

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, July 07, 2016 2:41 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D11132015056

H

From: corey@hendersonperformance.com [mailto:corey@hendersonperformance.com]
Sent: Thursday, July 07, 2016 12:36 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D11132015056

DIS
102181

REGULATED ENTY NAME MEYER RANCH MUD

RN NUMBER: RN108874629

PERMIT NUMBER: D11132015056

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: MEYER RANCH MUD

CN NUMBER: CN605008176

FROM

NAME: Corey Henderson

E-MAIL: corey@hendersonperformance.com

COMPANY:

ADDRESS: 3311 S CRANES MILL RD UNIT 3
NEW BRAUNFELS TX 78132-1649

PHONE: 8306201117

FAX:

COMMENTS: My name is Corey Henderson, I'm a property owner and resident adjacent to the proposed Meyer Ranch MUD Development project on HW46 and S. Cranes Mill Rd. And I am formally requesting a Contested Case Hearing. A year ago March 2015, the residents of this area and Comal County went before the Comal County Commissioners Court and addressed the Meyer Ranch Water Control Improvement District application filed by Mr. Frankie Meyers. It was the findings of the Comal County Commissioners Court

MCC

unanimously deciding there was no need for such a Special Taxation District in Comal County. Well, Mr. Frankie Meyer has applied for the exact same entity with the TCEQ, completely disregarding the findings and decision of the Commissioners Court, only he's dressing it up as a MUD this time instead of a WCID. It is my request that the TCEQ reaffirm Comal County Commissioners Court findings with regards to this new application filed with the TCEQ. It would be disappointing at best if the will of the people as enforced by the County Seat of Comal is overturned by a Governor appointed commission with no desire to support the residents of Comal County as has been shown in numerous decisions based on the commission in the past. I have attached three letters, from Donna Campbell, Doug Miller and Donna Eccleston respectively, stating their opposition to the original MUD which have been filed with the commission previously. Again, it is my request that this commission support the previous judgement of the Commissioners Court of Comal and the citizens who spoke at the meeting on March of 2015 which denied the WCID application to deny this MUD application as well. Please deny this petition for a MUD application. I again, request a contested case hearing if this moves forward so that this special interest taxing entity NOT be allowed in Comal County and that we can settle this issue once and for all.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, July 11, 2016 8:19 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D11132015056
Attachments: Eccleston Letter 1-6-16.pdf

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From: corey@hendersonperformance.com [mailto:corey@hendersonperformance.com]
Sent: Thursday, July 07, 2016 12:39 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D11132015056

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PRINCIPAL NAME: MEYER RANCH MUD

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FROM

NAME: Corey Henderson

E-MAIL: corey@hendersonperformance.com

COMPANY:

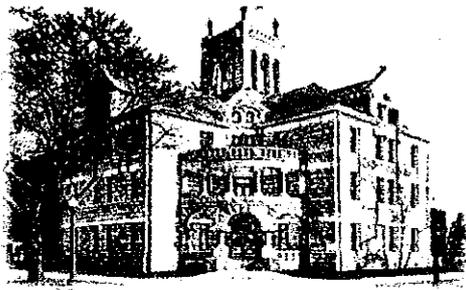
ADDRESS: 3311 S CRANES MILL RD UNIT 3
NEW BRAUNFELS TX 78132-1649

PHONE: 8306201117

FAX:

COMMENTS: See attached.

CM



Comal County
Donna Eccleston
Commissioner Precinct 1

January 6, 2015

Texas Commission on Environmental Quality

Brian Shaw, *Chairman*
Toby Baker, *Commissioner*
Jon Nierman, *Commissioner*
Richard A. Hyde, *Executive Director*

RE: Petition for Creation of Meyer Ranch Municipal District of Comal County
TCEQ Internal Control No. D 11122015-056
CN: 605008176 RN: 108874629

Dear Sirs,

I am writing to you to communicate my deep seated concerns about a Municipal Utility District being created for the Meyer Ranch Development in Comal County. I do not think a MUD is in the best interests of our citizens.

The developers of Meyer Ranch tried to create a WCID under Chapter 51 Texas Water Code through Commissioners Court. They did not meet the test of two of the four requirements, one of which was need for the district and were denied by Commissioners Court.

We have several statutorily created Water Control and Improvement Districts in Comal County. They were carefully crafted to protect our citizens. A Municipal Utility District would not provide these fail safes for the citizens both outside and inside the MUD boundaries. Attached please find language from the statutorily created WCIDs that is of extreme importance as well as an attachment of Comal County Commissioners Court Minutes from March 12, 2014 in reference to the Petition for Creation of Meyer Ranch WCID.

I respectfully request you give these issues serious consideration. I cannot emphasize enough the concerns of the citizens surrounding this property.

Respectfully,

Donna Eccleston



Special District Local Laws Code Section 9037

Sec. 9037.004. CONSENT REQUIRED. (a) The temporary directors may not hold an election under Section 9037.003 until

(3) an agreement that addresses the provision of water and wastewater treatment to the land in the district has been approved and entered into by:

(B) the commissioners court of each county in which the district is located;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, the district's exercise of the power of eminent domain outside the boundaries of the district, drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

the Edwards Aquifer Recharge Zone through neighboring property and into the Comal River.

3. It is not practical. Its creation will cause an unnecessary burden on the future property owners through the creation of or the additional increases in taxes to pay for the funds to pay for the WCID.

Terrell Graham stated for more than a year, they have been fighting the Developer of the Johnson Ranch Development. Their fight started with the Waste Water Treatment Plant permit and because they oppose it they are threatening to take their property. Mr. Graham asked the Commissioners not allow something like this to happen to the Friends of the Dry Comal Creek.

Hearing no one else, Judge Krause closed the Public Hearing.

ATTACHMENT #8

ACTION AGENDA ITEM #9

MARCH 12, 2015

Discuss and consider the Petition for Creation of Meyer Ranch Water Control and Improvement District, and take appropriate action.

Tillman Roots, Assistant Criminal District Attorney, stated the following from Texas Water Code Chapter 51.021. The Commissioners Court shall grant the Petition creating the District if it makes four findings. Those four findings are:

1. Organization of the District as requested is feasible and practicable;
2. The land to be included and residents of the proposed District will be benefited by the creation of the District;
3. There is a public necessity or need for the District; and
4. The creation of the District would further the public welfare.

Mr. Roots stated if the Court fails to make any of those four findings it shall not create the District.

Judge Krause asked if there were any questions or comments from the Court. Hearing no one, he asked what the pleasure of the Court is.

Commissioner Eccleston stated in reference to Action Agenda Item #9 under Section 51.021 subsection (b) of the Water Code. If the Court fails to make the four findings required by subsection (a) it shall refuse to grant the petition. Commissioner Eccleston stated, "I move that the Court finds the following:

1. Under requirement 3, there is no public necessity or need for the District. There is no housing shortage in that area of the County and there are no

impediments to development in that area of the County under existing statute and County Orders.

2. Under requirement 4, the creation of the District does not further the public welfare because there is no need for the District. It would be another unnecessary layer of bureaucracy and increase taxes."

Commissioner Eccleston stated "Being that requirements 3 and 4 have not been met, there is no reason to address the first two requirements. As such, I move to deny the Petition for creation of Meyer Ranch Water Control and Improvement District." The motion was seconded by Commissioner Crownover.

Judge Krause stated we have a motion by Commissioner Eccleston, a second by Commissioner Crownover to deny the Petition for the Meyer Ranch Water Control and Improvement District. All voting "AYE," the motion carried.

Judge Krause asked if there were any comments from the Petitioner. Hearing none, Judge Krause moved onto the next agenda item.

ATTACHMENT #9

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, July 11, 2016 8:19 AM
To: Pubcomment-DIS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D11132015056
Attachments: Doug Miller Letter Meyer MUD_0404.pdf

From: corey@hendersonperformance.com [mailto:corey@hendersonperformance.com]
Sent: Thursday, July 07, 2016 12:38 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
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CN NUMBER: CN605008176

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NAME: Corey Henderson

E-MAIL: corey@hendersonperformance.com

COMPANY:

ADDRESS: 3311 S CRANES MILL RD UNIT 3
NEW BRAUNFELS TX 78132-1649

PHONE: 8306201117

FAX:

COMMENTS: See attached.

MW



DOUG MILLER

STATE REPRESENTATIVE • DISTRICT 73
COMAL • GILLESPIE • KENDALL

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DOUG.MILLER@HOUSE.STATE.TX.US

DISTRICT
407 W. Mill St.
NEW BRAUNFELS, TEXAS 78130
(830) 625-1313
FAX (830) 625-1747

January 14, 2016

Texas Commission on Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

Re: Petition for Creation of Meyer Ranch Municipal Utility District of Comal County
TCEQ Internal Control No. D 11122015-056
CN: 605008176 RN: 108874629

Dear Commissioners,

I am writing to express my opposition to the Petition for Creation of Meyer Ranch Municipal Utility District of Comal County. I share a number of the concerns outlined in letters sent to you by Senator Donna Campbell on January 7 and by Comal County Commissioner Donna Eccleston on January 6.

It is my understanding that the developers of Meyer Ranch failed to demonstrate a need for a Water Control and Improvement District when they attempted to do so before the Comal County Commissioners Court. Particularly given that failure, there appears to be no pressing need for creating a municipal utility district at this time, and whether any such district should be created can be decided when the Texas Legislature reconvenes in January 2017.

As the State Representative for Comal County and Chairman of the Committee on Special Purpose Districts in the Texas House of Representatives, my preference, if possible, is that any municipal utility district in this area have the approval of the Districts' legislators prior to Commission consideration.

Very truly yours,

Doug Miller
State Representative
District 73

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Sent: Monday, July 11, 2016 8:19 AM
To: Pubcomment-DIS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D11132015056
Attachments: Donna Campbell Letter_0402.pdf

From: corey@hendersonperformance.com [mailto:corey@hendersonperformance.com]
Sent: Thursday, July 07, 2016 12:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
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CN NUMBER: CN605008176

FROM

NAME: Corey Henderson

E-MAIL: corey@hendersonperformance.com

COMPANY:

ADDRESS: 3311 S CRANES MILL RD UNIT 3
NEW BRAUNFELS TX 78132-1649

PHONE: 8306201117

FAX:

COMMENTS: See attached.

mm



DONNA CAMPBELL, M.D.

TEXAS STATE SENATOR
DISTRICT 25

January 7, 2016

Bryan W. Shaw, Ph.D., P.E.
Chairman, Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Chairman Shaw & Commissioners,

Thank you for all you do to keep the citizens of Texas safe by vigilantly safeguarding our environment. I am an outspoken advocate for the private property rights of our citizens and for lowering excessive regulatory burdens on our businesses. However, a proposed real estate development has come to my attention about which I am concerned. Though I do not have standing in this matter, I would like it to be known that I support the request for a contested case hearing on Texas Pollutant Discharge Elimination System (TPDES) Permit no. WQ0015314001.

The application for a new TPDES permit for the Randolph Todd Meyer Ranch Wastewater Treatment Plant is necessary solely because the proposed housing development's density is substantially higher than the county's 1-acre homesite requirement for septic system permits. Further, the Comal County Commissioner's Court denied Randolph Todd's application for a Water Control & Improvement District due to its lack of necessity and its failure to further the public welfare. Now property owner Franklin Meyer has applied to your agency for the creation of a Municipal Utility District in complete disregard of the will of the representative body that speaks for the citizens of Comal county.

An additional concern regarding the waterwater discharge permit is that the applicant, Randolph Todd, is not the owner of the proposed site of the treatment plant, has not obtained legal consent or easement, but has only agreed to the purchase of the property if the permit is granted. That is contrary to TCEQ's rules and it puts the Commission in the zoning business, which cannot be your desire.

Finally, the fact that the proposed treatment plant is located directly over the sensitive Edwards Aquifer recharge zone is of utmost concern. I realize that the force of gravity is necessary to deliver the untreated water to the plant, thus dictating its location. However, the fact that the effluent is pumped through pipes a mile upstream from the plant to be released over the less-regulated contributory zone seems to be an avoidance of the stringent rules for discharge over a dry creek in the recharge zone. Our water is one of our most precious resources and having to

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DIAL 711 FOR RELAY CALLS



DONNA CAMPBELL, M.D.
TEXAS STATE SENATOR
DISTRICT 25

avoid the rules meant to protect it may just mean that this project is not right for our county.

I appreciate your taking the time to read and consider my concerns. I hope you will feel free to contact our office should you have any questions.

Sincerely,


Donna Campbell, M.D.
State Senator District 25

DC/kf
CC: Mr. Ed Harris
Ms. Sabrina Houser