

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 11, 2016

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

Re: Application by Nantucket Housing, LLC for new TPDES Permit No.  
WQ0015381001; TCEQ Docket No. 2016-0787-MWD

Dear Ms. Bohac:

I have enclosed the Executive Director's Response to Hearing Requests in the above-entitled matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Hollis Henley". The signature is written in black ink and is positioned above a horizontal line.

Hollis Henley  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

TCEQ DOCKET NO. 2016-0787-MWD

APPLICATION BY	§	BEFORE THE
Nantucket Housing, LLC	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON
WQ0015381001	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

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The Executive Director of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Hearing Requests on Nantucket Housing, LLC (Nantucket) for a new Permit No. WQ0015381001. The following Requestors submitted timely hearing requests:

William F Ahlersmeyer	Susan Brennan	Sandra Compton
Forres C Ahlhorn Jr	Diana Browning	Concerned Citizen
Kenneth & Brenda Ahlhorn	David Bruce	Concerned Citizen
Craig Alford	Linda Camacho	Ann Cummins
Betty J Allen	Julia Canney	Renee Davis
Doug Allen	Jamie Caraway	Arlis D Dean
Elayne Arnold	Peter Carpenter	Terry Deville
Chuck & Cathy Atwood	Sheri Carpenter	Jill Dimiceli
Andrew J Baird	Terri Cesnik	Michael Dimiceli
Nick Benefiel	Carolynn Christian	Jason Doolen
Charles Bertani	Eva Cisneros	Diana Dougherty
Jim Black	Regino Cisneros	Gwen Durrenberger
Georgette Blanchard	Keven Coates	David W Edinger
Tate Blanchard	Betty Collette	Dixie Edinger
Lynne Boehm	Brian Collette	Chris Edwards
Richard W Boehm	Elizabeth R Collins	Ethan Edwards
Stephanie Bounds	Ray G Collins	Pat and Susan Edwards
Jeff & Melody Braun	Jarrod L Compton	Samuel A Edwards

James Ellis	James King	Philip Neisel
T.C. Fleming	Pat King	Mike Nelub
Lisa C Foley	Mark Kite	Brandon W. Newton
Larry & Kathy Gaithe	Brandy Klafka	John Parker
Ofilia Garcia	Doris Kohut	Poppy Parker
Sara Garcia	Catherine Kralowetz	Michael Patton
Patricia Guarino	Becky Kriegal	Lawrence Petru
Betty L Guthrie	Nettie J Kuykendall	Amber Pool
Edward A Guthrie Jr	O W Kuykendall	Jeff Pool
Michael D Hado	Jean LaBelle	Louise Purvis
Kim Hamilton	Janie Laird	Teri Quance
Mary Hamilton	John S Laird II	C. Radick
Jerod Hammerstein	Anna Laughlin	David L Rathkamp
Renate Hardaway	Adrienne Leigh	Donna Rathkamp
Allen L Hartman	Deborah A Leppelt	Brenda Reinhardt
Elaine Hartman	Cathy Levin	Don Royall
Francis Hassis	Matthew Lund	Christine Royer
Forrest B Heap	Jennie Mackel	Gail Rudloff
Jena Heap	John Mackel	Gina Salway
Lauren Heap	Robert L Mahan	Lois Saucier
Greg S Hood	Angela Nina Martin	Jill Schubert
Kathryn Hood	Jody Martinez	Kirdes Schubert
Mary Ihfe	Marcus Martinez	Tommy Shelton
Kevin Jensen	Cathy Mattiza	Carl Shook
Donald Jett	Haley Mattiza	Terri Shook
Marianne Johnson	Marjean Maxwell	Barbara Smith
Karolin Jones	Nancy McCreary	Sherry Spears
Henrietta J Kaiser	Robert McCreary	Leah Stephanow
Nipa Kamdar	Lauri Jo McDonald	John M. Sturgill
Karen J. Kimbro	Linda McQuinn	A C Tally
Darlene King	Stephen Moore	Molly W Tally

Bill Taylor	A J Warren III	Gary Wohn
Brett Taylor	T Weeks	Norman J. Woodward
Jeff Taylor	Roseanna West	Robert & Janet Worden
Maureen Taylor	Heidi Wheeler	Joyce Young
Clayton Terry	LeTricia Wilbanks	Karen Zalar
Bridget A Todaro	Scotti Wilkinson	Kathleen Zofsak
Laura Turcotte	William C Wilson	Diana Zylicz
Sara Salter Ward	Ann Wohn	Larry Zylicz

Attached for the Commission consideration is Attachment A—Satellite maps of the area.

### **I. Facility Description**

Nantucket Housing, LLC has applied for a new TPDES Permit No. WQ0015381001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.0275 million gallons per day (MGD) in the Interim phase and a daily average flow not to exceed 0.055 MGD in the Final phase. The proposed wastewater treatment facility will serve a proposed multifamily housing unit and senior living development, the Meadows at Cypress Creek.

The plant site will be located at 12321 Huffmeister Road, Cypress, in Harris County, Texas 77429. The treated effluent will be discharged to an enclosed stormwater pipe; thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. The designated uses for Segment No. 1009 are high aquatic life use, public water supply, and primary contact recreation.

In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected to Cypress Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

## **II. Background**

The TCEQ received Nantucket's application for a new TPDES permit on May 7, 2015, and declared it administratively complete on May 29, 2015. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on June 13, 2015, in the *Houston Chronicle* (English) and on June 14, 2015, in *La Voz* (Spanish), Harris County, Texas. The Executive Director completed the technical review of the application on July 30, 2015, and prepared a draft TPDES permit. The Combined Notice of Public Meeting and Notice of Application and Preliminary Decision (NAPD) was published on October 10, 2015, in the *Houston Chronicle* (English) and on October 11, 2015, in *La Voz* (Spanish), Harris County, Texas. A public meeting was held November 12, 2015, at the Spillane Middle School Cafeteria. The comment period for this application closed on November 12, 2015. The Executive Director's Response to Comments was mailed on April 14, 2016. Then hearing request period ended on May 16, 2016.

This application was administratively complete on or before September 1, 1999; therefore, this application is subject to 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 29, 2015. 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 . . ."<sup>1</sup>

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<sup>1</sup> 30 TEX. ADMIN. CODE § 55.209(d) (West 2015).

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 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.”

#### **E. Response to Request for Reconsideration**

The Executive Director, the public interest counsel, and the applicant may submit written responses to the request for reconsideration. 30 TAC §55.209(d). The response should address the issues raised in the request. 30 TAC §55.209(f).

#### **F. Request for Reconsideration Requirements**

Any person may file a request for reconsideration of the Executive Director’s decision. However, for the Commission to consider the request, it must substantially comply with the following: give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the Executive Director’s decision; and give reasons why the decision should be reconsidered. 30 TAC §55.201(e).

### **IV. Hearing Request Analysis**

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

Doug Allen, Linda Camacho, Brandy Klafka, Linda McQuinn, Brandon W. Newton, 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.

The remaining hearing requestors all 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.

## **B. Whether the Individual Requesters Meet the Affected Person Requirements**

*\*\*\*The number in parenthesis beside each Requestor's name indicates the ID number of the Requestor's property in Attachment A.*

### **1. Doug Allen (158)**

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 Doug Allen 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. Doug Allen did not raise any issues.

Because he did not raise any issues, the Executive Director recommends that the Commission find that Doug Allen is not an affected person.

### **2. Andrew J. Baird (159)**

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 Andrew J. Baird 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. Baird's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the effluent harming Cypress and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; 5) eutrophication; 6) and the proposed activities interfering with the existing recreational uses of Cypress Creek. According to the address Mr. Baird

provided in his hearing request, his property does not appear to be near the wastewater treatment facility (WWTF), the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Baird's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

### **3. Charles Bertani (86)**

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. Bertani 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. Bertani raised are included in the factors delineated in 30 TAC § 55.203. Charles Bertani filed a hearing request on his own behalf; additionally Charles Irvine filed a hearing request on behalf of Charles Bertani.

Charles Bertani's hearing request raised concerns about: 1) whether the WWTF will cause odors; 2) whether the WWTF would interfere with existing recreational uses of Cypress Creek; 3) whether the discharge from the WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the Texas Surface Water Quality Standards TSWQS; 4) whether the discharge from the WWTF would negatively impact aquatic life; 5) whether the draft permit complies with the TCEQ's regionalization policy; 6) whether the uses of the discharge route are properly characterized; 7) whether distance requirements in the draft permit are protective of groundwater wells and preventing odors; and 8) whether the proposed discharge would be protective of human health.

The hearing request filed by Charles Irvine on behalf of Charles Bertani raised concerns about: 1) whether the WWTF will cause odors; 2) whether the discharged

wastewater will degrade or adversely affect surface water quality and thereby violate the TSWQS; 3) whether the proposed discharge will interfere with Requestors' use and enjoyment of their property; 4) whether the proposed discharge will be protective of human health; 5) whether the Applicant has the financial, managerial, and technical capacity to operate and maintain the WWTF; 6) whether the proposed discharge will negatively affect groundwater wells; 7) whether the WWTF will create nuisance conditions; and 8) whether the discharge route is mischaracterized.

The Executive Director considered whether Mr. Bertani has an interest that is not in common with the general public. According to the address Mr. Bertani provided in his request, his property is very close to the WWTF. Because of his proximity to the WWTF, the potential impact to Mr. Bertani 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 concerns raised by Mr. Bertani and the proposed permit. Mr. Bertani 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 Charles Bertani is an affected person.

#### **4. Jim Black (163)**

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. Black 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. Black's hearing request raised concerns about flooding and whether the WWTF would negatively impact water quality. According to the address Mr. Black provided in his hearing request, his property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Black's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

#### **5. Melody and Jeff Braun (53)**

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 Melody and Jeff Braun are not affected persons because they do 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 Brauns' hearing request raised concerns about: 1) the proposed discharge polluting Cypress Creek, interfering with existing recreational uses of Cypress Creek, and harming wildlife; 2) whether the draft permit complies with the TCEQ's regionalization policy; 3) nuisance odors; and 4) the proposed activities diminishing quality of life.

According to the address the Brauns provided, their property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to the Brauns' property, it is unlikely they will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public; therefore, the Executive Director recommends that the Commission find that Melody and Jeff Braun are not affected persons.

#### **6. David Bruce (170)**

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. Bruce 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. Bruce's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the

effluent harming Cypress and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; 5) eutrophication; and 6) existing recreational uses of Cypress Creek. According to the address Mr. Bruce provided in his hearing request, his property is in close proximity of the proposed activities, but is not adjacent to the WWTF, the outfall, or Cypress Creek.

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

#### **7. Linda Camacho (157)**

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 Linda Camacho 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. Ms. Camacho did not raise any issues.

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

#### **8. Keven Coates (5)**

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. Coates 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. Coates's hearing request noted concerns about: 1) the proposed activities causing flooding; 2) effluent pouring into Cypress Creek; and 3) general health concerns. According to the address Mr. Coates provided in his hearing request, his property is in close proximity to the proposed activities, but is not adjacent to the WWTF, the outfall, or Cypress Creek. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

#### **9. Arlis D. Dean (161)**

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. Dean 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. Dean's hearing request raised concern that the process of collecting and testing samples of the effluent should be fully explained. According to the address Mr. Dean provided in his hearing request, his property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Dean's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

The issue Mr. Dean raised is an interest that is in common with the general public; therefore, the Executive Director recommends that the Commission find that Arlis D. Dean is not an affected person.

#### **10. Terry Deville (9)**

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. Deville 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. Deville's hearing request raised concerns about: 1) flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the effluent harming Cypress and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; 5) eutrophication;

and 6) whether the proposed discharge would interfere existing recreational uses of Cypress Creek. According to the address Mr. Deville provided in his hearing request, his property is in close proximity to the proposed activities, but is not adjacent to the WWTF, the outfall, or Cypress Creek. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

#### **11. James Ellis (7)**

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. Ellis 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. Ellis's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the possibility of contaminates going into Cypress Creek and negatively affecting area and downstream inhabitants; and 3) the proposed activity negatively affecting families and children in the community. According to the address Mr. Ellis provided in his hearing request, his property is in close proximity to the proposed activities, but is not adjacent to the WWTF, the outfall, or Cypress Creek. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

#### **12. Ethan Edwards (168)**

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. Edwards 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. Edward's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) whether the proposed discharge would harm aquatic life; 3) whether the proposed discharge would contaminate Cypress Creek; and 4) whether the proposed discharge would interfere with existing recreational uses of Cypress Creek. According to the address Mr. Edwards provided in his hearing request, his property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Edwards's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, Mr. Edward's hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

### **13. Ofilia Garcia (158)**

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 Ms. Garcia 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. Ms. Garcia's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the effluent harming Cypress Creek and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; 5) eutrophication; and 6) the proposed activity interfering with existing recreational uses of Cypress Creek. According to the address Ms. Garcia provided in her hearing request, her property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Ms. Garcia's property, it is unlikely she will be impacted by the proposed activity in a way that is not common to members of the general public. Also,

Ms. Garcia's hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

#### **14. Patricia Guarino (2)**

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 Ms. Guarino 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. Ms. Guarino raised concern about whether the WWTF activities would have a negative environmental impact on Cypress Creek and surrounding areas. According to the address Ms. Guarino provided in her hearing request, her property is in close proximity of the proposed activities, but is not adjacent to the WWTF, the outfall, or Cypress Creek. Also, her hearing request does not describe how her interest in the issues she raised is different from the interest of the general public.

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

#### **15. Kevin Jensen**

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. Jensen 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. Jensen's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; and 3) the effluent harming Cypress Creek. According to the address Mr. Jensen provided in his hearing request, his property is in close proximity of the proposed activities, but is not

adjacent to the WWTF, the outfall, or Cypress Creek. Also, his hearing request does not describe how his interest in the issues he raised is different from the interest of the general public.

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

#### **16. Brandy Klafka (1)**

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 Brandy Klafka 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. Brandy Klafka did not raise any issues.

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

#### **17. Adrienne Leigh (162)**

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 Ms. Leigh 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. Ms. Leigh's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the effluent harming Cypress Creek and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; 5) eutrophication; 6) the proposed activities existing recreational uses of Cypress Creek; 7) decrease in the value of her business property and the property of the Cypress community; 8) overcrowding of schools; and 9) lack of transportation and public servants for possible future residents. According to the address Ms. Leigh provided in her hearing request, her property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a

maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Ms. Leigh's property, it is unlikely she will be impacted by the proposed activity in a way that is not common to members of the general public.

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

### **18. Angela Nina Martin (160)**

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 Ms. Martin 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. Ms. Martin's hearing request raised the issue of whether the proposed activities will cause flooding. According to the address Ms. Martin provided in her hearing request, her property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Ms. Martin's property, it is unlikely she will be impacted by the proposed activity in a way that is not common to members of the general public. Also, her hearing request does not describe how her interest in the issue raised is different from the interest of the general public.

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

### **19. Linda McQuinn (3)**

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 Linda McQuinn 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. Linda McQuinn did not raise any issues.

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

## **20. Philip Neisel (8)**

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. Neisel 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. Neisel raised are included in the factors delineated in 30 TAC § 55.203. Philip Neisel filed a hearing request on his own behalf; additionally Charles Irvine filed a hearing request on behalf of Philip Neisel.

Philip Neisel's hearing request raised concerns about: 1) whether the WWTF will cause odors; 2) whether prevailing winds will bring odors to his property; 3) the cost and quality of WWTF operations and maintenance; 4) the proposed activities causing flooding; and 5) whether the WWTF complies with the TCEQ's regionalization policy.

Additionally, the hearing request filed by Charles Irvine on behalf of Mr. Neisel expressed concerns about: 1) whether the WWTF will cause odors; 2) whether the discharged wastewater will degrade or adversely affect surface water quality and thereby violate the TSWQS; 3) whether the proposed discharge will interfere with requestors' use and enjoyment of their property; 4) whether the proposed discharge will be protective of human health; 5) whether the Applicant has the financial, managerial, and technical capacity to operate and maintain the WWTF; 6) whether the proposed discharge will negatively affect groundwater wells; 7) whether the WWTF will create nuisance conditions; and 8) whether the discharge route is mischaracterized.

The Executive Director considered whether Mr. Neisel has an interest that is not in common with the general public. According to the address Mr. Neisel provided in his request, his property is very close to the WWTF. Because of his proximity to the WWTF, the potential impact to Mr. Neisel 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 concerns raised by Mr. Neisel and the proposed permit. Mr. Neisel 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 Philip Neisel is an affected person.

## **21. Mike Nelub (164)**

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. Nelub 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. Nelub's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) potential harm to the ecosystem 3) the proposed discharge adding pathogens to Cypress Creek, and 4) whether the proposed discharge will interfere with existing recreational use of Cypress Creek. According to the address Mr. Nelub provided in his hearing request, his property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Nelub's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Mike Nelub is not an affected person.

## **22. Brandon W. Newton (169)**

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 Brandon W. Newton 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. Newton did not raise any issues.

Because he did not raise any issues, the Executive Director recommends that the Commission find that Brandon W. Newton is not an affected person.

### **23. Michael Patton (165)**

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. Patton 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. Patton's hearing request raised concerns about the proposed activities causing flooding and the risk of water quality problems. According to the address Mr. Patton provided in his hearing request, his property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Patton's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

### **24. Barbara Smith (6)**

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 Ms. Smith 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. Ms. Smith's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) the effluent increasing the possibility of waterborne pathogens; 3) the effluent harming Cypress Creek and aquatic life in Cypress Creek; 4) the effluent negatively affecting water quality; and 5) eutrophication. According to the address Ms. Smith provided in her hearing request, her property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Ms. Smith's property, it is unlikely she will be impacted by the

proposed activity in a way that is not common to members of the general public. Also, her hearing request does not describe how her interest in the issues raised are different from the interest of the general public.

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

## **25. Leah Stephanow (167)**

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 Ms. Stephanow 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 Ms. Stephanow raised are included in the factors delineated in 30 TAC § 55.203. Ms. Stephanow's hearing request raised concerns about: 1) the proposed activities causing flooding; 2) erosion; and 3) whether the WWTF will interfere with existing recreational uses of Cypress Creek.

The Executive Director considered whether Ms. Stephanow has an interest that is not in common with the general public. According to the address Ms. Stephanow provided in her request, her property is adjacent to Nantucket's property and is very close to the WWTF. Because of her proximity to the WWTF, the potential impact to Ms. Stephanow 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 a concern raised by Ms. Stephanow and the proposed permit. Ms. Stephanow raised an issue that is not in common with the general public and there is a reasonable relationship between her issue and the discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that Leah Stephanow is an affected person.

## **26. Clayton Terry (4)**

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. Terry 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. Terry raised are included in the factors delineated in 30 TAC § 55.203. Clayton Terry filed a hearing request on his own behalf; additionally Charles Irvine filed a hearing request on behalf of Clayton Terry.

Clayton Terry's hearing request incorporated his formal comment submitted during the public comment period by reference. In his formal comment, Mr. Terry raised concerns about: 1) whether the proposed WWTF will have proper odor control; 2) whether the water calculations and estimated flow of effluent are accurate; and 3) whether the design of the WWTF adequately accounts for possible power outages.

The hearing request filed by Charles Irvine on behalf of Clayton Terry raised concerns about: 1) whether the WWTF will cause odors; 2) whether the discharged wastewater will degrade or adversely affect surface water quality and thereby violate the TSWQS; 3) whether the proposed discharge will interfere with requestors' use and enjoyment of their property; 4) whether the proposed discharge will be protective of human health; 5) whether the Applicant has the financial, managerial, and technical capacity to operate and maintain the WWTF; 6) whether the proposed discharge will negatively affect groundwater wells; 7) whether the WWTF will create nuisance conditions; and 8) whether the discharge route is mischaracterized.

The Executive Director considered whether Mr. Terry has an interest that is not in common with the general public. According to the address Mr. Terry provided in his request, his property is adjacent to Nantucket's property and is very close to the WWTF. Because of his proximity to the WWTF, the potential impact to Mr. Terry 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 concerns raised by Mr. Terry and the proposed permit. Mr. Terry 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 Clayton Terry is an affected person.

## **27. William C. Wilson (156)**

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. Wilson 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. Wilson's hearing request raised concerns about 1) the proposed activities causing flooding, 2) pollution, 3) the source of the project's fresh water, 4) fertilizer, 5) the 100 year flood plain, and greenbelt development. According to the address Mr. Wilson provided in his hearing request, his property does not appear to be near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to Mr. Wilson's property, it is unlikely he will be impacted by the proposed activity in a way that is not common to members of the general public. Also, his hearing request does not describe how his interest in the issues raised are different from the interest of the general public.

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

## **28. Requestors in Table A**

The individuals listed in Table A each submitted a pre-drafted hearing request. Aside from the name and contact information of each Requestor, these hearing requests are identical. For the sake of convenience, the ED has grouped together these hearing requests for analysis.

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 each of the Requestors identified in Table A are affected persons because they each 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.

The hearing requests of those in Table A raised concerns about: 1) whether the WWTF will cause odors; 2) whether the WWTF will interfere with existing recreational uses of Cypress Creek; 3) whether the discharge from the WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS; 4) whether the discharge from the WWTF will negatively impact aquatic life; 5) whether the draft permit complies with the TCEQ's regionalization policy; 6) whether the uses of the discharge route are properly characterized; 7) whether distance requirements in the draft permit are protective of groundwater wells and preventing odors; and 8) whether the proposed discharge will be protective of human health.

The Executive Director considered whether the Requestors identified in Table A have an interest that is not in common with the general public. According to the address each Requestor provided in his or her hearing request, all of the Requestors in Table A live in close proximity to the WWTF and the outfall. Because of the Requestors' proximity to the proposed activity, they are 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 these Requestors raised and the proposed permit.

The Requestors identified in Table A raised issues that are not in common with the general public and identified a reasonable relationship between their concerns and discharge authorized by the proposed permit; therefore, the Executive Director recommends that the Commission find that the Requestors identified in Table A are affected persons.

## **29. Requestors in Table B**

The individuals listed in Table B each submitted a pre-drafted hearing request. Aside from the name and contact information of each Requestor, these hearing requests are identical. For the sake of convenience, the ED has grouped together these hearing requests for analysis.

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 none of the Requestors identified in Table B are affected persons because they do 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 hearing requests of those in Table B raised concerns about: 1) whether the WWTF will cause odors; 2) whether the WWTF will interfere with existing recreational uses of Cypress Creek; 3) whether the discharge from the WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS; 4) whether the discharge from the WWTF will negatively impact aquatic life; 5) whether the draft permit complies with the TCEQ's regionalization policy; 6) whether the uses of the discharge route are properly characterized; 7) whether distance requirements in the draft permit are protective of groundwater wells and preventing odors; and 8) whether the proposed discharge will be protective of human health.

The Executive Director considered whether the Requestors identified in Table B have an interest that is not in common with the general public. According to the address each Requestor provided in his or her hearing request, none of Requestors appear to live in near the WWTF or the outfall. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to the properties of the Requestors, it is unlikely they will be impacted by the proposed activity in a way that is not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that the Requestors identified in Table B are not affected persons.

### **30. Concerned Citizen at 15918 Ashton Hills Dr. (32)**

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 the Concerned Citizen at 15918 Ashton Hills Dr. is not an affected person because he/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.

The hearing request of this concern citizen raised concerns about: 1) whether the WWTF will cause odors; 2) whether the WWTF will interfere with existing recreational uses of Cypress Creek; 3) whether the discharge from the WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS; 4) whether

the discharge from the WWTF will negatively impact aquatic life; 5) whether the draft permit complies with the TCEQ's regionalization policy; 6) whether the uses of the discharge route are properly characterized; 7) whether distance requirements in the draft permit are protective of groundwater wells and preventing odors; and 8) whether the proposed discharge will be protective of human health. According to the address the Requestor provided in the hearing request, the property does not appear to be near the WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to this Requestor's property, it is unlikely the Requestor will be impacted by the proposed activity in a way that is not common to members of the general public. In addition, this individual did not comply with 30 TAC § 55.201(d)(1) because he/she did not provide a legible name on his/her hearing request. Therefore, the Executive Director recommends that the Commission find that Concerned Citizen at 15918 Ashton Hills Dr. is not an affected person.

### **31. Concerned Citizen at 12603 Oak Plaza Drive (65)**

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 the Concerned Citizen at 12603 Oak Plaza Drive is not an affected person because he/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.

The hearing request of this concern citizen raised concerns about: 1) whether the WWTF will cause odors; 2) whether the WWTF will interfere with existing recreational uses of Cypress Creek; 3) whether the discharge from the WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS; 4) whether the discharge from the WWTF will negatively impact aquatic life; 5) whether the draft permit complies with the TCEQ's regionalization policy; 6) whether the uses of the discharge route are properly characterized; 7) whether distance requirements in the draft permit are protective of groundwater wells and preventing odors; and 8) whether the proposed discharge will be protective of human health. According to the address the Requestor provided in the hearing request, the property does not appear to be near the

WWTF, the outfall, or Cypress Creek. Due to the small effluent volume (a maximum of 55,000 gallons per day in the Final Phase) of the proposed permit and the distance from the facility/outfall to this Requestor's property, it is unlikely the Requestor will be impacted by the proposed activity in a way that is not common to members of the general public. In addition, this individual did not comply with 30 TAC § 55.201(d)(1) because he/she did not provide a legible name on his/her hearing request. Therefore, the Executive Director recommends that the Commission find that Concerned Citizen at 12603 Oak Plaza Drive is not an affected person.

### **C. Whether Issues Raised Are Referable to SOAH for a Contested Case Hearing**

The Executive Director analyzed the issues raised in the hearing requests and recommends granting certain issues in accordance with the regulatory criteria. The Executive Director provides the following recommendations regarding whether the issues can be referred to SOAH if the Commission grants the hearing requests. 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 WWTF would cause odors and whether prevailing winds would spread odors. (Responses 18, 50)*

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 proposed water calculations and design flow in the draft permit are adequate. (Response 6)*

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.

*3. Whether the draft permit complies with the TCEQ's regionalization policy. (Response 70)*

This is a mixed issue of fact and law 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.

4. *Whether the WWTF will interfere with existing recreational uses of Cypress Creek. (Response 5)*

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.

5. *Whether the discharge from WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS. (Response 2, 5, 79)*

This is a mixed issue of fact and law 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.

6. *Whether the discharge from the WWTF will negatively impact aquatic life. (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.

7. *Whether the uses of the discharge route are properly characterized. (Response 30)*

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 draft permit is protective of human health. (Response 2, 5)*

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.

9. *Whether the proposed discharge will negatively impact nearby groundwater wells. (Response 2, 50)*

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 discharge route is accurately characterized. (Response 29)*

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.

11. *Whether the proposed discharge will create nuisance conditions and interfere with requestors' use and enjoyment of their property. (Response 4, 18)*

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 design of the WWTF adequately accounts for possible power outages. (Responses 51, 53)*

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.

13. *Whether the Applicant has the financial, managerial, and technical capacity to operate and maintain the WWTF. (Response 75)*

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 the discharge activities will cause increased flooding in the surrounding area. (Response 55)*

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.

15. *Whether the proposed discharge will increase erosion. (Responses 2-5, 62, 94)*

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.

#### **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. Response to Requests for Reconsideration**

Cathy Levin and Janie M. Laird submitted requests for reconsideration.

**Issue 1:** Cathy Levin stated that the high school is overcrowded

**Response 1:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 83. Section 26.027 of the Texas Water Code authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes, and coastal waters. The water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The TCEQ does not have jurisdiction under the Texas Water Code or its regulations to address or consider issues such as possible school overcrowding in its determination of whether or not to issue a water quality permit.

**Issue 2:** Cathy Levin and Janie M. Laird expressed concern about flooding.

**Response 2:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 55. The wastewater permitting

process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. Consequently, the TCEQ does not have jurisdiction to address flooding in the wastewater permitting process, unless there is an associated water quality concern. However, the draft permit includes effluent limits and other requirements that Nantucket must meet at all times, including rainfall events and periods of flooding. In addition, Nantucket noted on page 25 of the Technical Report in its permit application that the facility is located above the 100-year frequency flood level, which complies with the application requirements. Nantucket indicated that the source of this information was Federal Insurance Rate Map (FIRM) Map Number 48201C0410M. FIRM maps are produced by the Federal Emergency Management Agency. In terms of the daily average flow requested by Nantucket in regard to contributing to potential flooding, the proposed Final flow, 55,000 gpd, is equivalent to a smaller flow than that from 2 standard water hoses (5/8 inch x 50 feet) operating at 60 (pounds per square inch) psi.

**Issue 3:** Cathy Levin expressed concern about air pollution.

**Response 3:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 9. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules, WWTFs have undergone this review and are permitted by rule, provided the WWTF only performs the functions listed in 30 TAC §106.532. The treatment process proposed for the Nantucket WWTF will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code, the Texas Clean Air Act, §382.057 and §382.05196, and is therefore, permitted by rule.

**Issue 4:** Cathy Levin stated that the WWTF should include a detention pond.

**Response 4:** 30 TAC §217.6(a) states: "An owner is not required to submit collection system or wastewater treatment facility plans and specifications to the executive director for approval prior to the commission issuing the wastewater treatment facility's

wastewater permit.” The draft permit includes effluent limitations and monitoring requirements to ensure that the proposed effluent limits will not result in a violation of TSWQS. The draft permit also includes additional requirements for the wastewater treatment system to ensure the protection of water quality and human health and for the disposal of domestic sludge generated from the wastewater treatment facility. The ED has determined that the draft permit meets the requirements of the TSWQS and is protective of the environment, water quality, aquatic life, and human health.

**Issue 5:** Cathy Levin expressed concern about the proposed activities ruining homes in the community.

**Response 5:** This issue was raised during the public comment period and addressed in the Executive Director’s Response to Comments No. 4. The wastewater permit does not allow the permit holder to create or maintain a nuisance that interferes with a landowner’s use and enjoyment of his or her property. In addition, the scope of the TCEQ’s regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner’s use and enjoyment of his or her property. If Nantucket operates the facility in accordance with the terms of the draft permit and complies with all applicable TCEQ rules and state law, nuisance conditions that would interfere with use and enjoyment are not expected to occur.

**Issue 6:** Cathy Levin expressed concern about the proposed activities negatively affecting the environment.

**Response 6:** This issue was raised during the public comment period and addressed in the Executive Director’s Response to Comments No. 2. The ED has determined that the draft permit meets the requirements of the TSWQS and is protective of the environment, water quality, aquatic life, and human health and that it meets TCEQ rules and requirements if Nantucket operates and maintains the facility as required by the draft permit and regulations. The draft permit for the proposed wastewater treatment facility authorizes Nantucket to discharge treated domestic wastewater according to the terms of the permit.

**Issue 7:** Cathy Levin asked how Nantucket is allowed to build without a permit.

**Response 7:** TCEQ's rules do not allow applicants to begin construction of WWTFs without obtaining either a permit or an Authorization To Construct from the Commission. Applicants may begin construction of other parts of the development according to local laws and regulations.

**Issue 8:** Janie M. Laird expressed concern about health, safety, and welfare.

**Response 8:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 2. The ED has determined that the draft permit meets the requirements of the TSWQS and is protective of the environment, water quality, aquatic life, and human health and that it meets TCEQ rules and requirements if Nantucket operates and maintains the facility as required by the draft permit and regulations. The draft permit for the proposed wastewater treatment facility authorizes Nantucket to discharge treated domestic wastewater according to the terms of the permit.

**Issue 9:** Janie M. Laird expressed concern about the protection of private property.

**Response 9:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 4. The wastewater permit does not allow the permit holder to create or maintain a nuisance that interferes with a landowner's use and enjoyment of his or her property. In addition, the scope of the TCEQ's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his or her property. If Nantucket operates the facility in accordance with the terms of the draft permit and complies with all applicable TCEQ rules and state law, nuisance conditions that would interfere with use and enjoyment are not expected to occur.

**Issue 10:** Janie M. Laird stated that the proposed amount of discharge into Cypress Creek is underestimated.

**Response 10:** This issue was raised during the public comment period and addressed in the Executive Director's Response to Comments No. 6. The Applicant is responsible for

applying for the flow based on its knowledge of the nature of the development. According to Attachment 7 of Nantucket's permit application, the Meadows at Cypress Creek is proposed to serve 353 residences. Nantucket estimated 2,077 people per residence and 75 gallons per day (gpd) per person. This works out to 54,989 gpd. The estimate of 75 gpd per person is within the range noted in 30 TAC § 217.32(a)(3) for municipalities and subdivisions, both of which fall under the residential category. Any discharge outside the parameters of the permit would be an unauthorized discharge, which would subject Nantucket to potential enforcement action for failure to comply with TCEQ rules or the permit.

**Conclusion:** The Executive Director recommends denial of the requests for reconsideration.

## **VII. Conclusion**

**The Executive Director recommends the following actions by the Commission:**

1. The Executive Director recommends that the Commission find Forres C. Ahlhorn Jr., Kenneth and Brenda Ahlhorn, Charles Bertani, Lynne Boehm, Richard W. Boehm, Susan Brennan, Julia Canney, Jamie Caraway, Jill Dimiceli, Michael Dimiceli, Pat and Susan Edwards, Samuel A. Edwards, Michael D. Hado, Forrest B. Heap, Jena Heap, Lauren Heap, Donald Jett, Marianne Johnson, Henrietta J. Kaiser, Darlene King, Catherine Kralowetz, Becky Kriegal, Nettie J. Kuykendall, O.W. Kuykendall, Jean LaBelle, Janie Laird, John S. Laird II, Anna Laughlin, Deborah A. Leppelt, Cathy Levin, Haley Mattiza, Lauri Jo McDonald, Stephen Moore, Philip Neisel, John Parker, Poppy Parker, Amber Pool, Jeff Pool, David L. Rathkamp, Donna Rathkamp, Brenda Reinhardt, Don Royall, Gail Rudloff, Lois Saucier, Jill Schubert, Kirdes Schubert, Leah Stephanow, A.C. Tally, Molly Tally, Brett Taylor, Jeff Taylor, Clayton Terry, Bridget A. Todaro, A.J. Warren III, Roseanna West, Scotti Wilkinson, Ann Wohn, Gary Wohn, Norman J. Woodward, Karen Zalar, and Kathleen Zofsak 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 WWTF would cause odors and whether prevailing winds would spread odors.
  - Issue 2:** Whether the proposed water calculations and design flow in the draft permit are adequate.
  - Issue 3:** Whether the draft permit complies with the TCEQ's regionalization policy.
  - Issue 4:** Whether the WWTF will interfere with existing recreational uses of Cypress Creek.
  - Issue 5:** Whether the discharge from WWTF would pollute and degrade the water quality of Cypress Creek and thereby violate the TSWQS.
  - Issue 6:** Whether the discharge from the WWTF will negatively impact aquatic life.
  - Issue 7:** Whether the uses of the discharge route are properly characterized.
  - Issue 8:** Whether the draft permit is protective of human health.
  - Issue 9:** Whether the proposed discharge will negatively impact nearby groundwater wells.
  - Issue 10:** Whether the discharge route is accurately characterized.
  - Issue 11:** Whether the proposed discharge will create nuisance conditions and interfere with requestors' use and enjoyment of their property.
5. If referred to SOAH, the Executive Director recommends that the duration of the hearing between the preliminary hearing and the presentation of a proposal for decision before the Commission be less than **nine months**.

## Table A

Forres C. Ahlhorn Jr. (108)	Catherine Kralowetz (40)	Don Royall (150)
Kenneth & Brenda Ahlhorn (34)	Becky Kriegal (94)	Gail Rudloff (24)
Lynne Boehm (120)	Nettie J. Kuykendall (100)	Lois Saucier (33)
Richard W. Boehm (121)	O.W. Kuykendall (13)	Jill Schubert (15)
Susan Brennan (61)	Jean LaBelle (26)	Kirdes Schubert (16)
Julia Canney (68)	Janie Laird (62)	A.C. Tally (151)
Jamie Caraway (99)	John S. Laird II (44)	Molly Tally (152)
Jill Dimiceli (129)	Anna Laughlin (110)	Brett Taylor (89)
Michael Dimiceli (128)	Deborah A. Leppelt (42)	Jeff Taylor (140)
Pat & Susan Edwards (132)	Cathy Levin (171)	Bridget A. Todaro (148)
Samuel A. Edwards (50)	Haley Mattiza (52)	A.J. Warren III (48)
Michael D. Hado (35)	Lauri Jo McDonald (92)	Roseanna West (102)
Forrest B. Heap (122)	Stephen Moore (135)	Scotti Wilkinson (29)
Jena Heap (123)	John Parker (49)	Ann Wohn (125)
Lauren Heap (124)	Poppy Parker (104)	Gary Wohn (126)
Donald Jett (101)	Amber Pool (97)	Norman J. Woodward (25)
Marianne Johnson (127)	Jeff Pool (98)	Karen Zalar (14)
Henrietta J. Kaiser (111)	David L. Rathkamp (54)	Kathleen Zofsak (146)
Darlene King (74)	Donna Rathkamp (56)	
	Brenda Reinhardt (51)	

## Table B

William F. Ahlersmeyer (84)	Dixie Edinger (82)	Robert L. Mahan (95)
Craig Alford (107)	Chris Edwards (90)	Jody Martinez (72)
Betty J. Allen (60)	T.C. Fleming (28)	Marcus Martinez (71)
Elayne Arnold (75)	Lisa C. Foley (113)	Cathy Mattiza (105)
Chuck & Cathy Atwood (134)	Larry & Kathy Gaithe (87)	Marjean Maxwell (70)
Nick Benefiel (139)	Sara Garcia (138)	Nancy McCreary (19)
Georgette Blanchard (78)	Betty L. Guthrie (149)	Robert McCreary (27)
Tate Blanchard (77)	Edward A. Guthrie Jr. (153)	Lawrence Petru (115)
Stephanie Bounds (131)	Kim Hamilton (136)	Louise Purvis (45)
Diana Browning (79)	Mary Hamilton (137)	Teri Quance (37)
Peter Carpenter (11)	Jerrod Hammerstein (96)	C. Radick (76)
Sheri Carpenter (10)	Renate Hardaway (57)	Christine Royer (109)
Terri Cesnik (147)	Allen L. Hartman (119)	Gina Salway (114)
Carolynn Christian (106)	Elaine Hartman (118)	Tommy Shelton (130)
Eva Cisneros (88)	Francis Hassis (112)	Carl Shook (145)
Regino Cisneros (91)	Greg S. Hood (31)	Terri Shook (144)
Betty Collette (64)	Kathryn Hood (30)	Sherry Spears (59)
Brian Collette (63)	Mary Ihfe (43)	John M. Sturgill (67)
Elizabeth R. Collins (39)	Karolin Jones (58)	Bill Taylor (21)
Ray G. Collins (41)	Nipa Kamdar (103)	Maureen Taylor (20)
Jarrold L. Compton (80)	Karen J. Kimbro (154)	Laura Turcotte (93)
Sandra Compton (81)	James King (18)	Sara Salter Ward (73)
Ann Cummins (117)	Pat King (17)	T. Weeks (12)
Renee Davis (85)	Mark Kite (55)	Heidi Wheeler (141)
Jason Doolen (38)	Doris Kohut (22)	LeTricia Wilbanks (116)
Diana Dougherty (46)	Matthew Lund (133)	Robert & Janet Worden (47)
Gwen Durrenberger (36)	Jennie Mackel (67)	Joyce Young (23)
David W. Edinger (83)	John Mackel (69)	Diana Zylicz (143)
		Larry Zylicz (142)

Respectfully submitted,

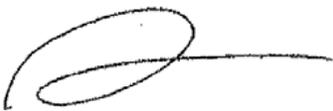
Texas Commission on Environmental Quality

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

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**CERTIFICATE OF SERVICE**

I certify that on July 11, 2016, the original and seven copies of the “Executive Director’s Response to Hearing Request” for new Permit WQ0015381001 for Nantucket Housing, LLC 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.

  
-----  
Hollis Henley, Staff Attorney  
Environmental Law Division  
State Bar No. 24066672

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PERSON(S):

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Bridget A Todaro  
13723 Meisterwood Dr  
Houston, TX 77065-1039

Laura Turcotte  
14231 Autumn Mist  
Cypress, TX 77429-4881

Sara Salter Ward  
13510 Maxwell Rd  
Cypress, TX 77429-2311

A J Warren Iii  
13810 Maxwell Rd  
Cypress, TX 77429-2354

T Weeks  
12915 Maxwell Rd  
Cypress, TX 77429-2318

Roseanna West  
13422 Nevermore Dr  
Cypress, TX 77429-3160

Heidi Wheeler  
13710 Gainesway Dr  
Cypress, TX 77429-5125

Letricia Wilbanks  
13411 Copeland Oaks Blvd  
Cypress, TX 77429-5191

Scotti Wilkinson  
12527 Saracen Dr  
Cypress, TX 77429-2666

William C Wilson  
16814 Empire Gold Dr  
Cypress, TX 77433-6241

Ann Wohn  
13415 Ravens Caw Dr  
Cypress, TX 77429-3169

Gary Wohn  
13415 Ravens Caw Dr  
Cypress, TX 77429-3169

Norman J Woodward  
13402 Rifleman Cir  
Cypress, TX 77429-2628

Janet & Robert Worden  
12415 Pleasant Grove Rd  
Cypress, TX 77429-4131

Joyce Young  
14714 Salamanca Ct  
Cypress, TX 77429-5452

Karen Zalar  
13903 Maxwell Rd  
Cypress, TX 77429-2307

Kathleen Zofsak  
12523 Huffmeister Rd  
Cypress, TX 77429-3213

Diana Zylicz  
14503 S Kolbe Spur Dr  
Cypress, TX 77429-3320

Larry Zylicz  
14503 S Kolbe Spur Dr  
Cypress, TX 77429-3320

Tommy Shelton  
13118 Avalange CT  
Cypress, TX 77429-4913

**PUBLIC OFFICIALS - INTERESTED**  
**PERSON(S)**

The Honorable Allen Fletcher Texas  
House Of Representatives  
25222 Northwest Fwy Ste 9199  
Cypress, TX 77429-1030

# **ATTACHMENT A**

# Nantucket Housing, LLC

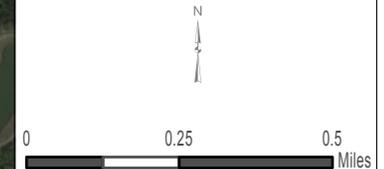
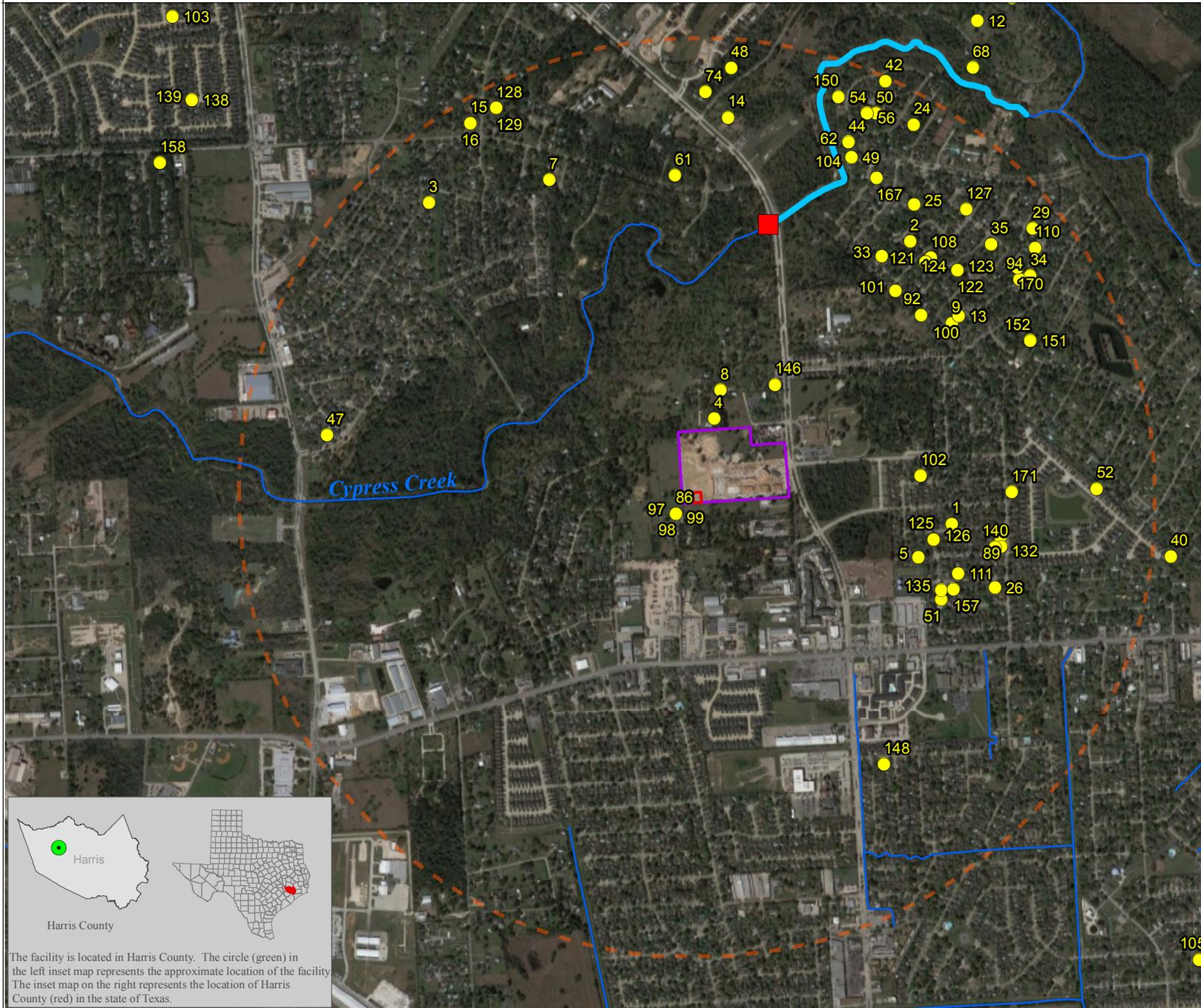
## TPDES Permit No. WQ0015381001

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

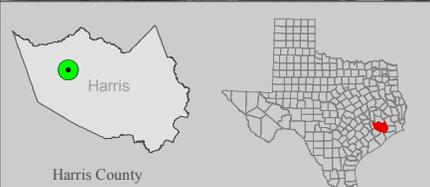
Date: 7/1/2016



- Discharge Point
- 1 mi. Downstream Discharge Route
- Rivers
- WWTP Radial Distance
- Service Area Boundary
- Wastewater Treatment Plant
- Requesters

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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The facility is located in Harris 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 Harris County (red) in the state of Texas.

# Nantucket Housing, LLC

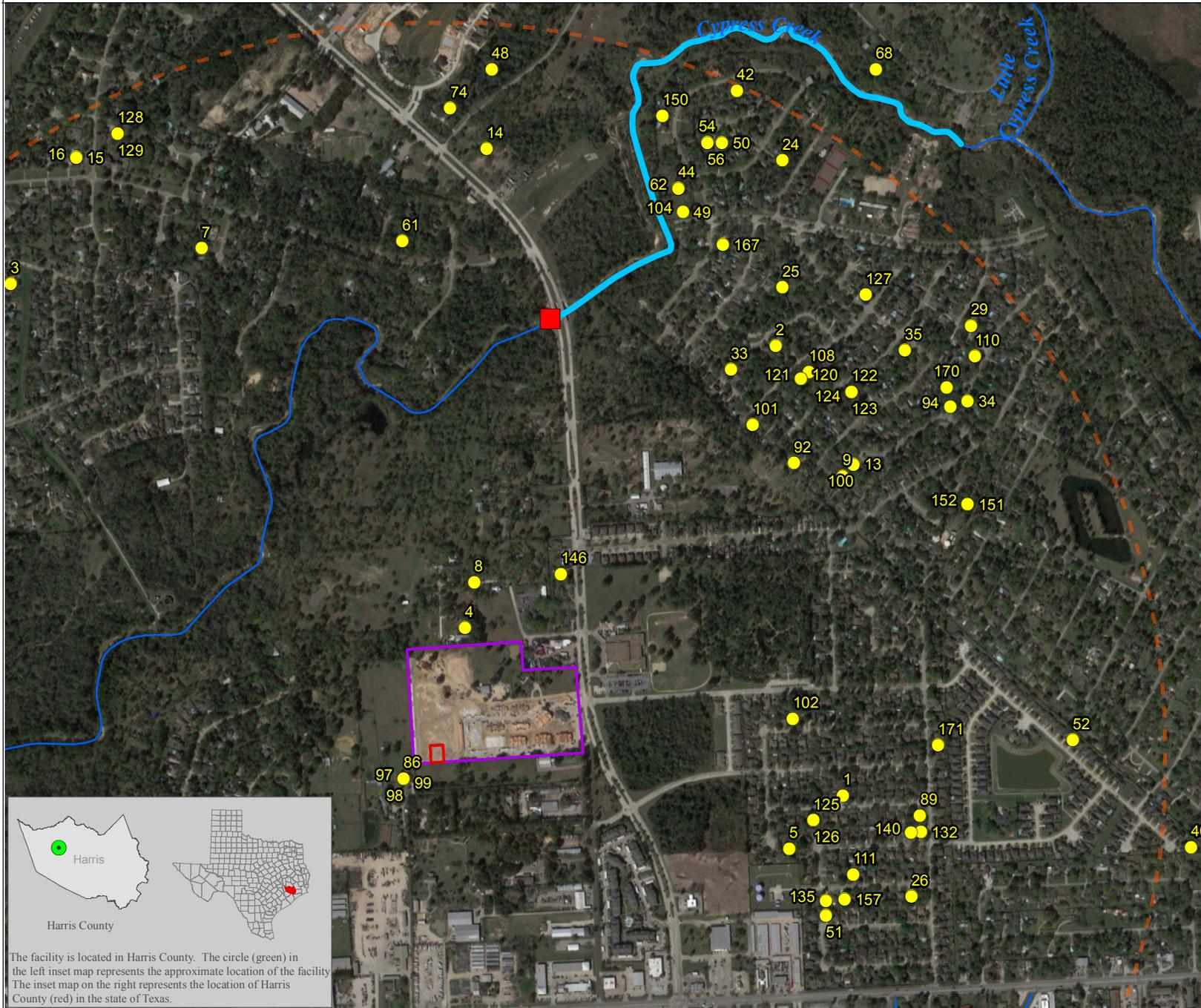
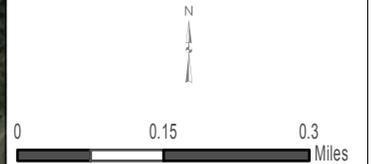
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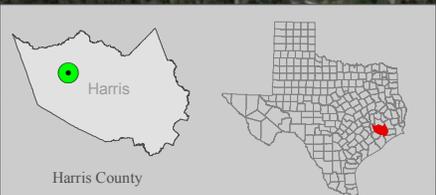
Date: 7/1/2016



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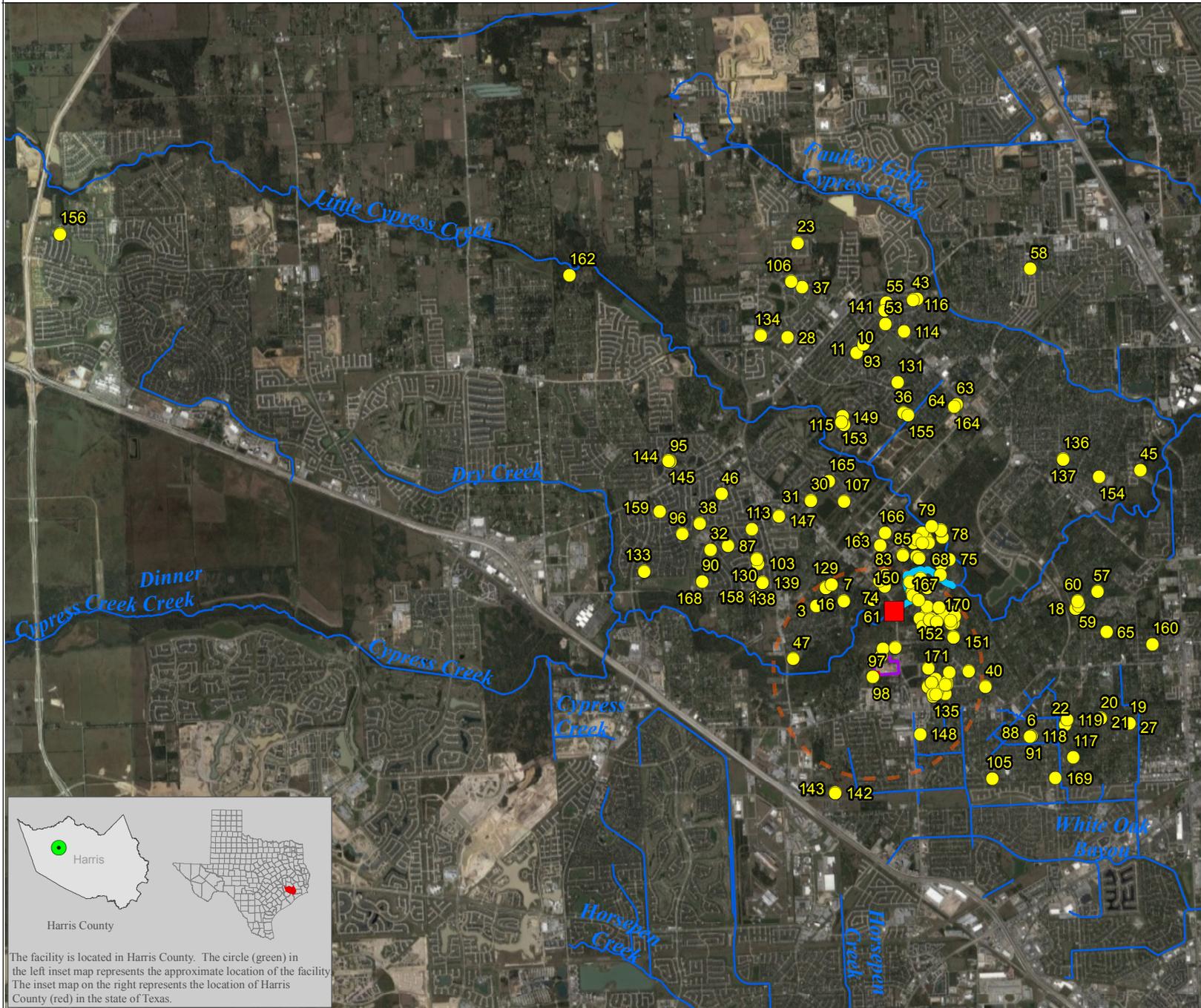
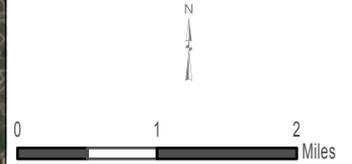
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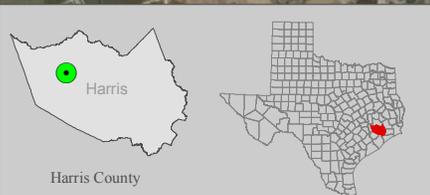
Date: 7/1/2016



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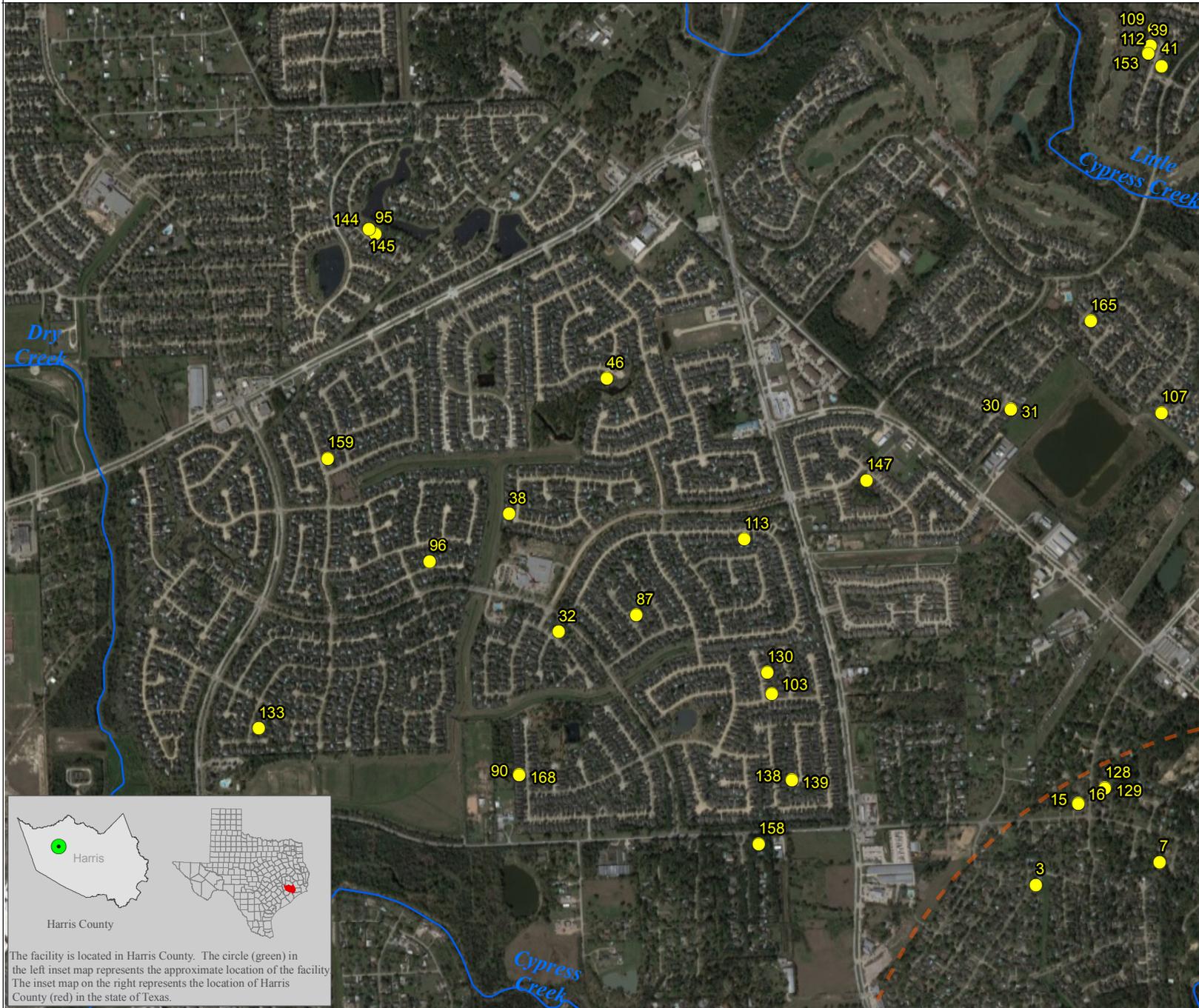
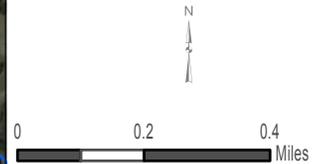
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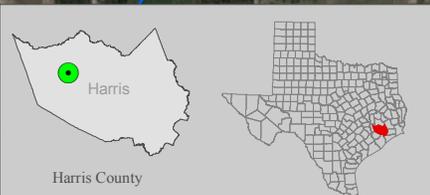
Date: 7/1/2016



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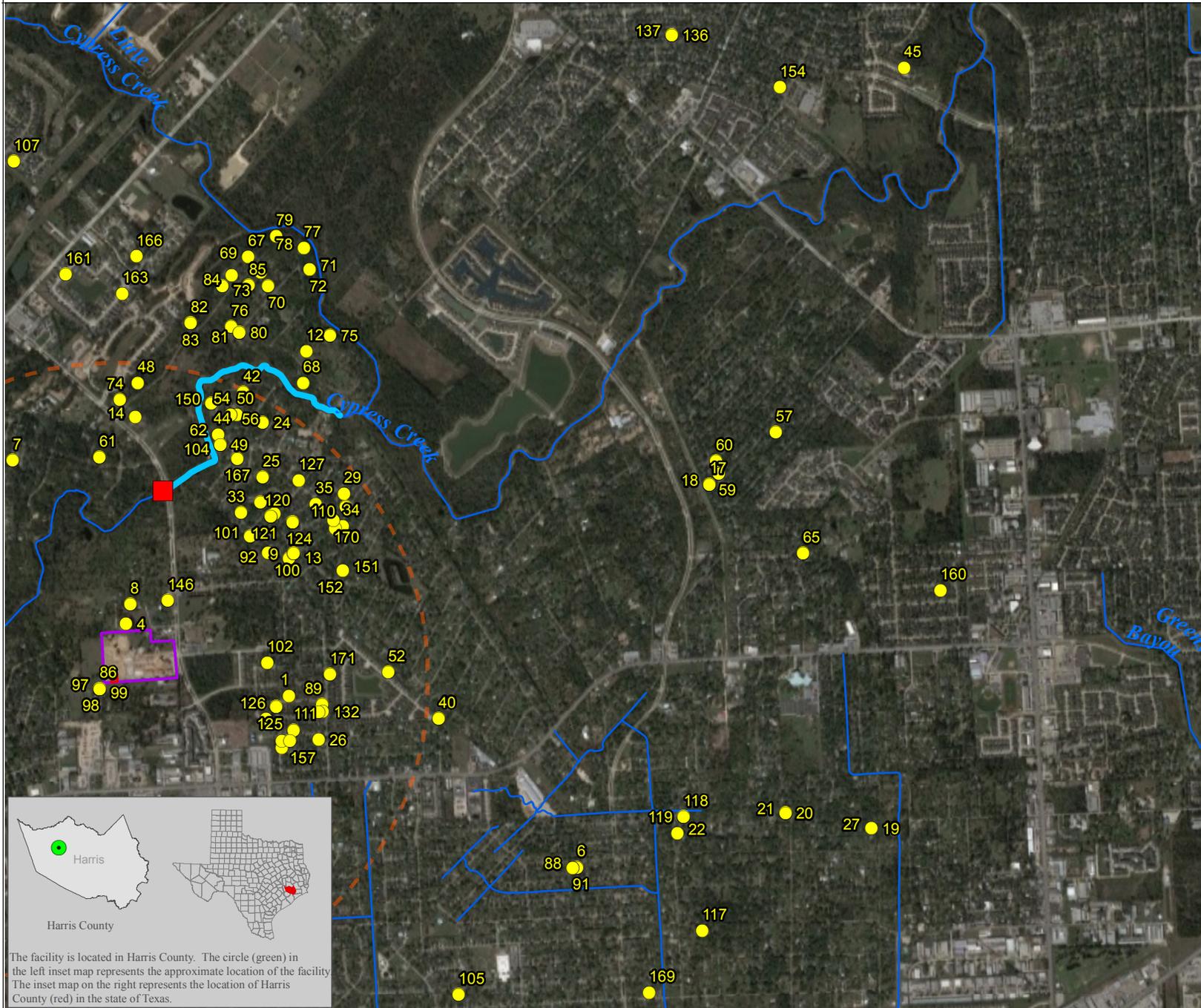


Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
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Austin, Texas 78711-3087

Date: 7/1/2016



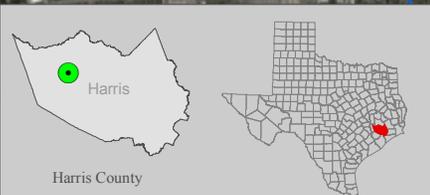
0 0.25 0.5 Miles



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# Nantucket Housing, LLC

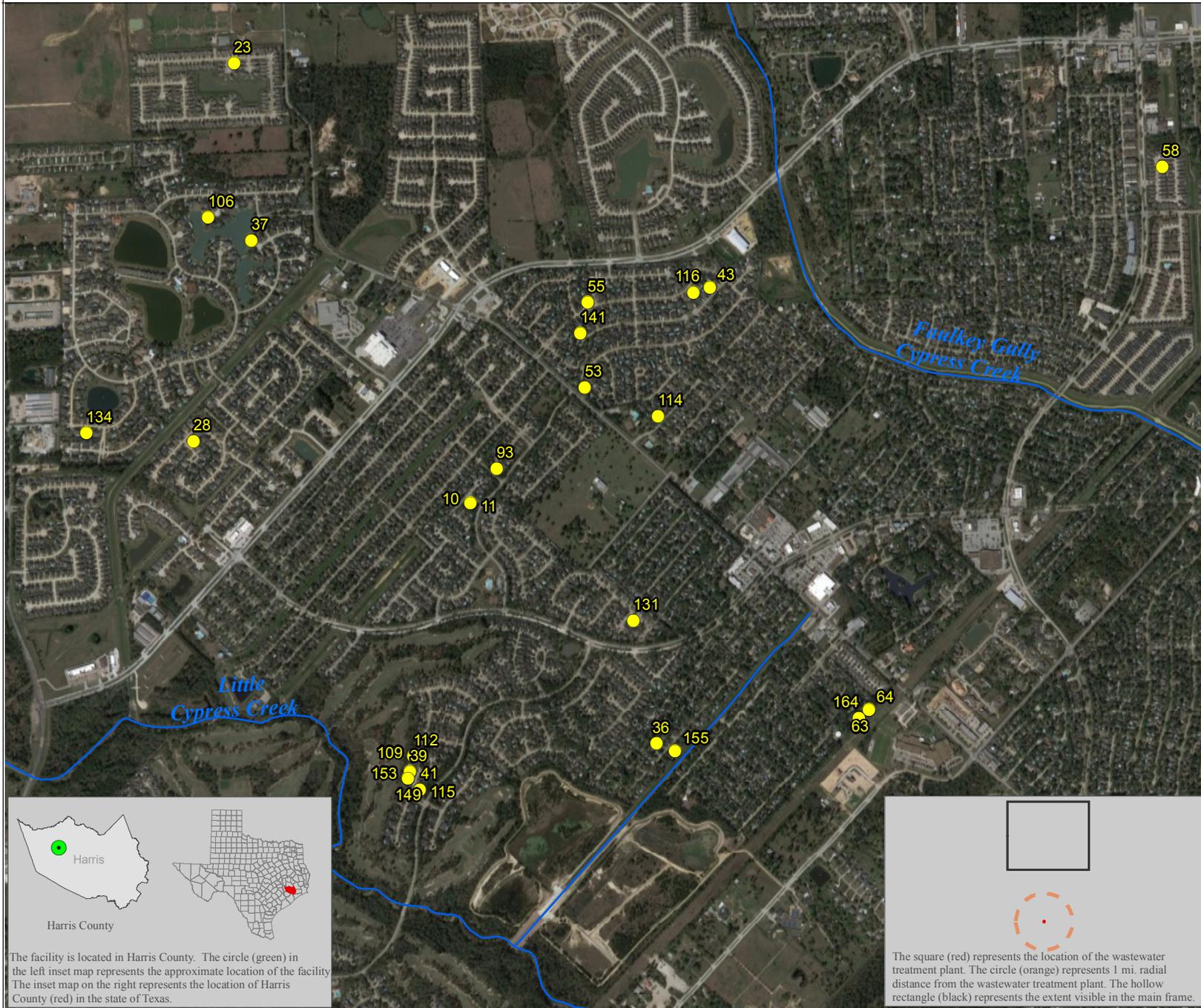
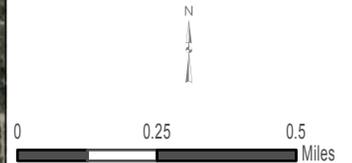
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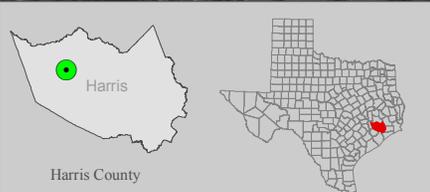
Date: 7/1/2016



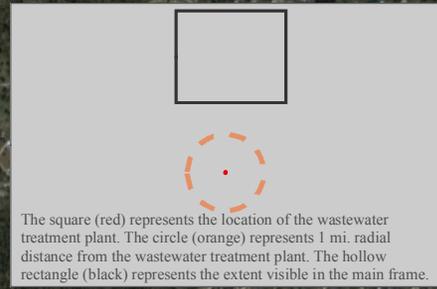
- 1 mi. Downstream Discharge Route
- Rivers
- Requesters

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The square (red) represents the location of the wastewater treatment plant. The circle (orange) represents 1 mi. radial distance from the wastewater treatment plant. The hollow rectangle (black) represents the extent visible in the main frame.

### Requestor Key

ID	NAME
1	Brandy Klafka
2	Patricia Guarino
3	Linda McQuinn
4	Clayton Terry
5	Keven Coates
6	Barbara Smith
7	James Ellis
8	Philip Neisel
9	Terry Deville
10	Sheri Carpenter
11	Peter Carpenter
12	T Weeks
13	O W Kuykendall
14	Karen Zalar
15	Jill Schubert
16	Kirdes Schubert
17	Pat King
18	James King
19	Nancy McCreary
20	Maureen Taylor
21	Bill Taylor
22	Doris Kohut
23	Joyce Young
24	Gail Rudloff
25	Norman J. Woodward
26	Jean LaBelle
27	Robert McCreary
28	T.C. Fleming
29	Scotti Wilkinson
30	Kathryn Hood
31	Greg S Hood
32	Concerned Citizen

33	Lois Saucier
34	Kenneth & Brenda Ahlhorn
35	Michael D Hado
36	Gwen Durrenberger
37	Teri Quance
38	Jason Doolen
39	Elizabeth R Collins
40	Catherine Kralowetz
41	Ray G Collins
42	Deborah A Leppelt
43	Mary Ihfe
44	John S Laird II
45	Louise Purvis
46	Diana Dougherty
47	Robert & Janet Worden
48	A J Warren III
49	John Parker
50	Samuel A Edwards
51	Brenda Reinhardt
52	Haley Mattiza
53	Jeff & Melody Braun
54	David L Rathkamp
55	Mark Kite
56	Donna Rathkamp
57	Renate Hardaway
58	Karolyn Jones
59	Sherry Spears
60	Betty J Allen
61	Susan Brennan
62	Janie Laird
63	Brian Collette
64	Betty Collette
65	Concerned Citizen
67	John M. Sturgill
67	Jennie Mackel

<b>68</b>	Julia Canney
<b>69</b>	John Mackel
<b>70</b>	Marjean Maxwell
<b>71</b>	Marcus Martinez
<b>72</b>	Jody Martinez
<b>73</b>	Sara Salter Ward
<b>74</b>	Darlene King
<b>75</b>	Elayne Arnold
<b>76</b>	C. Radick
<b>77</b>	Tate Blanchard
<b>78</b>	Georgette Blanchard
<b>79</b>	Diana Browning
<b>80</b>	Jarrod L Compton
<b>81</b>	Sandra Compton
<b>82</b>	Dixie Edinger
<b>83</b>	David W Edinger
<b>84</b>	William F Ahlersmeyer
<b>85</b>	Renee Davis
<b>86</b>	Charles Bertani
<b>87</b>	Larry & Kathy Gaithe
<b>88</b>	Eva Cisneros
<b>89</b>	Brett Taylor
<b>90</b>	Chris Edwards
<b>91</b>	Regino Cisneros
<b>92</b>	Lauri Jo McDonald
<b>93</b>	Laura Turcotte
<b>94</b>	Becky Kriegal
<b>95</b>	Robert L Mahan
<b>96</b>	Jerod Hammerstein
<b>97</b>	Amber Pool
<b>98</b>	Jeff Pool
<b>99</b>	Jamie Caraway
<b>100</b>	Nettie J Kuykendall
<b>101</b>	Donald Jett
<b>102</b>	Roseanna West

<b>103</b>	Nipa Kamdar
<b>104</b>	Poppy Parker
<b>105</b>	Cathy Mattiza
<b>106</b>	Carolynn Christian
<b>107</b>	Craig Alford
<b>108</b>	Forres C Ahlhorn Jr
<b>109</b>	Christine Royer
<b>110</b>	Anna Laughlin
<b>111</b>	Henrietta J Kaiser
<b>112</b>	Francis Hassis
<b>113</b>	Lisa C Foley
<b>114</b>	Gina Salway
<b>115</b>	Lawrence Petru
<b>116</b>	LeTricia Wilbanks
<b>117</b>	Ann Cummins
<b>118</b>	Elaine Hartman
<b>119</b>	Allen L Hartman
<b>120</b>	Lynne Boehm
<b>121</b>	Richard W Boehm
<b>122</b>	Forrest B Heap
<b>123</b>	Jena Heap
<b>124</b>	Lauren Heap
<b>125</b>	Ann Wohn
<b>126</b>	Gary Wohn
<b>127</b>	Marianne Johnson
<b>128</b>	Michael Dimiceli
<b>129</b>	Jill Dimiceli
<b>130</b>	Tommy Shelton
<b>131</b>	Stephanie Bounds
<b>132</b>	Pat and Susan Edwards
<b>133</b>	Matthew Lund
<b>134</b>	Chuck & Cathy Atwood
<b>135</b>	Stephen Moore
<b>136</b>	Kim Hamilton
<b>137</b>	Mary Hamilton

<b>138</b>	Sara Garcia
<b>139</b>	Nick Benefiel
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<b>141</b>	Heidi Wheeler
<b>142</b>	Larry Zylicz
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<b>145</b>	Carl Shook
<b>146</b>	Kathleen Zofsak
<b>147</b>	Terri Cesnik
<b>148</b>	Bridget A Todaro
<b>149</b>	Betty L Guthrie
<b>150</b>	Don Royall
<b>151</b>	A C Tally
<b>152</b>	Molly W Tally
<b>153</b>	Edward A Guthrie Jr
<b>154</b>	Karen J. Kimbro
<b>155</b>	Doug Allen
<b>156</b>	William C Wilson
<b>157</b>	Linda Camacho
<b>158</b>	Ofilia Garcia
<b>159</b>	Andrew J Baird
<b>160</b>	Angela Nina Martin
<b>161</b>	Arlis D Dean
<b>162</b>	Adrienne Leigh
<b>163</b>	Jim Black
<b>164</b>	Mike Nelub
<b>165</b>	Michael Patton
<b>166</b>	Kevin Jensen
<b>167</b>	Leah Stephanow
<b>168</b>	Ethan Edwards
<b>169</b>	Brandon W. Newton
<b>170</b>	David Bruce
<b>171</b>	Cathy Levin