

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*

December 7, 2022

TO: Persons on Attached Mailing List

RE: **Lampasas County Municipal Utility District No. 1; Requests filed regarding Creation; TCEQ Docket No. 2022-1653-DIS; Internal Control No. D-07062022-010**

The above-referenced application and all timely filed hearing requests on the above-referenced application will be considered by the Commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **January 25, 2023**. 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 request(s) have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these requests on or before 5:00 p.m. on **December 19, 2022**. Persons who filed requests (Requesters) may file a written reply to responses on or before 5:00 p.m. on **January 13, 2023**. All responses and replies must be filed with the Chief Clerk of the TCEQ, and sent on the same day to all individuals on the attached mailing list. Responses and replies may be filed with the Chief Clerk electronically at: <https://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's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311).

The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§1.10-1.11. The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h).

The Commissioners will not take oral argument or public comment on this matter, but may wish to ask questions of the Applicant, Requesters, or staff. The Commissioners will make their decision based on the requests, written responses to the requests, any written replies to those responses, and any response to questions.

Copies of all requests have also been referred to the Alternative Dispute Resolution Program, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand public participation and the processing of requests. Individual members of the public may seek further information concerning the application, public participation, the processing of requests, copies of Commission rules, or the attachment, by calling the Public Education Program toll free, 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

### Public Participation in TCEQ Proceedings

The Commission encourages public participation. The Commission's Public Education Program provides individual members of the public information on applications, and on Commission procedures. The Public Education Program may respond to your inquiries in writing and provide you with information. They may be reached, toll free, at 1-800-687-4040.

The formal way for public participation is through the contested case hearing. The law allows for holding contested case hearings on certain types of applications; the remainder of this document provides an overview of the processing of requests for a contested case hearing. It describes the requirements for a hearing request and how the Commission processes hearing requests.

A hearing request must:

- (1) give the name, address, and daytime telephone 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, 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;
- (3) request a contested case hearing;
- (4) provide any other information specified in the public notice of application;
- (5) be timely filed with the Chief Clerk, as set out in the public notice; and
- (6) be pursuant to a right to hearing authorized by law.

The three Commissioners determine the validity of hearing requests, and vote to approve or deny the hearing requests during a public meeting, which are usually held every other Wednesday in Austin. Leading up to the meeting, the following occurs:

- (1) the written hearing requests are distributed to the Executive Director, the Public Interest Counsel, and the Applicant; these persons may file a response to the hearing requests 23 days before the meeting;
- (2) the hearing requester may then file a reply to the responses nine days before the meeting; this is the hearing requester's opportunity to correct any deficiencies in the hearing request that have been identified by TCEQ staff or the applicant. The hearing requester should be sure to submit any information (for example, maps or diagrams showing the requestor's location relative to the applicant's proposed activities) by this deadline he or she wishes the Commissioners to consider; and
- (3) the Commissioners read the hearing requests, the responses to the hearing requests, and the replies, before the public meeting. Then during the public meeting the Commissioners discuss the application and the hearing requests, and vote to grant or deny the hearing requests.

If the Commissioners deny the hearing requests then they often will proceed and vote to approve or deny the application. If the Commissioners grant the hearing requests they will refer the application to the State Office of Administrative Hearings (SOAH), which will conduct a contested case hearing. A SOAH judge will then submit a recommendation to the Commission to approve or deny the application.

The Commission's evaluation of a hearing request is based on Texas Water Code Chapter 5, which provides the Commission need not grant a hearing request if the requester does not have a personal justiciable interest. The Commission's rules on processing hearing requests are at 30 Texas Administrative Code, Chapter 55. The "personal justiciable interest" requirement means that a hearing requester must be impacted personally, not just as a member of the general public, by the Commission's decision on the application. Also, the hearing requester's interest must be "justiciable," meaning the Commission will grant hearing requests only if the requester complains of matters within the Commission's authority. A hearing request complaining of other matters outside the Commission's authority would be denied.

The Alternative Dispute Resolution Program may contact hearing requesters to learn if they would participate in informal discussions with the applicant and a mediator. The Public Interest Counsel may also provide information on the processing of hearing requests.

By necessity this document gives a very general description of Commission procedures. Please call 1-800-687-4040 to get answers about your specific questions.

**MAILING LIST**  
**LAMPASAS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**  
**DOCKET NO. 2022-1653-DIS; INTERNAL CONTROL NO. D-07062022-010**

FOR THE APPLICANT

via electronic mail:

Richard Hamala, Attorney  
Tiemann Shahady & Hamala PC  
102 North Railroad Avenue  
Pflugerville, Texas 78660  
Tel: (512) 251-1920  
Fax: (512) 251-8540  
[rhamala@tiemannlaw.com](mailto:rhamala@tiemannlaw.com)

Ken Heroy, P.E., President  
Jones-Heroy & Associates, Inc.  
13915 North Mopac Expressway, Suite 408  
Austin, Texas 78728  
Tel: (512) 989-2200  
[kenh@jones-heroy.com](mailto:kenh@jones-heroy.com)

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Harrison "Cole" Malley, 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  
[harrison.malley@tceq.texas.gov](mailto:harrison.malley@tceq.texas.gov)

James Walker, Technical Staff  
Texas Commission on Environmental Quality  
Water Supply Division, MC-152  
P.O. Box 13087  
Austin, Texas 78711  
Tel: (512) 239-2532  
Fax: (512) 239-2214  
[james.walker@tceq.texas.gov](mailto:james.walker@tceq.texas.gov)

Ryan Vise, Deputy Director  
Texas Commission on Environmental Quality  
External Relations Division, 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:

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://www.tceq.texas.gov/goto/efilings>

REQUESTER(S)/INTERESTED PERSON(S):

See attached list.

**REQUESTER(S)**

Richard Andrews  
5971 County Road 1255  
Lampasas, TX 76550-3120

Billy & Tasha Bates  
Po Box 605  
Lampasas, TX 76550-0005

John R & Sheila Bean  
1322 Fm 1494  
Lampasas, TX 76550-3157

Concerned Citizen  
Po Box 1866  
Lampasas, TX 76550-0015

Morgan Goen Kaldis  
715 County Road 1139  
Lampasas, TX 76550-3034

Dr. Karley Anne Goen  
Wcm Ranch  
715 County Road 1139  
Lampasas, TX 76550-3034

Virginia Hodges  
6368 W Fm 580  
Lampasas, TX 76550-3661

Janet Machen  
698 Private Road 1296  
Lampasas, TX 76550-3090

Craig A & Stacey L Meengs  
7570 County Road 1255  
Lampasas, TX 76550-3272

Suzanne Smith Rush  
715 County Road 1139  
Lampasas, TX 76550-3034

Ronnie & Sharon Smith  
715 County Road 1139  
Lampasas, TX 76550-3034

Mary Joyce & Randel C Taylor  
5893 County Road 1255  
Lampasas, TX 76550-3294

Granvil D & Judith Gail Treece  
927 Private Road 1236  
Lampasas, TX 76550-2109

Thomas F Virr  
1400 Fieldstone St  
Cedar Park, TX 78613-4156

Jane Tull & Thomas M Watson Iii  
Po Box 1866  
Lampasas, TX 76550-0015

Thomas M Watson Iii  
Po Box 1866  
Lampasas, TX 76550-0015

Paul Wilborn  
Po Box 444  
Lampasas, TX 76550-0004

Burton William Rawson Goen  
715 County Road 1139  
Lampasas, TX 76550-3034

**INTERESTED PERSON(S)**

Randall Hoyer  
501 E 4Th St  
Ste 103  
Lampasas, TX 76550-2957