

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*

October 12, 2022

**TO: Persons on the Attached Mailing List**

**RE: Docket No. 2022-1155-MWD  
Gram Vikas Partners, Inc. (Applicant)  
Request(s) filed on Permit No. WQ0015990001**

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 **November 16, 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](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 **October 24, 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 **November 7, 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](http://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.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

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**  
**GRAM VIKAS PARTNERS, INC.**  
**DOCKET NO. 2022-1155-MWD; PERMIT NO. WQ0015990001**

FOR THE APPLICANT:

via electronic mail:

Kelly Leach, President  
Gram Vikas Partners, Inc.  
215 West Bandera Road, #114-474  
Boerne, Texas 78006  
Tel: (210) 827-7918  
Fax: (830) 249-4791  
[kellywelovedirt@gmail.com](mailto:kellywelovedirt@gmail.com)

Aaron Laughlin, P.E., Project Manager  
Steger Bizzell  
1979 South Austin Avenue  
Georgetown, Texas 78626  
Tel: (512) 930-9412  
Fax: (512) 930-9416  
[alaughlin@stegerbizzell.com](mailto:alaughlin@stegerbizzell.com)

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Bobby Salehi, 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  
[bobby.salehi@tceq.texas.gov](mailto:bobby.salehi@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](mailto: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](mailto:pep@tceq.texas.gov)

FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Garrett T. Arthur, 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  
[garrett.arthur@tceq.texas.gov](mailto:garrett.arthur@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](mailto:kyle.lucas@tceq.texas.gov)

FOR THE CHIEF CLERK:

via electronic mail:

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  
[www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings)

REQUESTER(S) / INTERESTED  
PERSON(S):

See attached list.

**REQUESTER(S)**

Mary Annis Allen  
8096 Fm 1101  
Seguin, TX 78155-0481

William G Bunch  
Executive Director, Save Our Springs Alliance  
4701 W Gate Blvd  
Ste D401  
Austin, TX 78745-1479

Tristan Castaneda Jr  
502 W 13Th St  
Tx  
Austin, TX 78701-1827

Tristan Castaneda Jr  
502 W 13Th St # Tx  
Austin, TX 78701-1827

Drew Engelke  
101 E Court St  
Seguin, TX 78155-5729

Byron Evans  
2225 Watson Ln E  
New Braunfels, TX 78130-2623

Mr Patrick Flint  
2505 Stetson  
New Braunfels, TX 78130-0209

Michael Lingensjo  
2549 Stetson  
New Braunfels, TX 78130-0209

Rita Lingensjo  
2549 Stetson  
New Braunfels, TX 78130-0209

Karen F Montgomery  
2536 Stetson  
New Braunfels, TX 78130-0209

Annalisa Peace  
Greater Edwards Aquifer Alliance  
1809 Blanco Rd  
San Antonio, TX 78212-2616

Annalisa Peace  
Greater Edwards Aquifer Alliance  
Po Box 15618  
San Antonio, TX 78212-8818

Mr David A Price  
Texas Rivers Protection Association  
444 Pecan Park Dr  
San Marcos, TX 78666-8544

Victoria Rose  
Save Our Springs Alliance  
4701 W Gate Blvd  
Ste D401  
Austin, TX 78745-1479

Diane C Scott  
8155 Fm 1101  
Seguin, TX 78155-0425

James Seeger  
8601 Fm 1101  
Seguin, TX 78155-0421

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

The Honorable John Kuempel  
State Representative, Texas House of  
Representatives District 44  
Po Box 2910  
Austin, TX 78768-2910

**INTERESTED PERSON(S)**

Jay Allen  
12305 Huber Rd  
Seguin, TX 78155-0428

Lanette Badling  
29 Lone Oak Trl  
Sunset Valley, TX 78745-2609

Marla Baker  
8485 Fm 1101  
Seguin, TX 78155-0209

Robert Bryant Sr  
999 Schwarzlose Rd  
New Braunfels, TX 78130-2752

Valorie Canales  
Clayton Homes  
2137 N Ih 35  
New Braunfels, TX 78130-2511

Kim Collier  
Clayton Homes  
21371 35 N  
New Braunfels, TX 78130-2511

Kimberly Collier  
2528 Stetson  
New Braunfels, TX 78130-0209

Clay Cone  
13501 Huber Rd  
Seguin, TX 78155-2260

Douglas Dehman  
8447 Fm 1101  
Seguin, TX 78155-0209

Kara Finlayson  
199 Ski Plex Dr  
Seguin, TX 78155-1970

Clay Forister  
310 W Ih 10  
Seguin, TX 78155-1429

Clay Forister  
Guadalupe County  
2605 N Guadalupe St  
Seguin, TX 78155-7356

Gib C Gilbert  
6510 Fm 1101  
New Braunfels, TX 78130-7107

Mr Nathan M Glavy  
Greater Edwards Aquifer Alliance  
1809 Blanco Rd  
San Antonio, TX 78212-2616

Mr Nathan M Glavy  
Greater Edwards Aquifer Alliance  
Po Box 15618  
San Antonio, TX 78212-8818

Tom Goynes  
Texas Rivers Protection Association  
444 Pecan Park Dr  
San Marcos, TX 78666-8544

Cameron & Mia Granzin  
2525 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2521 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2508 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2512 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2516 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2529 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2545 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2525 Stetson  
New Braunfels, TX 78130-0209

Dawn Helms  
Clayton Homes Of New Braunfels  
2541 Stetson  
New Braunfels, TX 78130-0209

Carlton Henk  
805 Weston Rd  
Marion, TX 78124-1335

Ronald B Ison Iii  
2528 Stetson  
New Braunfels, TX 78130-0209

Marty Kelly  
Texas Parks And Wildlife Department  
4200 Smith School Rd  
Austin, TX 78744-3218



Jay Kramer  
496 Commercial Dr  
Buda, TX 78610-3536

Kyle Kutscher  
101 E Court St  
Seguin, TX 78155-5729

David Lapham  
29 Lone Oak Trl  
Sunset Valley, TX 78745-2609

Patrick Lynch Iii  
376 Aspen Waters  
New Braunfels, TX 78130-0115

Patrick Lynch  
2115 Stephens Pl  
Ste 400E  
New Braunfels, TX 78130-2134

Brittney Madden  
Chief of Staff, Texas House Representative  
John Kuempel  
Po Box 2910  
Austin, TX 78768-2910

Barbara Mayfield  
2517 Stetson  
New Braunfels, TX 78130-0209

Thomas L Mayfield  
2517 Stetson  
New Braunfels, TX 78130-0209

Mrs Crystal Dawn Mishler  
2513 Stetson  
New Braunfels, TX 78130-0209

John Franklin Montgomery  
2536 Stetson  
New Braunfels, TX 78130-0209

Steve Morga  
1700 Isaac Creek Cir  
New Braunfels, TX 78132-3253

Alan Lee Mow  
2548 Stetson  
New Braunfels, TX 78130-0209

Corina Bautista Mow  
2548 Stetson  
New Braunfels, TX 78130-0209

Cody Murdoch  
Clayton Homes  
2524 Stetson  
New Braunfels, TX 78130-0209

Cody Murdoch  
Clayton Homes  
2528 Stetson  
New Braunfels, TX 78130-0209

Cody Murdoch  
Clayton Homes  
2544 Stetson  
New Braunfels, TX 78130-0209

Cody Murdoch  
Clayton Homes  
2553 Stetson  
New Braunfels, TX 78130-0209

Charles Pfluger  
6960 Fm 1101  
New Braunfels, TX 78130-7108

Charlie & Lindsay Pfluger  
6960 Fm 1101  
New Braunfels, TX 78130-7108

Steve Rasette  
2553 Stetson  
New Braunfels, TX 78130-0209

Trina Seagraves  
2552 Stetson  
New Braunfels, TX 78130-0209

Sheena Sihvonen  
761 Moonglow Ave  
New Braunfels, TX 78130-5341

Jennifer Tapia  
2533 Stetson  
New Braunfels, TX 78130-0209

David Tuckfield  
The AI Law Group PLLC  
12400 W Highway 71  
Ste 350-150  
Bee Cave, TX 78738-6517

Roger Tuttle  
14 Horseshoe Trl  
New Braunfels, TX 78132-3726

Jeni Ware  
Clayton Homes  
2137 N Ih 35  
New Braunfels, TX 78130-2511