

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 19, 2022

TO: Persons on the Attached Mailing List

**RE: Docket No. 2022-0091-MWD
Green Valley Special Utility District (Applicant)
Request(s) filed on Permit No. WQ0015917001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **February 23, 2022**. The meeting will begin at 9:30 a.m. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **January 31, 2022**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **February 14, 2022**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the

commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Laurie Gharis

Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

MAILING LIST
GREEN VALLEY SPECIAL UTILITY DISTRICT
DOCKET NO. 2022-0091-MWD; PERMIT NO. WQ0015917001

FOR THE APPLICANT:

via electronic mail:

Pat Allen, General Manager
Green Valley Special Utility District
P.O. Box 99
Marion, Texas 78124
Tel: (830) 914-2330
Fax: (830) 420-4138
pallen@gvsud.org

Garry Montgomery, P.E.
Principal & Project Manager
Utility Engineering Group, LLC
191 North Union Avenue
New Braunfels, Texas 78130
Tel: (830) 214-0521
garrym@uegpros.com

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-0600
Fax: (512) 239-0606
kathy.humphreys@tceq.texas.gov

Abdur Rahim, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 3087
Austin, Texas 78711
Tel: (512)239-0504
Fax: (512) 239-4430
abdur.rahim@tceq.texas.gov

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-4000
Fax: (512) 239-5678
pep@tceq.texas.gov

FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Vic McWherter, Public Interest Counsel
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-6363
Fax: (512) 239-6377
vic.mcwherter@tceq.texas.gov

FOR ALTERNATIVE DISPUTE
RESOLUTION

via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-0687
Fax: (512) 239-4015
kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-3300
Fax: (512) 239-3311
<https://www14.tceq.texas.gov/epic/eFiling/>

REQUESTER(S) / INTERESTED
PERSON(S):

See attached list.

REQUESTER(S)

Maris M Chambers
Lloyd Gosselink Rochelle & Townsend Pc
816 Congress Ave
Ste 1900
Austin, TX 78701-2442

Mrs Michelle Daigle
15157 Miller Rd
Saint Hedwig, TX 78152-9781

Lauren Ice
Perales Allmon & Ice Pc
1206 San Antonio St
Austin, TX 78701-1834

David J Klein
Lloyd Gosselink Rochelle & Townsend Pc
816 Congress Ave
Ste 1900
Austin, TX 78701-2442

Mrs Martha J Kosub
Kosub Farms
3740 Stapper Rd
Saint Hedwig, TX 78152-9730

Kathy Jeanette Lauderdale
3746 Stapper Rd
Unit 3
Saint Hedwig, TX 78152-9778

Shane Ott
3519 Creekside Dr
Saint Hedwig, TX 78152-9785

Stephanie Ott
3519 Creekside Dr
Saint Hedwig, TX 78152-9785

Rolf Schaefer
Po Box 988
Adkins, TX 78101-0988

Wendy Schaefer
1390 N Gable Rd
Saint Hedwig, TX 78152-9798

Wendy Schaefer
Po Box 988
Adkins, TX 78101-0988

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

The Honorable Leo Pacheco
State Representative, Texas House Of
Representatives District 118
Po Box 2910
Austin, TX 78768-2910

INTERESTED PERSON(S)

Rose Ann Adams
16424 Mergele Rd
Saint Hedwig, TX 78152

John Bedecarre
Perales Allmon & Ice Pc
1206 San Antonio St
Austin, TX 78701-1834

Mrs Christine Berry
15169 Miller Rd
Saint Hedwig, TX 78152-9781

Matthew Berry
15169 Miller Rd
Saint Hedwig, TX 78152-9781

Andrew & Cathleen Blackmon
216 Lakota Ct
Cibolo, TX 78108

Barry Booth
1840 Kajec Dr
Saint Hedwig, TX 78152

Ramon Chapa Jr
Po Box 460785
San Antonio, TX 78246

Darleen Clapper
Po Box 12
Saint Hedwig, TX 78152-0012

Matthew N Clapper
Po Box 12
Saint Hedwig, TX 78152-0012

Cheryl Cole
3801 Stapper Rd
Saint Hedwig, TX 78152-9731

Steve Cooper
213 Bee Caves Cv
Cibolo, TX 78108

Tom Crouch
13174 Adkins Saint Hedwig Rd
Saint Hedwig, TX 78152

Mr Brenden Daigle
15157 Miller Rd
Saint Hedwig, TX 78152-9781

Cynthia L Davis
15545 Shay Pass
Marion, TX 78124-6609

Bryan Dekay
14419 Miller Rd
Saint Hedwig, TX 78152

Joy Drady
15025 New Berlin Rd
Saint Hedwig, TX 78152

Clint Ellis
Po Box 930
Schertz, TX 78154-0930

Katie Farias
State Senator Ronald Gutierrez District 19
3175 Sidney Brooks St
Bldg 470
San Antonio, TX 78235

Brittany Flannery
14887 Miller Rd
Saint Hedwig, TX 78152

Ken Gorman
4280 Stapper Rd
Unit 3
Saint Hedwig, TX 78152

Anna Gravell
1820 Kajec Dr
Saint Hedwig, TX 78152

Dee Grimm
Mayor, City Of Saint Hedwig
13065 Fm 1346
Saint Hedwig, TX 78152

Dee Grimm
Mayor, City Of Saint Hedwig
Po Box 40
Saint Hedwig, TX 78152-0040

Gladys & Ralph Haecker
8205 Trainer Hale Rd
Schertz, TX 78154

Richard Hammon
2782 Pittman Rd
Saint Hedwig, TX 78152

Charles L Jeffers
801 N Saint Marys St
San Antonio, TX 78205-1325

Robert W Johnson
14780 E Lupon Rd
Saint Hedwig, TX 78152

Mr Jerry Keeney
4415 Stapper Rd
Saint Hedwig, TX 78152-9733

Allen Shane King
15193 Miller Rd
Saint Hedwig, TX 78152-9781

Mary King
3746 Stapper Rd
Unit 1
Saint Hedwig, TX 78152-9778

Mr Paul Joseph Kosub
Kosub Farms
3740 Stapper Rd
Saint Hedwig, TX 78152-9730

Theodore & Victoria Kosub
15240 New Berlin Rd
Saint Hedwig, TX 78152-8307

Vicki Kosub
15240 New Berlin Rd
Saint Hedwig, TX 78152-8307

Tyler Kraemer
15251 Miller Rd
Saint Hedwig, TX 78152-9781

Kathy Lauderdale
Po Box 305
Saint Hedwig, TX 78152

Justin Lebo
4516 W Fork Dr
Schertz, TX 78154-3050

Justin Lebo
14895 Miller Rd
Saint Hedwig, TX 78152-9687

Mary Lebo
14895 Miller Rd
Saint Hedwig, TX 78152-9687

Carol J Lillie
14740 Miller Rd
Saint Hedwig, TX 78152

Gwyneth Lonergan
Perales Allmon & Ice Pc
1206 San Antonio St
Austin, TX 78701-1834

Connie Low
Po Box 220
Saint Hedwig, TX 78152-0220

Ms Erin Macleod
139 Braniff Dr
San Antonio, TX 78216-3302

Mr Mark A Maddox
13700 Miller Rd
Saint Hedwig, TX 78152-9741

Charles Mais
14489 Miller Rd
Saint Hedwig, TX 78152

Clarence Maron
16065 E Gable Rd
Saint Hedwig, TX 78152

Ryan Mausen
Po Box 930
Schertz, TX 78154-0930

Scott McClelland
10 Commercial Pl
Bldg 2
Schertz, TX 78154-3101

Timothy Miller
2416 Ranger Pass
Seguin, TX 78155

Tina M Neish
15010 New Berlin Rd
Saint Hedwig, TX 78152-9507

Matt Nichols
507 Duncan Dr
San Marcos, TX 78666

Mr Leon Lynn Nickles Jr
Po Box 88
Saint Hedwig, TX 78152-0088

Rob Oldcorn
15265 New Berlin Rd
Saint Hedwig, TX 78152-8307

Mrs Susan L Oldcorn
15265 New Berlin Rd
Saint Hedwig, TX 78152-8307

Mrs Jacqueline Ott
3514 Creekside Dr
Saint Hedwig, TX 78152-9784

Ronnie Ott
3514 Creekside Dr
Saint Hedwig, TX 78152-9784

Shane & Stephanie Ott
3519 Creekside Dr
Saint Hedwig, TX 78152

Tracy Parris
15043 New Berlin Rd
Saint Hedwig, TX 78152-9507

Brett Peters
3685 Stapper Rd
Saint Hedwig, TX 78152

Stephen Plate
12910 Pittman Rd
Adkins, TX 78101-2570

Denise Preston
14667 E Lupon Rd
Saint Hedwig, TX 78152

Helene Race
14489 Miller Rd
Saint Hedwig, TX 78152

Ms Dana Rachal
Lloyd Gosselink Rochelle & Townsend Pc
816 Congress Ave
Ste 1900
Austin, TX 78701-2442

Arthur Rakowitz
Po Box 737
Adkins, TX 78101

Jacob Ramzinski
15130 Saint Hedwig Rd
Saint Hedwig, TX 78152

Lester Ramzinski
15130 Saint Hedwig Rd
Saint Hedwig, TX 78152

Chuck & Debbie Real
15492 Real Rock Rd
Marion, TX 78124

Patrick Real
5500 Lower Seguin Rd
Cibolo, TX 78108

Geraldine Z Scheel
8006 Sturdy Oaks Trl
Live Oak, TX 78233

Garrick & Linda Schroeder
1730 Kajec Dr
Saint Hedwig, TX 78152

James M & Madelyn Shodrock
15554 Real Rock Rd
Marion, TX 78124

Madelyn Shodrok
15554 Real Rock Rd
Marion, TX 78124

Jennifer Shortess
11 Commercial Pl
Schertz, TX 78154-3102

David Sill
624 Sea Willow Dr
Marion, TX 78124-6574

Eileen Slater
13181 Adkins Saint Hedwig Rd
Saint Hedwig, TX 78152-8209

Dorina Thate
14887 Miller Rd
Saint Hedwig, TX 78152

Michael Traugott Jr
14891 Miller Rd
Saint Hedwig, TX 78152

Russell Vanbremen
15181 Miller Rd
Saint Hedwig, TX 78152

Patrick Warren Wilks
Po Box 394
Saint Hedwig, TX 78152-0394

Suzanne Williams
615 Lockener Ave
New Braunfels, TX 78130

Lori Weitena
Po Box 264
Saint Hedwig, TX 78152-0264

Blake Yantis
12018 Indigo Bnd
San Antonio, TX 78230

Shari L Zoblosky
15045 New Berlin Rd
Saint Hedwig, TX 78152-9507

Jeff Zunker
139 Braniff Dr
San Antonio, TX 78216-3302