao raised issues regarding: 1) whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone; 2) whether the application should be denied because of the consequences of an accident; 3) whether the addition of the treated effluent to the Dry Comal Creek will increase flooding; 4) whether the WWTF or the irrigation areas would negatively impact animals, plants, and the environment; and 6) whether the development threatens the rights of current land owners. Ms. Terao does not appear to live near the WWTF or the irrigation fields nor did she describe how her interests in the issues she raised are different from the interests of the general public.

All of the issues Connie Terao raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Connie Terao is not an affected person.

23. Jeff Thomas

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Jeff Thomas is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Jeff Thomas raised issues regarding: 1) whether the WWTF would negatively impact property values; 2) whether the WWTF or the irrigation areas would negatively impact the environment; 3) whether the permit would cause an increase in water rates; and 4) whether the treatment system SouthStar intends on using is the proper system for the

area. Mr. Thomas does not appear to live near the WWTF or the irrigation fields, nor did he describe how his interests in the issues he raised are different from the interests of the general public.

All of the issues Jeff Thomas raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Jeff Thomas is not an affected person.

24. Carl Thompson

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person and recommends that the Commission find that Carl Thompson is not an affected person because he does not have a personal justiciable interest related to a legal right, duty, privilege power or economic interest affected by the application, that is not common to members of the general public. Carl Thompson raised issues regarding: 1) whether the application was in the library as required and 2) whether the TCEQ should consider the cumulative impacts of several wastewater treatment facilities in the same area. Mr. Thompson does not appear to live near the WWTF or the irrigation fields nor did he describe how his interests in the issues he raised are different from the interests of the general public.

All of the issues Carl Thompson raised are interests that are in common with the general public; therefore, the Executive Director recommends that the Commission find that Carl Thompson is not an affected person.

D. Whether Issues Raised Are Referable to SOAH for a Contested Case Hearing

The Executive Director analyzed the issues raised in the hearing requests that it has recommended granting in accordance with the regulatory criteria and provides the following recommendations regarding whether the issues can be referred to SOAH if the Commission grants the hearing requests. Except where noted, all issues were raised during the public comment period, and none of the issues were withdrawn. All identified issues are considered disputed unless otherwise noted. The ED has also listed the relevant RTC responses.

1. *Whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone. (Response 2)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

2. *Whether the developer should be required to use septic systems instead of a WWTF. (Response 3)*

This is a question of law or policy and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it

grants the hearing requests.

3. *Whether the treatment system SouthStar intends on using is the proper system for the area. (Responses 36)*

This is an issue of fact that is relevant and material to a decision on the application, however at the Applicant's request, the wastewater treatment process has been changed from the Orenco process to a membrane bioreactor. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

4. *Whether an independent study should have been performed. (Response 38)*

This is a question of law or policy and is not appropriate for referral. The ED recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

5. *Whether the WWTF would leak raw sewage. (Response 39)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

6. *Whether the WWTF would be subject to power failures. (Response 40)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

7. *Whether the WWTF would cause odors. (Response 31)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

8. *Whether the construction and operation of the WWTF would cause noise. (Response 41)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

9. *Whether the WWTF or the irrigation areas would negatively impact animals, plants, and the environment. (Responses 7, 16, 17, 18, 21)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

10. *Whether the TCEQ should consider the cumulative impacts of several wastewater treatment facilities in the same area. (Responses 3, 29, 30)*

This is a question of law or policy and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

11. *Whether the drain field or absorption areas are too close to the community's well head. (Response 83)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

12. *Whether the WWTF would negatively impact the quality of life in the existing development and negatively impact the use and enjoyment of existing homes. (Response 35)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

13. *Whether the construction and operation of the WWTF would cause light pollution. (Response 41)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

14. *Whether spraying treated effluent near a creek bed would cause an environmental nuisance. (Response 12)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

15. *Whether surface irrigation fields are appropriate on the Edwards Aquifer Recharge Zone. (Response 4)*

This is a question of law or policy and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

16. *Whether there is the possibility of windblown effluent. (Response 66)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

17. *Whether there could be environmental damage caused by a leak in the pressure sewer lines. (Response 39)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer

this issue to SOAH if it grants the hearing requests.

18. *Whether an environmental impact study should be conducted. (Response 22)*

This is a question of law or policy and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

19. *Whether the location of the facility is contrary to the Commission's goals. (Response 119)*

This is a question that is not relevant and material to the Commission's decision on the application and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

20. *Whether the developer is honest and considered the current residents. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

21. *Whether the latitude for the location of the wastewater treatment facility is correct. (Response 50)*

This is a question of fact; however, as noted in response 50 of the RTC according to page 12 of the application, the site is at 29.77114 Latitude; and 98.2618 Longitude, which converts to Latitude - 29° 46' 16.1034" Longitude - 98° 15' 42.4794". Page 12 of the application is included as Attachment B. Because the application is correct, the issue is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

22. *Whether the WWTF would negatively impact the 100 year flood plain. (Response 72)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

23. *Whether the construction and operation would cause an increase in truck traffic. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

24. *Whether the WWTF would negatively impact property values. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on

the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

25. *Whether the application should be denied because of the consequences of an accident. (Response 101)*

This is a question of law or policy and is not appropriate for referral. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

26. *Whether individuals would be exposed to chemicals from the WWTF. (Response 101)*

This is an issue of fact, however it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing request.

27. *Whether the WWTF would negatively impact the aesthetics of the area. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

28. *Whether the WWTF and irrigation areas were part of the Master Plan for the community. (Response 97)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

29. *Whether the WWTF would negatively impact water quality. (Response 14)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

30. *Whether the discharge from the WWTF would negatively impact Dry Comal Creek, Comal River, and the Guadalupe River. (Response 11)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

31. *Whether the development threatens the rights of current land owners. (Response 97)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

32. *Whether the permit would cause an increase in water rates. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

33. *Whether the application was in the library as required. (Response 84)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

34. *Whether the WWTF would negatively impact the health of the community. (Response 103)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

35. *Whether the concentration of waste from the WWTF would put additional strain on the limited water supply system. (Response 119)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

36. *Whether the addition of the treated effluent to the Dry Comal Creek will increase flooding. (Responses 11 and 96)*

This is a question of fact, however, it is not relevant and material to a decision on the application. The Executive Director recommends the Commission not refer this issue to SOAH if it grants the hearing requests.

37. *Whether the WWTF or irrigation areas will cause groundwater contamination. (Responses 1 and 71)*

This is an issue of fact that is relevant and material to a decision on the application. The Executive Director recommends the Commission refer this issue to SOAH if it grants the hearing request.

V. CONTESTED CASE HEARING DURATION

If there is a contested case hearing on this application, the Executive Director recommends that the duration of the hearing be nine months from the preliminary hearing to the presentation of a proposal for decision to the Commission.

VI. CONCLUSION

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find Rex Lee Brown, Mr. and Mrs. Michaela Cada, Thomas Chaney, Ronald Fincher, Louis Rimmelin, and Melissa Rimmelin are affected persons and grant their hearing requests.
2. The Executive Director recommends that the Commission find that the remaining individuals that requested a contested case hearing are not affected persons and deny their hearing requests.
3. If referred to SOAH, first refer the matter to Alternative Dispute Resolution for a reasonable period.
4. If referred to SOAH, refer the following issues as identified by the Executive Director :

Issue 1: Whether the proposed WWTF would cause pollution of the Edwards Aquifer Recharge Zone.

Issue 7: Whether the WWTF would cause odors.

Issue 9: Whether the WWTF or the irrigation areas would negatively impact animals, plants, and the environment.

Issue 11: Whether the drain field or absorption areas are too close to the community's well head.

Issue 12: Whether the WWTF would negatively impact the quality of life in the existing development and negatively impact the use and enjoyment of existing homes.

Issue 14: Whether spraying treated effluent near a creek bed would cause an environmental nuisance.

Issue 29: Whether the WWTF would negatively impact water quality.

Issue 30: Whether the discharge from the WWTF would negatively impact Dry Comal Creek, Comal River, and the Guadalupe River.

Issue 33: Whether the application was in the library as required.

- Issue 34:** Whether the WWTF would negatively impact the health of the community.
- Issue 37.** Whether the WWTF or irrigation areas will cause groundwater contamination.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.,
Executive Director

Robert Martinez, Director
Environmental Law Division



Kathy Humphreys
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Environmental Law Division
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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on April 18, 2016, the original and seven copies of the “Executive Director’s Response to Hearing Request” for new Permit WQ0015320001 for SouthStar at Vintage Oaks was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Kathy Humphreys

MAILING LIST
SOUTHSTAR AT VINTAGE OAKS, LLC
DOCKET NO. 2016-0229-MWD; PERMIT NO. WQ0015320001

FOR THE APPLICANT:

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M & S Engineering
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Jamie Miller, P.E.
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via electronic mail:

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REQUESTER(S):

See attached list.

REQUESTER(S)

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New Braunfels, TX 78132-2676

Mr Michaela & Mrs Michaela Cade
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Thomas M Chaney
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New Braunfels, TX 78132-2676

James A Chew
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Mrs Ricki Ann Holt
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Jeff Thomas
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New Braunfels, TX 78132-2770

Carl Thompson
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New Braunfels, TX 78132-2778

Attachment A

SouthStar at Vintage Oaks

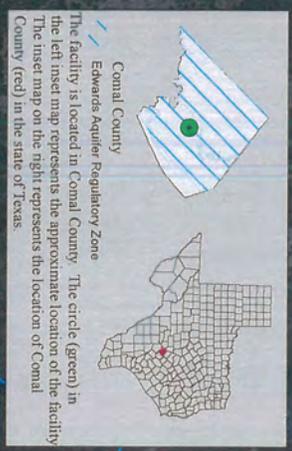
TCEQ Permit No. WQ0015320001-TLAP

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

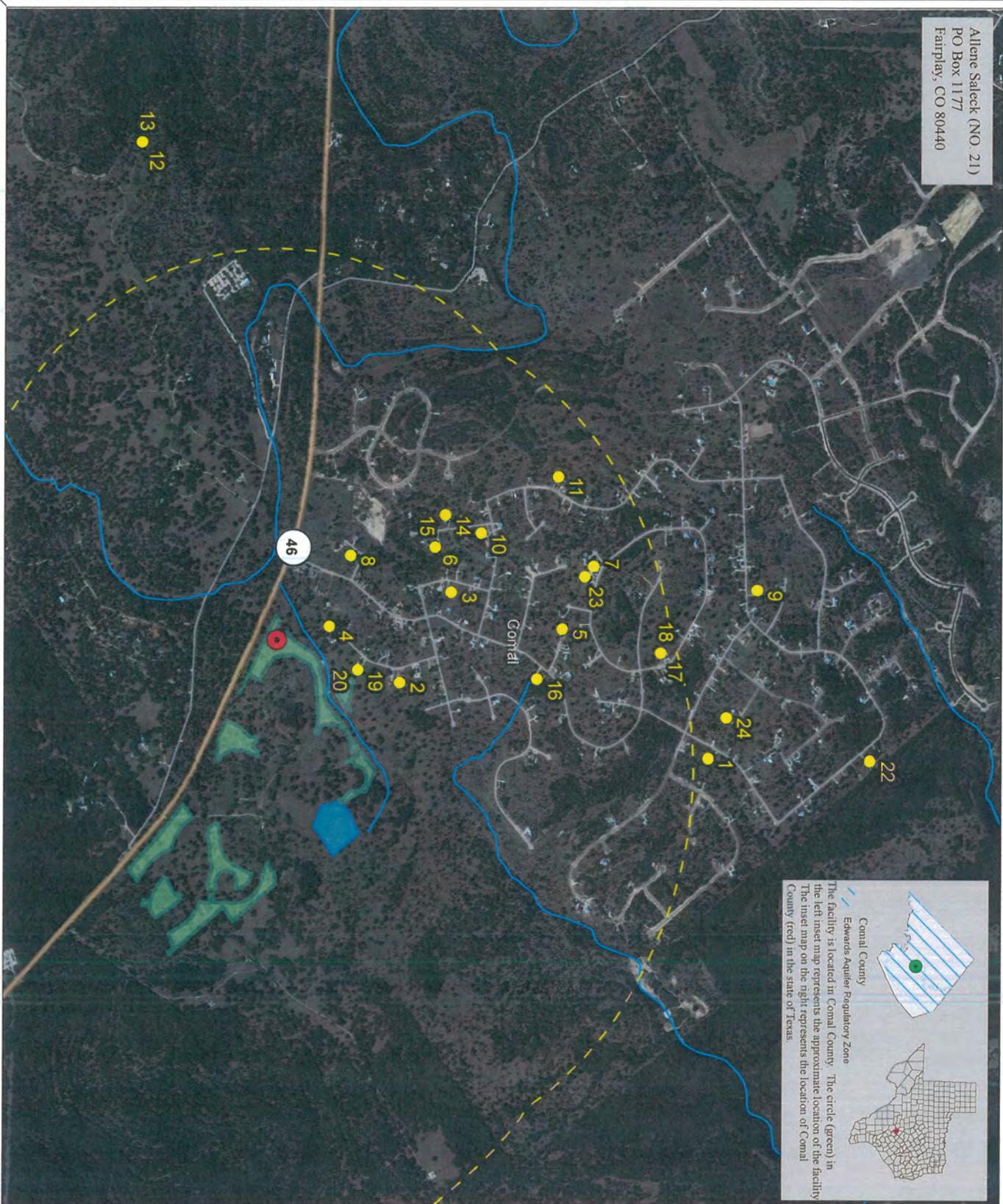
Allene Saleck (NO. 21)
PO Box 1177
Fairplay, CO 80440



Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 4/13/2016



- Proposal Facility Site
- 1 mi radial distance from irrigation fields
- Surface Irrigation Fields
- Effluent Storage Pond
- Watercourse
- Protestant's Property Locations



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.

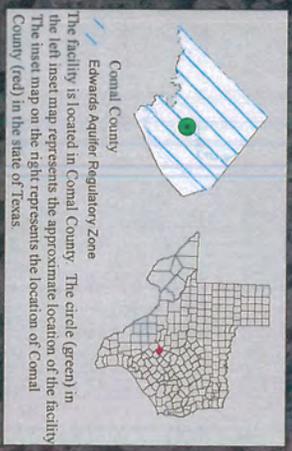
SouthStar at Vintage Oaks

TCEQ Permit No. WQ0015320001-TLAP

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: 4/18/2016



- Proposal Facility Site
- 1 mi radial distance from irrigation fields
- Surface Irrigation Fields
- Effluent Storage Pond
- Watercourse
- Protestant's Property Locations

ID NAME
2 BROWN, REX LEE
4 CHANEY, THOMAS M
19 RIMMELIN, LOUIS J
20 RIMMELIN, MELISSA



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.

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Requester Key

ID NAME

- 1 BLODGETT,JOHN
HUDSON
- 2 BROWN,REX LEE
- 3 CADE,MICHAELA
- 4 CHANEY,THOMAS M
- 5 CHEW,JAMES A
- 6 CROSSAN,THOMAS
- 7 FINCHER,RONALD E
- 8 GARNER,RUSS S
- 9 GRANATO,DAVID
- 10 HEIM,CHRISTOPHER
- 11 HOLT,RICKI ANN
- 12 HOUSER,FRANKLIN
- 13 HOUSER-AMAYA,
SABRINA A
- 14 JURICA,JENNY
- 15 JURICA,KEVIN
- 16 LANGSTON,SANDRA
- 17 PEYTON,RICK
- 18 PEYTON,SANDY
- 19 RIMMELIN,LOUIS J
- 20 RIMMELIN,MELISSA
- 21 SALECK,ALLENE
- 22 TERAQ,CONNIE
- 23 THOMAS,JEFF
- 24 THOMPSON,CARL

Attachment B

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission given under my hand and the seal of office.

Shirley R. Wilson, Clerk of Records
Texas Commission on Environmental Quality

d. Site location description information

Complete both sections, A and B. If the site does not have a physical address, check "No" in Section A and continue to Section B.

Section A: Site physical address.

Does the site have a physical address?

Yes No

Verify the address with USPS and proceed to Section B below. If the address is not recognized as a delivery address, provide the address as identified for overnight mail delivery, 911 emergencies, or other online map tool to confirm an address.

Physical Address of Project or Site:

Street Number: _____ Street Name: _____

City: _____ ZIP Code: _____

Section B: Site location information.

Is the location of the facility used in the existing permit correct?

Yes No N/A

If the location description is not accurate or this is a new permit application, provide a written location access description to the site:

The site is located in the Vintage Oaks at the Vineyard subdivision off Hwy 46 in the New Braunfels ETJ. The site entrance is 0.53 miles northwest of Hwy 46 and Herbelin Rd. intersection.

(Ex.: located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)

e. City where the site is located or, if not in a city, what is the nearest city: **RECEIVED**

New Braunfels ETJ **JAN 15 2016**

f. ZIP Code where the site is located: 781302 Water Quality Applications Team

g. County where the site is located: Comal

h. Latitude: 29.77114 Longitude: 98.2618