

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, July 25, 2022 10:20 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H

From: calder1320@yahoo.com <calder1320@yahoo.com>
Sent: Sunday, July 24, 2022 12:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Charlie Alder

EMAIL: calder1320@yahoo.com

COMPANY:

ADDRESS: 1320 HUNTINGTON TRL
ROUND ROCK TX 78664-9316

PHONE: 5122518125

FAX:

COMMENTS: I would like to attend a hearing on this proposal.

WQ
128305

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, August 18, 2022 9:28 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

PM
PH

From: kltraeger@yahoo.com <kltraeger@yahoo.com>
Sent: Wednesday, August 17, 2022 3:48 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Karen Blakey

EMAIL: kltraeger@yahoo.com

COMPANY:

ADDRESS: 1328 HUNTINGTON TRL
ROUND ROCK TX 78664-9316

PHONE: 5126895230

FAX:

COMMENTS: I would like to request a public meeting for this permit. What is this for, exactly? Is this for a wastewater treatment plant? It's right next to many houses & across the street from an elementary school! Who will be served by this facility? I object to it being built here. The smell will blow directly into my neighborhood all summer. What effect will this facility have on traffic & improvements? What is the environmental impact? Why would it need to go at the edge of

Pflugerville, yet would mostly adversely affect Hutto & Round Rock residents? Why would this be placed right where homes, an elementary school, grocery stores and dining establishments are located all immediately around it? There are so many reasons why this is a bad idea. How was this site selected for this facility? Please hold a public hearing and notify me of any meetings regarding this permit.

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Friday, October 20, 2023 1:32 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001
Attachments: Hutto Request for Contested Case Hearing.pdf

H

From: jfreeland@mandf.com <jfreeland@mandf.com>
Sent: Thursday, October 19, 2023 2:48 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

NAME: Joe Freeland

EMAIL: jfreeland@mandf.com

COMPANY: Mathews & Freeland, LLP

ADDRESS: 8140 N MOPAC EXPY Ste 4-240
AUSTIN TX 78759-8837

PHONE: 5124047800

FAX:

COMMENTS: City of Hutto requests a contested case hearing as set out in the attached letter.

MATHEWS & FREELAND, LLP

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND
BEN MATHEWS

8140 North MoPac Expressway
Westpark IV, Suite 240
Austin, Texas 78759
512-404-7800

MARK WALKER
OF COUNSEL

October 19, 2023

Via Electronic Submission

Laurie Gharis, Chief Clerk
TCEQ MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: City of Hutto's Request for Contested Case Hearing regarding TPDES Permit No. WQ0016145001 requested by Preserve Hutto, LLC

Dear Chief Clerk:

On behalf of the City of Hutto ("Hutto"), I am requesting a contested case hearing regarding the application for TPDES Permit No. WQ0016145001 submitted by Preserve Hutto, LLC ("Preserve Hutto"). The Executive Director's Preserve Hutto's notice was received by Hutto on September 19, 2023. Hutto's request for contested case hearing, therefore, is timely filed.

Background

Preserve Hutto has filed an application to obtain TPDES Permit No. WQ0016145001. The permit would authorize Preserve Hutto to dispose of treated domestic wastewater at a daily average flow not to exceed 0.048 million gallons per day via pipe to an unnamed tributary, thence to Wilbarger Creek, thence to Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The location of the plant, and the property to be served by the plant, is inside Hutto's extraterritorial jurisdiction ("ETJ") and inside the boundaries of Hutto's sewer CCN No. 20122.

Request for Contested Case Hearing

Hutto requests a contested case hearing.

Identity of Requester

Hutto is a home-rule municipality located in Travis and Williamson Counties, Texas. Hutto's contact information for this proceeding is as follows:

Authorized Representative

Mr. Joe Freeland
Mathews & Freeland, LLP
8140 N. Mo-Pac Expwy Ste 4-240
Austin, Texas 78759
Fax: (512) 703-2785 Phone: (512) 404-7800
jfreeland@mandf.com

Hutto's Demonstration of Affected Person Status

Hutto has interests related to legal rights, duties, privileges, powers, or economic interests affected by this application. Some of Hutto's specific interests are as follow:

- **CCN** - Preserve Hutto's wastewater treatment facility and service area is located entirely inside Hutto's ETJ and partially inside Hutto's certificated sewer service area. Pursuant to Texas Water Code § 13.242(a), only Hutto has the legal right to be the exclusive provider of retail sewer utility service to most of the area sought to be served by Preserve Hutto, and Hutto has an economic interest in providing such service. TCEQ has the legal authority to protect this right pursuant to Texas Water Code § 26.0282 by denying or conditioning the issuance of this permit.
- **Regionalization** – Hutto provides areawide wastewater treatment services in the vicinity of Preserve Hutto's proposed service area. Texas Water Code § 26.0282, and TCEQ's Regionalization Policy are designed to encourage and promote development and use of regional and area-wide wastewater collection, treatment, and disposal systems. As an areawide treatment provider, Hutto has a legal right and an economic interest in providing service to the area sought to be served by Preserve Hutto. TCEQ has the legal authority to protect this right pursuant to Texas Water Code § 26.0282 by denying or conditioning the issuance of this permit.

Disputed Issues of Fact/Policy

Need – Inside the Boundaries of Hutto's Sewer CCN No 20122

Pursuant to Texas Water Code § 26.0282, TCEQ may deny or alter the terms of a wastewater discharge permit based on a consideration of need. TCEQ's permit form requires an applicant to identify whether any portion of the proposed service area is located inside the certificated service area of another utility, and if so, to provide justification for the proposed facility along with cost estimates. Additionally, Texas Water Code §13.242 prohibits someone from providing retail sewer utility service within the certificated service area of a retail public utility without its own CCN.

The service area for this proposed wastewater treatment plant is located primarily within Hutto's certificated sewer service area (a small portion of the area is uncertificated), and Hutto has the ability to provide serve to the area. Preserve Hutto does not have a sewer CCN to serve the area, nor has Preserve Hutto filed an application with the PUC to obtain a CCN. Therefore, the proposed wastewater discharge permit is not needed because the owner of the plant cannot legally provide retail sewer utility service and because service is available from the certificated service provider. Moreover, Preserve Hutto's application expressly represented that the location *was not within the certificated service area of another utility* and did not include any justification as to why the certificated service provider (Hutto) should not provide service. This representation in the application is inaccurate, and the applicant has wholly failed to include any justification as to why Hutto should not provide the service.

In her response to Comment No. 38, the Executive Director states:

According to Preserve Hutto's application the applicant mailed certified letter to the City of Hutto on March 31, 2022, to determine if the City of Hutto has the capacity to accept or is willing to expand to accept the volume of wastewater proposed in Preserve Hutto's application. Mr. Samuel Ray, P.E., Director of Engineering responded via email that "The City of Hutto does not have any wastewater infrastructure in that area. I would recommend reaching out to Round Rock, Pflugerville regarding public service in this area."

The Executive Director's response fails to address Hutto's comments regarding Preserve Hutto's misrepresentation in its application regarding CCNs in the area and fails to address the lack of need for Preserve Hutto's treatment plant if it is not authorized to provide such service. Preserve Hutto provided no justification for the proposed facility or cost analysis as required by TCEQ's permit application form when a proposed plant is located in another utility's CCN. Additionally, the email from a Hutto employee was not a "response" to the applicant's letter. Hutto's employee's email was sent in April 2022, a year before the requests letters were mailed. Moreover, the statement in that email is not sufficient justification for TCEQ to conclude that the applicant satisfied TCEQ's application requirements. The email did not state that Hutto would not serve, it merely suggested that checking with other treatment plants in the area. The issue when determining need is not that the existing wastewater plant has an existing sewer collection system adjacent to the proposed service area; the issue is whether the cost of extending that collection system would exceed the cost of building a new plant (including the cost to obtain authorization to provide service). The applicant here did not perform that analysis.

At a minimum, Hutto asserts that the following facts/policies need to be resolved before issuance of this permit:

- ☐ Whether Hutto's sewer CCN No. 20122 provides Hutto with the exclusive right to provide retail sewer service in Preserve Hutto's proposed service area.
- ☐ Whether Preserve Hutto's provision of wastewater treatment to the residential development planned to be served (Haven at Treeline, LLC) is the provision of retail sewer utility service.
- ☐ Whether Preserve Hutto provided sufficient justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility.
- ☐ Whether Preserve Hutto adequately demonstrated compliance with TCEQ's regionalization policy.

Based on misrepresentations in the application, Hutto's CCN for the area, the applicant's lack of a CCN to serve the area, and a lack of a justification for granting a permit to allow Preserve Hutto to serve within Hutto's service area, Hutto requests that TCEQ deny the application. Alternatively, if the applicant demonstrates that the cost of the facility is less than the cost of connecting to Hutto, Hutto requests that the TCEQ condition the effectiveness of the permit on Preserve Hutto obtaining authority to provide retail sewer utility service to the area

Need - Regionalization

It is the policy of the State of Texas, as reflected in Texas Water Code § 26.0282, to encourage and promote development and use of regional and area-wide wastewater collection, treatment, and disposal systems. The location sought to be served by Preserve Hutto is within Hutto's certificated sewer service area and is located less than a mile from SWWC's Forest Creek WWTP. Preserve Hutto's only justification for not sending its wastewater to an existing treatment plant is that "there are no WWTP within 3 miles which can serve our site." Preserve Hutto's basis for this claim appears to be the lack of responses to letters mailed to neighboring systems (since the application did not contain copies of any response letters). Preserve Hutto does not appear to have properly sought service from neighboring providers. Preserve Hutto's application is dated March 28, 2022. The certified letter sent to Hutto regarding the availability of service was dated March 31, 2022, was not mailed, according to U.S.P.S. records (attached), until April 4, 2022, and not delivered until April 19, 2022. Preserve Hutto's justification to build a new wastewater plant is insufficient to satisfy TCEQ's regionalization policy.

In her response to Comment No. 25, the Executive Director states:

According to Preserve Hutto's application, there are existing wastewater treatment facilities within a three-mile radius of the proposed facility site location; however, none of the permitted domestic wastewater treatment facilities currently have the capacity to accept or are willing to expand to accept the volume of wastewater proposed in the Preserve Hutto application.

Additionally, according to Preserve Hutto's application, certified letters were mailed by the applicant to Travis County MUD 15; Williamson County Water Sewer Irrigation and Drainage District 3; Williamson County MUD 22; City of Hutto; Kelly Lane Utility Co Inc.; Lakeside WCID 2A, B, C, and D; SWWC Utilities; City of Round Rock; City of Cedar Park; and City of Austin to determine if they have to accept or are willing to expand to accept the volume of wastewater proposed in this application. Mr. Samuel Ray, P.E., Director of Engineering, City of Hutto, responded via email that "The City of Hutto does not have any wastewater infrastructure in that area." Preserve Hutto did not receive any other responses to its inquiry.

In her response to Comment No. 38, the Executive Director states:

According to Preserve Hutto's application the applicant mailed certified letter to the City of Hutto on March 31, 2022, to determine if the City of Hutto has the capacity to accept or is willing to expand to accept the volume of wastewater proposed in Preserve Hutto's application. Mr. Samuel Ray, P.E., Director of Engineering responded via email that "The City of Hutto does not have any wastewater infrastructure in that area. I would recommend reaching out to Round Rock, Pflugerville regarding public service in this area."

These responses fail to address Hutto's comments regarding Preserve Hutto's failure to satisfy TCEQ's regionalization policy. The mere sending of letters to area treatment facilities contemporaneous with the filing of the application is insufficient to demonstrate that the facilities lack capacity. Moreover, the response from Hutto's employee does not indicate that Hutto lacks capacity to serve the area and was not sent in response to the applicant's letter. Hutto has sufficient capacity in its existing treatment plant. The cost to connect to that facility, which would have to be borne by the developer, might be significant given the distance to Hutto's existing collection system. Whether that cost would exceed the cost of constructing a new plant needs to be determined by the applicant, as required by TCEQ's regionalization policy.

At a minimum, Hutto asserts that the following facts/policies need to be resolved before issuance of this permit:

- ☐ Whether Preserve Hutto's corporate representative, Richard Owen, certified the permit application document before mailing letters of inquiry to the owners neighboring wastewater treatment plant owners and before the opportunity to receive responses to satisfy TCEQ's regionalization policy.
- ☐ Whether Preserve Hutto mailed the letters of inquiry on March 31, 2022.
- ☐ Whether an email sent by an employee of the City of Hutto on April 12, 2021, constitutes a statement that Hutto lacks capacity or refuses to serve the area.
- ☐ Whether the City of Hutto has capacity to accept 48,000 gallons per day of wastewater from Preserve Hutto's proposed service area.
- ☐ Whether Preserve Hutto demonstrated that expenditures to connect to the City of Hutto's treatment plant or collection system exceed the expenditures of Preserve Hutto's proposed treatment plant.
- ☐ Whether Preserve Hutto adequately demonstrated compliance with TCEQ's regionalization policy.

Based on the lack compliance with TCEQ's regionalization policy, Hutto requests that TCEQ deny the application.

Conclusion

The City of Hutto respectfully requests that this request be referred to TCEQ's Alternative Dispute Resolution Program and set on agenda of one of the commission's regularly scheduled meetings.

Sincerely,



Joe Freeland
Mathews and Freeland
Attorneys for City of Hutto

Debbie Zachary

WQ
128305

From: PUBCOMMENT-OCC
Sent: Tuesday, November 22, 2022 10:32 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001
Attachments: WQ0016145001 Preseve Hutto - City of Hutto's Comments on Preliminary Decision.pdf

H

From: jfreeland@mandf.com <jfreeland@mandf.com>
Sent: Monday, November 21, 2022 5:13 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Joe Freeland

EMAIL: jfreeland@mandf.com

COMPANY: Mathews & Freeland, LLP

ADDRESS: 8140 N MOPAC EXPY Ste 4-240
AUSTIN TX 78759-8837

PHONE: 5124047800

FAX:

COMMENTS: See attached comments and request for contested case hearing filed on behalf of the City of Hutto

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND
BEN MATHEWS

Westpark IV, Suite 240
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

November 21, 2022

Via Electronic Submission

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

Re: City of Hutto's Comments on Preliminary Decision and Draft TPDES Permit No. WQ0016145001 requested by Preserve Hutto, LLC, and Request for Contested Case Hearing

Dear Chief Clerk:

On behalf of the City of Hutto ("Hutto"), I am providing comments on the Executive Director's Preliminary Decision and the Draft TPDES Permit No. WQ0016145001 requested by Preserve Hutto, LLC ("Preserve Hutto") and requesting a contested case hearing. Preserve Hutto's notice was published in the Austin Chronicle on October 26, 2022. Hutto's comments and request for contested case hearing, therefore, are timely filed.

Background

Preserve Hutto has filed an application to obtain TPDES Permit No. WQ0016145001. The permit would authorize Preserve Hutto to dispose of treated domestic wastewater at a daily average flow not to exceed 0.048 million gallons per day via pipe to an unnamed tributary, thence to Wilbarger Creek, thence to Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The location of the plant, and the property to be served by the plant, is inside Hutto's extraterritorial jurisdiction ("ETJ") and inside the boundaries of Hutto's sewer CCN No. 20122.

Comments

Need – Inside the Boundaries of Hutto's Sewer CCN No 20122

Pursuant to Texas Water Code § 26.0282, TCEQ may deny or alter the terms of a wastewater discharge permit based on a consideration of need. TCEQ's permit form requires an applicant to identify whether any portion of the proposed service area is located inside the certificated service area of another utility, and if so, to provide justification for the proposed facility along with cost estimates. Additionally, Texas Water Code §13.242 prohibits someone from

providing retail sewer utility service within the certificated service area of a retail public utility without its own CCN.

The service area for this proposed wastewater treatment plant is located wholly within Hutto's certificated sewer service area, and Hutto has the ability to provide service to the area. Preserve Hutto does not have a sewer CCN to serve the area, nor has Preserve Hutto filed an application with the PUC to obtain a CCN. Therefore, the proposed wastewater discharge permit is not needed because the owner of the plant cannot legally provide retail sewer utility service and service is available from the certificated service provider. Moreover, Preserve Hutto's application expressly represented that the location *was not within the certificated service area of another utility* and did not include any justification as to why the certificated service provider (Hutto) should not provide service. This representation in the application is inaccurate, and the applicant has wholly failed to include any justification as to why Hutto should not provide the service.

Based on the lack of a CCN to serve the area, and a lack of a justification for granting a permit to allow Preserve Hutto to serve within Hutto's service area, Hutto requests that TCEQ deny the application.

Need - Regionalization

It is the policy of the State of Texas, as reflected in Texas Water Code § 26.0282, to encourage and promote development and use of regional and area-wide wastewater collection, treatment, and disposal systems. The location sought to be served by Preserve Hutto is within Hutto's certificated sewer service area and is located less than a mile from SWWC's Forest Creek WWTP. Preserve Hutto's only justification for not sending its wastewater to an existing treatment plant is that "there are no WWTP within 3 miles which can serve our site." Preserve Hutto's basis for this claim appears to be the lack of responses to letters mailed to neighboring systems (since the application did not contain copies of any response letters). Preserve Hutto does not appear to have properly sought service from neighboring providers. Preserve Hutto's application is dated March 28, 2022. The certified letter sent to Hutto regarding the availability of service was not mailed, according to U.S.P.S. records (attached), until April 4, 2022, and not delivered until April 19, 2022. Preserve Hutto's justification to build a new wastewater plant is insufficient to satisfy TCEQ's regionalization policy.

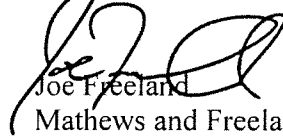
Based on the lack of compliance with TCEQ's regionalization policy, Hutto requests that TCEQ deny the application.

Request for Contested Case Hearing

Hutto requests a contested case hearing. Hutto could be adversely affected by the granting of this permit. Preserve Hutto's wastewater treatment facility and service area is located entirely inside Hutto's ETJ and Hutto's certificated sewer service area. Preserve Hutto has no legal right to provide retail sewer utility service to this area and has failed to satisfy TCEQ's regionalization policies. If the permit is granted, Hutto will lose potential sewer customers.

The City of Hutto looks forward to reviewing the Executive Director's responses to comments and to working with the Executive Director and the applicant in addressing the applicant's need for retail sewer utility service.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Freeland", written over the printed name.

Joe Freeland
Mathews and Freeland
Attorneys for City of Hutto

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[app=U:psTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/st](https://reg.usps.com/xsell?app=U:psTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/st)

X

Your item was picked up at the post office at 11:25 am on April 19, 2022 in HUTTO, TX 78634.

HUTTO, TX 78634
April 19, 2022, 11:25 am

April 12, 2022

HUTTO, TX 78634
April 6, 2022, 11:18 am

HUTTO, TX 78634
April 6, 2022, 7:00 am

HUTTO, TX 78634
April 6, 2022, 6:49 am

AUSTIN TX DISTRIBUTION CENTER
April 5, 2022, 10:06 pm

AUSTIN TX DISTRIBUTION CENTER
April 5, 2022, 9:16 am

NORTH HOUSTON TX DISTRIBUTION CENTER
April 4, 2022, 10:27 pm

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WQ
128305

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, July 25, 2022 9:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H
RFR

From: moe@moehallak.com <moe@moehallak.com>
Sent: Friday, July 22, 2022 8:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Mohammed Hallak

EMAIL: moe@moehallak.com

COMPANY:

ADDRESS: 2012 OAK VISTA DR
PFLUGERVILLE TX 78660-9475

PHONE: 9179434724

FAX:

COMMENTS: This is a terrible Location to place the water treatment facility, it is going to affect our kids health and property value. Pflugerville have plenty of available land far outside heavily populated areas. This is an encroachment on our health, property and most importantly our kids well being. We must have a public hearing, you need to reconsider this permitting for this or any type of similar facilities Bad planning and inconsiderate to our life's and property. We have

lived here for 20 years and you are destroying our land and community. This must stop. There kids that go to school literally across the street, shame on you and your department to allow this to happen.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, July 25, 2022 9:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H
RFR

From: moe@moehallak.com <moe@moehallak.com>
Sent: Friday, July 22, 2022 8:06 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

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COUNTY: TRAVIS

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CN NUMBER: CN606007193

FROM

NAME: Mohammed Hallak

EMAIL: moe@moehallak.com

COMPANY:

ADDRESS: 2012 OAK VISTA DR
PFLUGERVILLE TX 78660-9475

PHONE: 9179434724

FAX:

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lived here for 20 years and you are destroying our land and community. This must stop. There kids that go to school literally across the street, shame on you and your department to allow this to happen.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, July 25, 2022 9:39 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H
RFR

From: moe@moehallak.com <moe@moehallak.com>
Sent: Friday, July 22, 2022 6:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Mohammed Hallak

EMAIL: moe@moehallak.com

COMPANY:

ADDRESS: 2012 OAK VISTA DR
PFLUGERVILLE TX 78660-9475

PHONE: 9179434724

FAX:

COMMENTS: This is a terrible Location to place the water treatment facility, it is going to affect our kids health and property value. Pflugerville have plenty of available land far outside heavily populated areas. This is an encroachment on our health, property and most importantly our kids well being. We must have a public hearing, you need to reconsider this permitting for this or any type of similar facilities Bad planning and inconsiderate to our life's and property. We have

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Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, July 22, 2022 5:00 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H

From: mcyoung12@hotmail.com <mcyoung12@hotmail.com>
Sent: Thursday, July 21, 2022 9:20 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Megan McMillin

EMAIL: mcyoung12@hotmail.com

COMPANY:

ADDRESS: 1404 MEADOWILD CV
ROUND ROCK TX 78664-9334

PHONE: 8129873300

FAX:

COMMENTS: I would like to request a PUBLIC hearing for transparency. Also - questions: 1. Why was the permit application not available at the North Village Branch of the Austin Public Library (as stated in the letter mailed June 27) until a resident had the library request it? 2. Will this plant emit odors that will negatively impact the surrounding neighborhoods and elementary school? 3. Will excess noise pollution be created by this plant for the adjacent neighbors whose property is adjacent to the site? 4. What or will anything be done to compensate neighbors who have their

property values negatively affected by this plant? 5. Will the applicant be transparent in all plans for this site to the neighbors AND to the elementary school and parents? 6. Has research been done as to the potential negative impacts of this type of plant is such close proximity to an elementary school playground? 7. When will the applicant make themselves available for a public hearing to address concerns of neighborhoods surrounding the site as well as the parents of elementary school children?

WQ
128305

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, November 7, 2022 2:35 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016145001

PM
H

From: apatel@murfee.com <apatel@murfee.com>
Sent: Monday, November 7, 2022 1:45 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Anand Patel

EMAIL: apatel@murfee.com

COMPANY: Murfee Engineering Company

ADDRESS: 1101 S CAPITAL OF TEXAS HWY Building D
WEST LAKE HILLS TX 78746-6445

PHONE: 5123279204

FAX:

COMMENTS: Dear TCEQ: As an affected landowner, the Williamson County WSIDD 3 board directed Murfee Engineering Company to review the TPDES permit submitted to the TCEQ by Preserve Hutto, LLC on their behalf, for potential adverse effect on the district and its operations. Based on our review of the Priem Lane TPDES permit application, Williamson County WSIDD 3 (the District) requests a public hearing/meeting, and desire to provide public comments on

the following basis: 1. The discharge pipe from the proposed Priem Lane wastewater treatment plant is proposed to pass through a district property, making the District an affected landowner. If the permit is approved, the applicant will need to get an easement from the District to install the discharge pipe as well as future maintenance of it. It may also have a future effect on MS4 permit compliance for the District. The applicant has not yet discussed such a thing with the District. 2. The applicant has claimed in the permit application that none of the wastewater treatment facilities have the capability to serve the Priem Lane development. However, we have documentation proving that the SWWC, who provides wastewater treatment for the district, agreed to serve the Priem Lane Development through their Forest Creek WWTP. This also aligns with the TCEQ's mission of regionalizing the wastewater system and should present a better economic position for residents in the existing and proposed developments. 3. The district subdivisions Star Ranch Sections 2 and 3 are right by the 150 feet buffer zone. This could potentially lead to odor issues at the houses located near the proposed wastewater treatment plant. 4. The applicant is required to have the draft permit available for viewing at the nearest library. The draft permit was not available at the location described in the notice. We have requested the applicant to provide a digital copy via email but have only received a copy of the notice from them rather than the draft permit as requested.

TCEQ Registration Form

May 11, 2023

①

Preserve Hutto, LLC

Proposed TPDES Permit No. WQ0016145001

PLEASE PRINT

Name: Anand Patel

Mailing Address: 1101 Capital of TX Hwy S, Bldg D, Austin, TX 78746

Physical Address (if different): _____

City/State: Austin, TX Zip: 78746

This information is subject to public disclosure under the Texas Public Information Act

Email: apatel@murfee.com

Phone Number: (512) 327 9204

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Williamson County WSIDD 3

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

WQ
128305

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, July 22, 2022 5:07 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H

From: tgsco@aol.com <tgsco@aol.com>
Sent: Thursday, July 21, 2022 10:29 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Judy Scogin

EMAIL: tgsco@aol.com

COMPANY:

ADDRESS: 1357 MEADOWILD DR
ROUND ROCK TX 78664-9322

PHONE: 5129891819

FAX:

COMMENTS: I request a public hearing re: this water treatment facility in this location and have the following questions at this time: 1) What specific areas and neighborhoods will be served by this facility? 2) Is it publically or privately funded and are any economic development grants involved? 3) What selection criteria was used to determine this location and what governmental entities were involved up to this point? 4) If its rated for a discharge rate of up to 48,000 gallons a day, is that initially or permanently? 5) How many gallons a day is it rated to treat? 6) What type of disinfection process

will be used? 7) Have ecological and environmental studies been conducted on that site to ensure there are no wetlands or springs? We've been told for years there have been spring eruptions in that area. 8) What assurance do the surrounding neighborhoods, schools, etc. have that there will be no negative or harmful quality of air, life or health deterioration due to pathogenic airborne micro organisms and odors? 9) What will the power impact of this facility be to the grid? 10) What other locations were originally considered for this treatment plant? 11) What is the deadline for public comments and will it be extended since the application packet was delayed in submission to the library?

WQ
128305

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, July 22, 2022 5:06 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016145001

H

From: tgsco@aol.com <tgsco@aol.com>
Sent: Thursday, July 21, 2022 10:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

FROM

NAME: Travis Scogin

EMAIL: tgsco@aol.com

COMPANY:

ADDRESS: 1357 MEADOWILD DR
ROUND ROCK TX 78664-9322

PHONE: 5129891819

FAX:

COMMENTS: I request a public hearing on this proposed water treatment facility in this particular location and to be added to the mailing list for all current and future notifications reference this proposal.

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Wednesday, October 18, 2023 2:32 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016145001
Attachments: WC WSIDD #3 - Protest TPDES Permit Application to TCEQ.pdf

H

From: ssmith@abaustin.com <ssmith@abaustin.com>
Sent: Wednesday, October 18, 2023 1:29 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016145001

REGULATED ENTY NAME PRESERVE AT STAR RANCH

RN NUMBER: RN111476545

PERMIT NUMBER: WQ0016145001

DOCKET NUMBER:

COUNTY: TRAVIS

PRINCIPAL NAME: PRESERVE HUTTO LLC

CN NUMBER: CN606007193

NAME: Sharon Smith

EMAIL: ssmith@abaustin.com

COMPANY: Armbrust & Brown, PLLC

ADDRESS: 100 CONGRESS AVE STE 1300
AUSTIN TX 78701-2744

PHONE: 5124352342

FAX:

COMMENTS: Please see the attached comments on behalf of Williamson County Water, Sewer, Irrigation and Drainage District No. 3.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Sharon J. Smith
(512) 435-2342
ssmith@abaustin.com

October 18, 2023

Via efile

Texas Commission on Environmental Quality
Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application from **Preserve Hutto, LLC** for **TPDES Permit No. WQ0016145001** (the "Application")

Dear Chief Clerk:

This firm represents Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 ("WSIDD3"). WSIDD3's address, daytime telephone number, and fax number are as follows:

Williamson County Water, Sewer, Irrigation, and Drainage District No. 3
c/o Armbrust & Brown, PLLC
Attn: Sharon J. Smith
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Daytime telephone no.: (512) 435-2300
Fax no.: (512) 435-2360

WSIDD3 is adjacent to the facility site identified in the Application, is available to provide retail wastewater service to such property, submitted comments during the comment period, and requested a public hearing. WSIDD3 is an "affected person" with a "personal justiciable interest". WSIDD3 has reviewed the Executive Director's Response to Comments ("RTC") regarding the Application and ***requests a contested case hearing***.

The Application and, as a result, the RTC are factually incorrect in several regards. First and foremost, the Application and the RTC are incorrect in stating that no existing wastewater facilities within three miles of the proposed facility are willing and able to accept the wastewater. In its comments on the Application, WSIDD3 noted that the applicant claimed in the Application that none of the existing wastewater treatment facilities had the capability to serve the development. WSIDD3's comments, and information provided herein, counter the applicant's claim and affirm that WSIDD3 and its wholesale service provider, SWWC Utilities, Inc. ("SWWC"), did in fact have capacity to provide service.

The RTC states that applicants requesting a new permit are required to contact (the owner of) any wastewater treatment plant or sewer collections lines within a three-mile area surrounding the proposed facility "to inquire if they currently have the capacity or are willing to expand to accept the volume of wastewater proposed." The RTC continues that, if an existing facility has the capacity and is willing to accept the proposed volume of wastewater, "the applicant must

submit an analysis of expenditures required to connect to that facility versus the cost of the proposed facility.” With regard to the Application, the RTC states:

(A)ccording to Preserve Hutto’s application, certified letters were mailed by the applicant to (among others listed) Williamson County Water Sewer Irrigation and Drainage District 3 (and) Williamson County MUD 22 . . . to determine if they have to accept¹ or are willing to expand to accept the volume of wastewater proposed in this application. Mr. Samuel Ray, P.E., Director of Engineering, City of Hutto, responded via email that “The City of Hutto does not have any wastewater infrastructure in that area.” *Preserve Hutto did not receive any other responses to its inquiry.* [Emphasis added.]

WSIDD3 never received the certified letter that the applicant claimed was sent to WSIDD3. After reviewing the Application, we understand why – the certified letter regarding WSIDD3’s availability to accept wastewater was not properly mailed to WSIDD3, but rather to an address in Georgetown that appears to be office of the Williamson County Tax Assessor/Collector. WSIDD3’s District Registration Form attached hereto identifies Armbrust & Brown, PLLC as WSIDD3’s agent for notice, and Crossroads Utility Services as WSIDD3’s general manager and operator, neither of whose addresses correspond to the address actually used by the applicant in the certified letter to WSIDD3. Because the applicant did not properly contact WSIDD3, the applicant did not satisfy the legal requirements for a new permit.

Further, the Application is inaccurate when it answers “No” to the question of whether a permitted facility within three miles of the proposed facility has the capacity to accept the volume of wastewater proposed in the Application. TCEQ’s permit database indicates that the Application was received by the TCEQ on April 8, 2022. The Application includes a letter dated March 31, 2022, from the Applicant’s representative to the operator of the wastewater treatment system of Williamson County Municipal Utility District No. 22 (“MUD 22”), another client of our firm, asking if MUD 22 can “take the effluent.” By response dated April 27, 2022, on behalf of our clients WSIDD3 and MUD 22, we noted that the owner of the proposed Preserve at Star Ranch development had previously requested to be annexed into WSIDD3 so that WSIDD3 could provide retail wastewater service to the project. Our response expressed surprise that, while the request for annexation and wastewater service was being processed in good faith by WSIDD3, the owner of Preserve at Star Ranch filed the Application without disclosing that fact to WSIDD3. In reply, the Applicant’s representative simply stated, “(W)e will not need your service.” Copies of the foregoing correspondence are attached. Because the applicant did not submit an analysis of expenditures required to connect to WSIDD3’s system versus the cost of the proposed wastewater treatment facility, the applicant did not satisfy the legal requirements for a new permit.

The Application section regarding “Justification of Permit Need” states that failure to provide sufficient justification regarding the need for a permit may result in the Executive Director recommending denial. Our letter of April 27, 2022 clearly indicates that the parties were moving toward service to the Preserve at Star Ranch development by WSIDD3, and that WSIDD3 has the capacity to accept or is willing to accept the volume of wastewater proposed. Further, the Application is for less than 50,000 gallons discharge per day and states that the apartment complex units “don’t expect any future growth.” Given that SWWC, the wholesale service provider to WSIDD3, has a treatment plant much closer than the 3-mile radius, and planned for expansion to 1.7 million gallons per day, with an estimated completion date of mid-2024, and is willing to provide service through WSIDD3, there is no justification of need to

¹ Presumably “if they have *the capacity* to accept.” [Emphasis added.]

permit a nearby facility with a capacity of less than 3% of that amount and that is not expected to grow.

WSIDD3 also identified concerns regarding odors affecting residents whose homes are near the buffer zone boundary. The RTC notes that, according to the Application, the Applicant intends to locate treatment units at least 150 feet from the nearest property line, one of three options under the TCEQ rules for nuisance odor abatement and control. The 150-foot distance is a minimum, the equivalent of the width of three typical single-family lots, and does not guarantee that site and climatological conditions would not result in frequent odor intrusion to WSIDD3 residents' property and into their homes. A distance of 150 feet could be appropriate for a commercial or industrial area. But the owners of homes surrounding the facility in close proximity to this plant should not have to smell it, and evidence should be required in a contested case hearing that assures that for this facility, on this site, they will not.

WSIDD3 respectfully requests that the request for contested case hearing be granted on the issues of failure to comply with the legal requirements for a new permit, the need for the facility, and the potential for odor to intrude on WSIDD3 residents' property.

Sincerely,

ARMBRUST & BROWN, PLLC,

Attorneys for WSIDD3

By: Sharon J. Smith
Sharon J. Smith

cc: Murfee Engineering Co., Inc.
1101 S. Capital of Texas Hwy., Bldg. D
Austin, Texas 78746

Rance Richter
President
c/o Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300
Austin, Texas 78701

Jim Goldrick
Vice President
c/o Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300
Austin, Texas 78701

Samantha Fulford
Director
c/o Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300
Austin, Texas 78701

Lee Buckley
Secretary/Treasurer
c/o Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300
Austin, Texas 78701

Bob Dickerson
Assistant Secretary/Treasurer
c/o Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300
Austin, Texas 78701

Attached Mailing List

MAILING LIST / LISTA DE CORREO
for / para
Preserve Hutto, LLC
TPDES Permit No. WQ0016145001 / TPDES Permiso No. WQ0016145001

FOR THE APPLICANT / PARA EL
SOLICITANTE:

Richard Owen, Authorized Signatory Preserve
Hutto, LLC
3200 Southwest Freeway, Suite 1870
Houston, Texas 77027

Jerry Ince, P.E., Senior Project Engineer Ward
Getz and Associates, PLLC
2500 Tanglewilde Street, Suite 120
Houston, Texas 77063

FOR THE EXECUTIVE DIRECTOR / PARA
EL DIRECTOR EJECUTIVO

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Kathy Humphreys, Staff Attorney Texas
Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Bobby Salehi, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL / PARA
ABOGADOS DE INTERÉS PÚBLICO

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

DISTRICT REGISTRATION FORM*

When completed, mail to:
UTILITIES AND DISTRICTS SECTION, MC-152
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN TX 78711-3087
or fax to: 512/239-5190

TCEQ

Legal Name of District or Authority: Williamson County Water, Sewer, Irrigation, and Drainage District No. 3
District's Mailing Address: c/o Ambrius & Brown, PLLC, 100 Congress Avenue, Ste. 1300
City: Austin Zip: 78701
District's Telephone Number: (512) 435-2300

TAX ID: 74-2889186

A. BOARD MEMBERS:

TITLE	FULL NAME OF DIRECTOR (First, M.I., Last)	FULL MAILING ADDRESS (According to U.S. Post Office Standards, www.usps.com)	TELEPHONE NUMBERS			TERM OF OFFICE	
			Business	Fax	Home	Expires (E) Appointed by District (P)	Term Ends (mm/dd/yyyy)
President	Rance Richter	100 Congress Avenue, Suite 1300, Austin, TX 78701	(512) 435-2300			E	11/03/2020 11/05/2024
Vice President	Jim Golenick	100 Congress Avenue, Suite 1300, Austin, TX 78701	(512) 435-2300			E	11/03/2020 11/05/2024
Director	Samantha Fulford	100 Congress Avenue, Suite 1300, Austin, TX 78701	(512) 435-2300			E	11/08/2022 11/03/2026
Secretary/Treas.	Lee Buckley	100 Congress Avenue, Suite 1300, Austin, TX 78701	(512) 435-2300			E	11/03/2020 11/05/2024
Asst. Sec/Treas.	Bob Dickerson	100 Congress Avenue, Suite 1300, Austin, TX 78701	(512) 435-2300			E	11/08/2022 11/03/2026

(Note: List information for additional directors on back)

B. CONSULTANTS AND REPRESENTATIVES (as applicable):

POSITION	FULL NAME OF INDIVIDUAL	NAME OF FIRM OR ORGANIZATION	FULL MAILING ADDRESS (According to U.S. Post Office Standards, www.usps.com)	TELEPHONE NUMBERS	
				Business	Fax
General Manager	Dennis Hendrix	Crossroads Utility Services	2601 Forest Creek Drive, Round Rock, Texas 78665	(512) 246-1400	(512) 246-1500
Operator	Dennis Hendrix	Crossroads Utility Services	2601 Forest Creek Drive, Round Rock, Texas 78665	(512) 246-1400	(512) 246-1500
Attorney	John Bartram	Ambrius & Brown, PLLC	100 Congress Avenue, Suite 1300, Austin, Texas 78701	(512) 435-2300	(512) 435-2360
Engineer	Jason Bazz, P.E.	Murfee Engineering Co., Inc.	1101 Capital of Texas Hwy. S., Bldg. D, Ste. 110, Austin, Texas 78746	(512) 327-9204	(512) 327-2847
Bookkeeper	Mary Bati	Bot & Douthett, PLLC	P.O. Box 24-45, Round Rock, Texas 78681	(512) 733-0700	(512) 733-0704
Financial Advisor	Cheryl Allen	Public Finance Group LLC	500 West 2nd Street, Suite 1900, Austin, Texas 78701	(512) 922-5501	
Tax Collector - Williamson Co.	Larry Gaddes	Williamson County Tax Assessor/Collector	710 S. Main Street, Suite 102, Georgetown, Texas 78626	(512) 943-1601	(512) 943-1547
Tax Collector - Travis County	Bruce Ellani	Travis County Tax Assessor/Collector	5501 Airport Boulevard, Austin, Texas 78751	(512) 854-9473	(512) 854-9056
Agent for Notice	John Bartram	Ambrius & Brown, PLLC	100 Congress Avenue, Suite 1300, Austin, Texas 78701	(512) 435-2300	(512) 435-2360
Bond Counsel	Card Plumbo	McCall Parkhurst & Horton, LLP	600 Congress Avenue, Suite 2150, Austin, Texas 78701	(512) 476-3605	(512) 472-0871

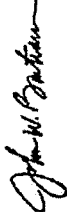
* ALL INFORMATION IS SUBJECT TO THE OPEN RECORDS ACT AND WILL BE MADE AVAILABLE ON OUR WEB SITE (WWW.TCEQ.ORG).

DISTRICT REGISTRATION FORM (continued)

A. BOARD MEMBERS: (continued)

TITLE	FULL NAME OF DIRECTOR (First, M.I., Last)	FULL MAILING ADDRESS (According to U.S. Post Office Standards, www.usps.com)	TELEPHONE NUMBERS			TERM OF OFFICE	
			Business	Fax	Home	Elected (E) Appointed (A) Elected by Provision (P)	Term Begins (mm/dd/yyyy) Term Ends (mm/dd/yyyy)

CERTIFICATION: I certify that the information contained herein is correct and complete to the best of my knowledge.

 Signature	John W. Bartram Printed Name	(512) 435-2300 Telephone	December 14, 2022 Date
--	---------------------------------	-----------------------------	---------------------------

If you have questions on how to fill out this form or about the Water Districts program, please contact us at 512/239-4691. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

C. ADDITIONAL STATUTORY REQUIREMENTS (Texas Water Code):

1. *Requirements generally applicable to most districts and authorities:*
 - a. §49.055(d). File copies of directors' sworn statements, bonds, and oaths with the District's records. File copies of directors' sworn statements and oaths with the Secretary of State within 10 days.
 - b. §36.054(e) and §49.054(f). File names, mailing addresses and terms of new directors with TCEQ within 30 days after election or appointment.
 - c. Audit and financial reports:
 - (1) §49.194(a). File audit with the TCEQ within 135 days of fiscal year end, or §49.197(d). File financial dormancy affidavit with the TCEQ by January 31, or §49.198(c). File annual financial report with the TCEQ within 45 days of fiscal year end.
 - (2) §49.194(c). File audit, financial dormancy affidavit, or financial report with the District's records.
 - (3) §49.194(d). Submit annual filing affidavit to the TNRCC with either audit, financial dormancy affidavit, or financial report.
 - (4) §49.158. Notify the TCEQ of adoption of a fiscal year within 30 days of initial financial activity or after a change in the District's fiscal year.
 - d. §49.159(e). Adopt a code of ethics and other policies and procedures.

2. *Requirements applicable to certain district and authorities, as specified in the statutes:*

- a. §49.453. File with the TCEQ the name, address and telephone number of the District's Agent for Notice, the person responsible for issuing forms to comply with the Notice to Purchaser requirements of §49.452.
- b. §49.455. File information form and map, or any amendments, with each county and the TCEQ.
- c. §49.451. Post district name signs at two entrances to the District within 30 days of the District's creation.
- d. §49.062. Publish and file with the TCEQ a resolution establishing a meeting place outside the District.
- e. §49.307(b), §49.301(f) & §49.302. File orders excluding and annexing land with each county and the TCEQ.

From: Evan Chatman <EChatman@wga-llp.com>
Sent: Thursday, May 5, 2022 10:14 AM
To: Jennifer Scholl
Cc: John Bartram
Subject: RE: Wastewater Service to Proposed Preserve at Star Ranch Development

Thank you for sending us this letter and I wanted to inform you that we will not need your service. Please let me know if you have any questions or concerns.

Evan Chatman

Designer



2500 Tanglewilde, Suite 120 | Houston, TX 77063

D: 254-249-3131 | O: 713-789-1900 | C: 936-234-1646

echatman@wga-llp.com

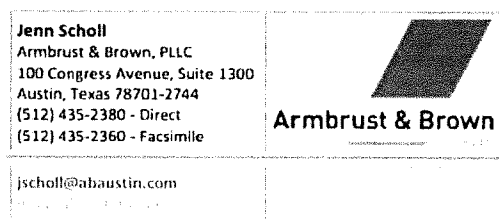


From: Jennifer Scholl
Sent: Wednesday, April 27, 2022 5:21 PM
To: Evan Chatman
Cc: John Bartram
Subject: Wastewater Service to Proposed Preserve at Star Ranch Development

Good afternoon,

Please see the attached letter sent on behalf of John Bartram.

Thank you,



THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED ADDRESSEE(S). THIS MESSAGE MAY BE PROTECTED BY ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS E-MAIL MESSAGE IS NOT AN INTENDED RECIPIENT (OR THE INDIVIDUAL RESPONSIBLE FOR THE DELIVERY OF THIS E-MAIL MESSAGE TO AN INTENDED RECIPIENT), BE ADVISED THAT ANY REUSE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL MESSAGE IS PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND DELETE THE MESSAGE. THANK YOU.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

JOHN BARTRAM
(512) 435-2319
jbartram@abaustin.com

April 27, 2022

VIA EMAIL

Ward, Getz & Associates, PLLC
Attn: Evan Chatman
2500 Tanglewilde, Suite 120
Houston, Texas 77063
Email: echatman@wga-llp.com

RE: Wastewater Service to Proposed Preserve at Star Ranch Development

Dear Mr. Chatman:

This firm represents Williamson County Municipal Utility District No. 22 ("District No. 22") and Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 ("District No. 3") and, together with District No. 22, the "Districts"), which comprise the Star Ranch development in Hutto, Texas. The Districts' utility operator, Crossroads Utility Services LLC, has forwarded to us your letter dated March 31, 2022 attached as **Exhibit "A"** advising District No. 22 that the Preserve at Star Ranch located at 4428 Priem Lane in Hutto, Texas has applied to the State of Texas for permission to install a sewage treatment plant to serve the proposed Preserve at Star Ranch development, which is estimated to require $\pm 60,000$ gallons per day of sewer capacity.

Your letter came as a surprise because the owner of the proposed Preserve at Star Ranch development had previously requested that the Preserve at Star Ranch property be annexed into District No. 3 so that District No. 3 can provide retail wastewater service to the project, and District No. 3 has, in good faith, negotiated an amendment to its wholesale wastewater contract that will, subject to certain conditions, allow District No. 3 to accommodate Preserve at Star Ranch's request. Preserve at Star Ranch's efforts to permit and install a separate wastewater treatment plant appear to be inconsistent with its request for annexation into, and retail wastewater service from, District No. 3. I also find it odd that the owner of the Preserve at Star Ranch failed to disclose to District No. 3 that it was going in another direction while its request for annexation into and wastewater service from District No. 3 was being processed.

The purpose of this letter is to make sure that you are aware that, subject to the contract amendment and other matters outlined in the correspondence to your client attached as **Exhibit "B"**, District No. 3 will have the ability to provide wastewater

{W1144870.1}

ARMBRUST & BROWN, PLLC

Page 2

service to the Preserve at Star Ranch project. Please let me know if Preserve at Star Ranch intends to pursue its own wastewater treatment facility or wastewater service from District No. 3 so that I can update my clients accordingly.

Sincerely,

ARMBRUST & BROWN, PLLC,
Attorneys for the Districts

By: *John W. Bartram*
John W. Bartram

Enclosures

{W1144870.1}

EXHIBIT "A"



March 31, 2022

To: Williamson County MUD 22
c/o Crossroads Utility Services
2601 Forest Creek Drive
Round Rock, Texas 78665

Greetings,

Preserve at Star Ranch located at 4428 Priem Lane Hutto, Texas 78634, in Williamson County has applied with the State of Texas for permission to install a sewage treatment plant to serve the proposed Preserve at Star Ranch development estimated to need about 60,000 gallons per day of sewer capacity.

In order to be in compliance with the Texas Administrative Code, Preserve at Star Ranch must contact all sewage treatment plants within a 3-mile radius to investigate interest/ability to receive the waste generated from this domestic site.

Your facility with a NPDES number WQ0013866001 located in Travis and Williamson County, Texas was found to be within 3-miles from the proposed development.

Please respond to Ward, Getz, and Associates, PLLC at the address below to inform us of

..... Yes, you can take the effluent of 60,000 gpd

..... No, you don't have the ability to take the effluent of 60,000 gpd

Thank you for your participation in these efforts.

Sincerely,

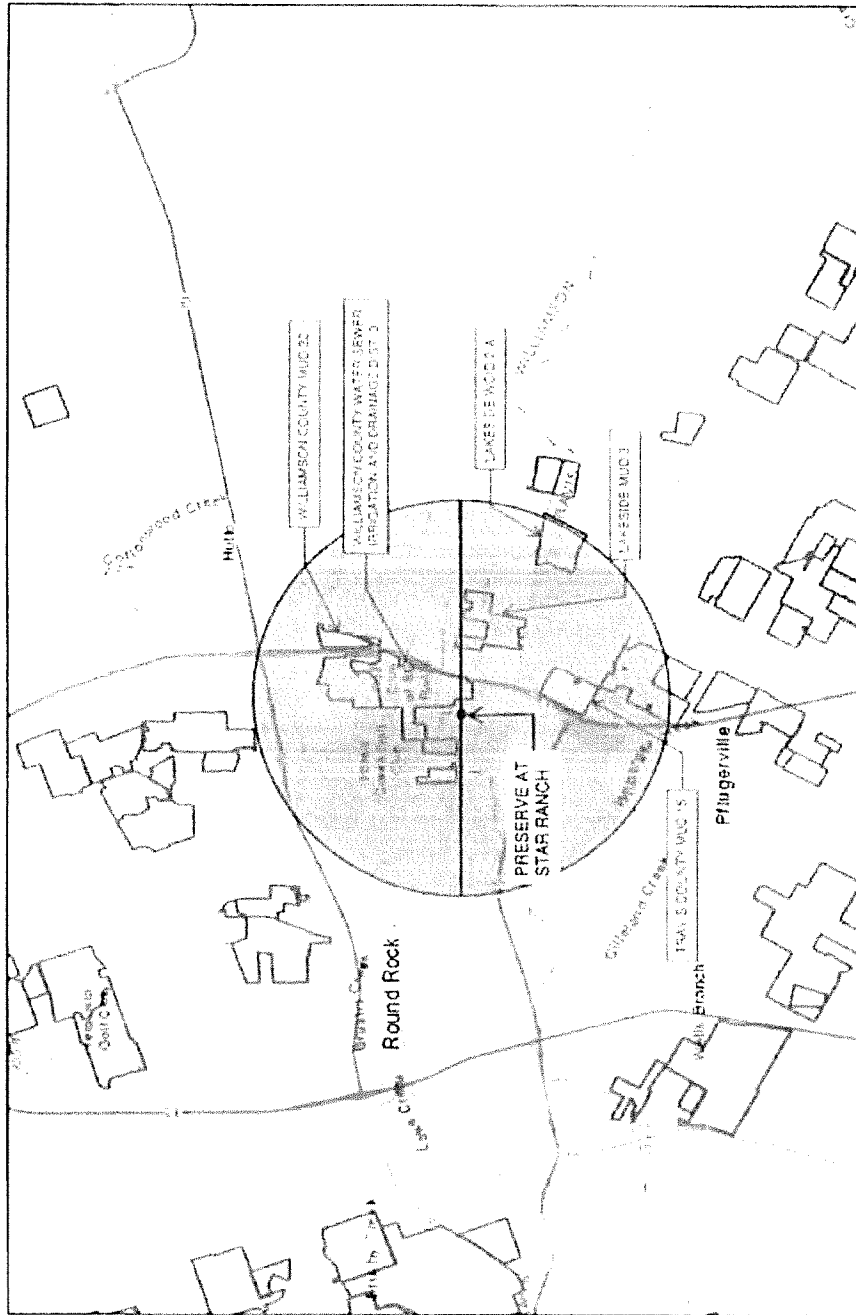
A handwritten signature in black ink, appearing to read "E. Chatman".

Evan Chatman
E. echatman@wga-llp.com
P (254) 249 - 3131
Ward, Getz & Associates, PLLC

1500 Fanglewilde Suite 120 • Houston, TX 77054 • P 281 369 1818 • wga-llp.com • Form No. 9259

{W1144870.1}

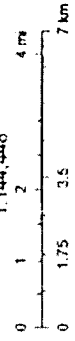
ArcGIS Web Map



3/31/2022, 12:51:47 PM

Municipal Utility District

1:144,448



Source: Esri, DeLorme, Garmin, Intermap, Intermap, Inc., Esri, Inc., USGS, FAO, NPS, NRCAN, GEBCO, IGN, Swisstopo, Aerial, Survey, etc.
Map Aggregator to ArcGIS

{W1144870.1}

EXHIBIT "B"

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
ASTORIA, TEXAS 75901-2144
(512) 435-2319
FACSIMILE (512) 435-2390

John W. Bartram
(512) 435-2319
jbartram@abastu.com

February 22, 2022

Via email

Preserve Hutto, LLC
Attn: Richard Owen
3200 Southwest Freeway, Suite 1870
Houston, Texas 77027
Email: rowen@guefen.com

Mr. David C. Martin
Porter Hedges LLP
1000 Main Street, 36th Floor
Houston, Texas 77002
Email: DMartin@porterhedges.com

Re: Amendment to Amended and Restated Agreement for Providing Wholesale Wastewater Service between SWWC Utilities, Inc., a Delaware corporation *d/b/a* in Texas as Windermere Utility Company ("*Windermere*") and Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 (the "*District*") dated effective October 29, 2010 (as amended, the "*Wholesale Wastewater Contract*") in connection with proposed annexation of Lots 2, 3, 4, 6, and 7, LARKSPUR, a subdivision in Travis and Williamson Counties, according to the map or plat thereof recorded in Volume 81, Pages 82-84, Map and/or Plat Records of Travis County, Texas, and Cabinet E, Slide 23-25, Map and/or Plat Records of Williamson County, Texas (the "*Priem Lane Parcels*") into the boundaries of the District

Gentlemen:

As you are aware, the Wholesale Wastewater Contract will need to be amended in order to permit the District to provide retail wastewater service to the Priem Lane Parcels before the District's Board of Directors (the "*Board*") can consider the proposed annexation of the Priem Lane Parcels into the boundaries of the District.

Windermere has advised the District that it is willing to amend the Wholesale Wastewater Contract for this purpose, subject to the following conditions and requirements: (1) due to the current wastewater treatment capacity limitations of Windermere's wastewater treatment plant, the Priem Lane Parcels may not be connected to the District's wastewater system until Windermere (a) notifies the District that it has completed the expansion of its wastewater treatment plant (currently planned as an expansion to 1.7 mgd with an estimated completion date of mid-2024) or (b) otherwise consents in writing to the connections; and (2) all wastewater connections within the Priem Lane Parcels will be subject to a new modified

{W1120322.2}

{W1144870.1}

ARMBRUST & BROWN, PLLC
Page 2

LUE fee under the Wholesale Wastewater Contract that takes into account the relevant costs (including plant expansion costs) in accordance with the Wholesale Wastewater Contract. The amendment to the Wholesale Wastewater Contract that Windermere is willing to agree to is enclosed with this letter for your reference.

The purpose of this letter is to request Preserve Hutto, LLC to confirm in writing that it intends to proceed with the proposed annexation of the Priem Lane Parcels into the District on these terms. If so, please return a countersigned copy of this letter to me so that I can include the amendment on the District's next available meeting agenda. If Preserve Hutto, LLC is not willing to proceed with the proposed annexation of the Priem Lane Parcels into the District on the terms required by Windermere, please notify me immediately so that I can update the Board.

Thank you, and let me know if you have questions.

Sincerely,

ARMBRUST & BROWN, PLLC,
Attorneys for the District

By: John W. Bartram
John W. Bartram

AGREED AND ACCEPTED BY:

PRESERVE HUTTO, LLC,
a Texas limited liability company

By: _____
Name: _____
Title: _____

Date: _____

Enclosure

{W1129322 2}

{W1144870.1}

**THIRD AMENDMENT
TO SECOND AMENDED AND RESTATED AGREEMENT FOR PROVIDING
WHOLESALE WASTEWATER SERVICE**

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS THAT:
COUNTIES OF TRAVIS §
AND WILLIAMSON §

This **THIRD AMENDMENT TO SECOND AMENDED AND RESTATED AGREEMENT FOR PROVIDING WHOLESALE WASTEWATER SERVICE** (this "**Amendment**") is entered into effective as of _____, 2022 (the "**Effective Date**") between **WILLIAMSON COUNTY WATER, SEWER, IRRIGATION, AND DRAINAGE DISTRICT NO. 3**, a conservation and reclamation district created under Article XVI, Section 59 of the Texas Constitution and operating under the provisions of Chapters 49 and 54 of the Texas Water Code (the "**District**"); and **SWWC UTILITIES, INC.**, a Delaware corporation d/b/a in Texas as **WINDERMERE UTILITY COMPANY** (the "**Company**"). In this Amendment, the District and the Company are sometimes referred to individually as a "**Party**" and collectively as the "**Parties**".

RECITALS:

The District and the Company previously entered into a **Second Amended and Restated Agreement for Providing Wholesale Wastewater Service** dated effective October 29, 2010, as amended by a **First Amendment to Second Amended and Restated Agreement for Providing Wholesale Wastewater Service** dated effective April 13, 2011, and a **Second Amendment to Second Amended and Restated Agreement for Providing Wholesale Wastewater Service** dated effective March 16, 2015 (collectively, the "**Agreement**"), which sets forth the terms and conditions upon which the Company provides wholesale wastewater service to the District. The District and the Company now desire to amend the Agreement as more particularly set forth herein.

NOW, THEREFORE, for and in consideration of the premises and the mutual obligations and benefits herein contained, the Parties agree as follows:

1. **Annexation of and Retail Service to Priem Lane Parcels.** The District has been asked to consider annexing the property described on **Exhibit "A"** to this Amendment (the "**Priem Lane Parcels**") into the boundaries of the District in order to, among other things, provide retail wastewater service to the Priem Lane Parcels. The Company consents to such proposed annexation subject to the terms of this Amendment; and the Parties hereby agree that, upon the annexation of the Priem Lane Parcels into the District (if, as, and when that occurs), the Priem Lane Parcels will be considered part of the Service Area under the Agreement and the District may provide Retail Service to the Priem Lane Parcels in accordance with the Agreement; **provided, however**, notwithstanding anything to the contrary herein, that due to the current wastewater treatment capacity limitations of the Plant, the District will not be permitted to connect the Priem Lane Parcels to the District's Collection System until either (i) the Company has completed the expansion of the Plant to a permitted capacity sufficient to serve the projected full build out within the District, Williamson County Municipal Utility District No. 22, and the Company's retail service area (currently planned as an expansion to 1.7 mgd) and has notified the District of such completion in writing or (ii) the Company otherwise consents to such connection in writing; and **provided, further**, that the Company will have no obligations under the Agreement to provide any Wholesale Service to the Priem Lane Parcels (after their annexation by the District) unless and until either aforementioned condition (i) or (ii) of this Section 1 has been fully satisfied. For the avoidance of doubt, the Parties agree that, upon (a) the annexation of the Priem Lane Parcels

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by the District and (b) full satisfaction of either aforementioned condition (i) or (ii) of this Section 1, all wastewater connections within the Priem Lane Parcels will be subject to a new modified LUE fee that takes into account the relevant costs (including Plant expansion costs) in accordance with and as more particularly detailed in the Agreement.

2. Defined Terms. Capitalized terms not defined in this Amendment have the meanings ascribed thereto in the Agreement.

3. Effect of Amendment. Except as specifically provided in this Amendment, the terms of the Agreement continue to govern the rights and obligations of the parties, and the terms of the Agreement remain in full force and effect. If there is any conflict or inconsistency between this Amendment and the Agreement, this Amendment will control and modify the Agreement.

4. Counterparts. To facilitate execution, (a) this Amendment may be executed in any number of counterparts; (b) the signature pages taken from separate individually executed counterparts of this instrument may be combined to form multiple fully executed counterparts; and (c) a signature delivered by facsimile or in another electronic format (e.g., PDF via email) will be deemed to be an original signature for all purposes. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the Effective Date.

[counterpart signature pages follow]

{W1121609.1}

2

{W1129322.2}

{W1144870.1}

COUNTERPART SIGNATURE PAGE TO
THIRD AMENDMENT
TO SECOND AMENDED AND RESTATED AGREEMENT FOR PROVIDING
WHOLESALE WASTEWATER SERVICE

**WILLIAMSON COUNTY WATER,
SEWER, IRRIGATION, AND DRAINAGE
DISTRICT NO. 3**

By: _____
Rance Richter, President
Board of Directors

Date: _____

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3

{W1129322.2}

{W1144870.1}

COUNTERPART SIGNATURE PAGE TO
THIRD AMENDMENT
TO SECOND AMENDED AND RESTATED AGREEMENT FOR PROVIDING
WHOLESALE WASTEWATER SERVICE

SWWC UTILITIES, INC., a Delaware
corporation d/b/a in Texas as WINDERMERE
UTILITY COMPANY

By: _____
Name: _____
Title: _____
Date: _____

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{W1144870.1}

EXHIBIT "A"

DESCRIPTION OF THE PRIEM LANE PARCELS

Lots 2, 3, 4, 6, and 7, LARKSPUR, a subdivision in Travis and Williamson Counties, Texas, according to the map or plat thereof recorded in Volume 81, Pages 82-84, Plat Records of Travis County, Texas, and Cabinet E, Slide 23, Plat Records of Williamson County, Texas.

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