

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:06 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: karen.aboussie@gmail.com <karen.aboussie@gmail.com>
Sent: Sunday, September 3, 2023 11:40 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Karen Aboussie

EMAIL: karen.aboussie@gmail.com

COMPANY:

ADDRESS: 2402 CHAPARRAL PARK RD
MANCHACA TX 78652-4113

PHONE: 5127508934

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I am extremely concerned about the impact of this project to my home and neighborhood, Chaparral Park, which is close to this project. We are already concerned about water resources for our area and the high costs we pay today for water - my water bill is consistently higher than my electricity-and I live here alone. There is also a great concern about the plans for their wastewater and plant and the impact to the Edwards Aquifer and our drinking water. Furthermore, with our continued drought and no end in sight, water availability for existing homes in this area are already at risk.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:11 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: drerinandrews@gmail.com <drerinandrews@gmail.com>
Sent: Monday, September 18, 2023 6:30 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: DR. Erin Andrews

EMAIL: drerinandrews@gmail.com

COMPANY:

ADDRESS: 1101 LIVE OAK DR
MANCHACA TX 78652-4000

PHONE: 5128783753

FAX:

COMMENTS: We request a contested case hearing with Hays Commons land investment LP a Texas limited partnership regarding Hays commons, municipal utility district, TCEQ internal control number D06282023060. We have major concerns about threat to our water supply. We have a well, and our property is adjacent to Little Bear Creek. Not only is water supply a concern, but also contamination of our water supply is a concern. it is important to protect the aquifer.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:47 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: jbarnett284@gmail.com <jbarnett284@gmail.com>
Sent: Friday, September 15, 2023 6:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: James C Barnett, III

EMAIL: jbarnett284@gmail.com

COMPANY:

ADDRESS: 2107 CHAPARRAL PARK RD
MANCHACA TX 78652-3108

PHONE: 5127970442

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I have grave concerns about well water contamination as well as supply issues with the Edwards aquifer. It is a huge red flag that Hays Commons chose to drill water wells into the Trinity Aquifer rather than the Edward Aquifer realizing that the wastewater solution they propose will almost certainly pollute the Edwards Aquifer. Very telling! My property at 2107 Chaparral Park Road is, I believe, about one quarter mile from the Hays Commons boundary on Carpenter Lane and Little Bear Creek. I am also concerned with the increased traffic on Carpenter Lane and Bliss Spillar Road

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:13 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; Pubcomment-Dis; PUBCOMMENT-ELD
Subject: FW: Public comment on Permit Number D06282023060

H

From: alonna.beatty@gmail.com <alonna.beatty@gmail.com>
Sent: Monday, September 4, 2023 3:12 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Alonna Michelle Beatty

EMAIL: alonna.beatty@gmail.com

COMPANY:

ADDRESS: 903 BLUEBIRD DR
MANCHACA TX 78652-4155

PHONE: 5126953552

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:33 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: Hannahcbelden@gmail.com <Hannahcbelden@gmail.com>
Sent: Saturday, September 16, 2023 4:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Hannah Belden

EMAIL: Hannahcbelden@gmail.com

COMPANY:

ADDRESS: 3615 COPPERPLACE DR
MANCHACA TX 78652-3100

PHONE: 7376002094

FAX:

COMMENTS: We request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060 . I live in Copperhills just past this land that they are planning to build on. We should not build up more neighborhoods here because we're already tight on water supply, and one of the water tanks was already pouring out and wasting water the other day and no one did anything about it. We already limit our water use, how could the city handle taking away more water for something new when we're already wasting water not fixing the existing tanks. Not only that, but the land is home to lots of cows that are well taken care of and happy there, and I also fear there may be endangered lizard and

bird species there that are going unnoticed, and we should make sure their habitats are being protected. They've already built up big stadium lights for the soccer field and the baseball field, we don't need more light pollution, noise pollution, etc. This was always supposed to be a quiet tucked away neighborhood in a rural area, and there is no other out of the neighborhood other than past this land, the traffic will be horrendous because it's not built to suit more people. None of this land was built for more suburban neighborhoods where all the houses look identical, housing is not affordable, and making an attempt to use more water that we don't even have to use right now. Go build somewhere that people don't care about the land or the animals, we don't need more people taking over the land and turning it into traps to make money.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:33 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: mollyblake550@gmail.com <mollyblake550@gmail.com>
Sent: Wednesday, September 20, 2023 9:14 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Molly Blake

EMAIL: mollyblake550@gmail.com

COMPANY:

ADDRESS: 12622 LIVE OAK LN
BUDA TX 78610-9322

PHONE: 5124706315

FAX:

COMMENTS: We request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060. Our property is 1/4 of a mile from the proposed subdivision boundaries and will have many negative impacts on our property including but not limited to the following - well contamination and supply, storm runoff, traffic, safety, and smell from sewage.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:48 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: dbradsher@att.net <dbradsher@att.net>
Sent: Sunday, September 24, 2023 2:14 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Daniela Bradsher

EMAIL: dbradsher@att.net

COMPANY:

ADDRESS: 3513 CATTLEMAN DR
MANCHACA TX 78652-3112

PHONE: 5129405296

FAX:

COMMENTS: We request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section 1, Lot 11, Block D, is in Hays County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners depend on a community well for our drinking water and the current proposal puts water availability and

cleanliness at risk. I understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:26 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: pjb_aus@austin.rr.com <pjb_aus@austin.rr.com>
Sent: Sunday, September 17, 2023 3:45 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Philip Brisky

EMAIL: pjb_aus@austin.rr.com

COMPANY:

ADDRESS: 2200 CHAPARRAL PARK RD
MANCHACA TX 78652-4109

PHONE: 5127363283

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property is located less than 1 mile from this proposed MUD and would be potentially impacted by the multiple wells in the Trinity aquifer as well as wastewater and crowd concerns. Although my property gets water from the Edwards, I am concerned with the overall water draw down that could result in more Edwards' wells being drilled as well. Please be aware that the well water I get is for drinking purposes and is not a "lawn well". I am also greatly concerned with the release of wastewater into the Lower Bear Creek area that could potentially seep into the aquifer. Our neighborhood is already

seeing a large traffic increase since the construction of the toll road and this traffic will greatly increase with the addition of the proposed number of homes and apartments being considered. I moved into this neighborhood 30 years ago and it has been a quiet, semi-rural area with peaceful, quiet evenings. Although Austin growth and, in particular, toll road growth has greatly impacted this neighborhood, the addition of this MUD district will end any semblance of semi-rural lifestyle. I do not care to see any promises about what may or may not be done so there are no issues. If this MUD is going to be created in spite of protests, I would like to see true conditions and penalties documented if water loss, contamination or other negative environmental impact results from this MUD. These should be measurable items that result in realistic penalties to the MUD and investors. Penalties could include anything from monetary for minor infractions to major infractions that result in severe penalties up to dissolving the MUD and/or removing the offending features.

Chief Clerk, Texas Commission on Environmental Quality
September 5, 2023

Jim & Elizabeth Camp
3803 Cattleman Dr.
Manchaca, Texas 78652
512 431-1120

REVIEWED
SEP 11 2023
By Gcw

CHIEF CLERKS OFFICE

2023 SEP -8 AM 10:19

OFFICE OF THE CHIEF CLERK
ON BEHALF OF THE COMMISSION
ON ENVIRONMENTAL QUALITY

We request a Contested Case Hearing on Hays Commons Land Investments, L.P regarding Hays Commons Municipal District TCEQ # D06282023060.

Our property in Southwest Territory subdivision Sec. 3 Lot 6D is in Hays Co., TX is less than a mile north from Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifer, sole source aquifers. One of our many concerns is the applicant is proposing to disperse of treated wastewater in the Edwards Aquifer Recharge zone. The previous landowner commissioned a report from the firm ACI Consulting in 2008 that surveyed the entire tract (formerly known as the Gragg Tract) of today's Hays Commons. Over 80% pf the land has karst features like sinkholes, fractures, and caves. This land is a conduit to our drinking water wells in northern Hays Co and Travis Co.

Furth more, a 2017 Groundwater Tracing Study performed by professional geologists Zappitello and Johns (City of Austin Watershed Protection) in Little Bear Creek, up stream of proposed waste dispersal, shows groundwater movement downstream to Barton Springs and possibly impacting neighboring water wells in the area.

These concerns of the placement of a wastewater treatment plant and its service lines, highly proposed impervious cover, and overdevelopment in the Little Bear Critical Water Quality Zone (CWQZ) moved the City of Hays to deny this MUD proposal by Milestone Builders 5-0 in early 2023. The Hays Co. Commissioner's Court denied the preliminary plat for this development in May 2023.

Hays and Travis citizens and their elected representatives asked Milestone to relocate its proposed sewage plant and dispersal areas off the recharge zone on the east side of the property. Collectively we asked for a lower level of impervious cover and not building facilities on the CWQZ. Their responses were "it doesn't meet our financial goals. "Hundreds of neighboring property owners have goals of drinking water quality and recreational uses of Little Bear Creek. If the applicant relocated the sewage facility or connects with the City of Austin for water & wastewater, lowers its impervious cover development, and backs off the Little Bear Creek CWQZ, we would adjust our status, if given, to the Contested Case hearing before you.

We have lived on our property for thirty-nine years.

Thankyou,
Jim & Elizabeth Camp

From: Camp

3803 Cattlemen Dr
Manchaca, TX 78652

RECEIVED

SEP 08 2023

TCOA MAIL CENTER
AJ

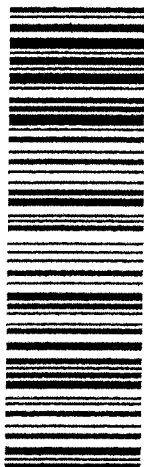
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MANCHACA, TX 78652
SEP 05, 2023

To: Office of the Chief Clerk

MC-105 TCEQ

P.O. Box 13087

Austin, TX 78711-3087

CHIEF CLERK

2023 SEP -8 AM 10:18

TEXAS

ON

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 3:36 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: lbjit2000@yahoo.com <lbjit2000@yahoo.com>
Sent: Monday, September 25, 2023 12:59 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Juanita Cooper

EMAIL: lbjit2000@yahoo.com

COMPANY:

ADDRESS: 3405 CATTLEMAN DR
MANCHACA TX 78652-3110

PHONE: 5126899460

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property is located in Southwest Territory subdivision. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. We have lived in this location over thirty-seven years. My concern is the possibility of our water source being contaminated with gallons of treated wastewater daily. This is a serious problem, since we depend on the well in our neighborhood for drinking water and other water needs. In regards to this issue, the City of Austin Water and Wastewater and Milestone Builders, should collaborate to found an alternative solutions.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 3:37 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: dderrick@austin.rr.com <dderrick@austin.rr.com>
Sent: Monday, September 25, 2023 3:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: David Derrick

EMAIL: dderrick@austin.rr.com

COMPANY:

ADDRESS: 2706 ROBIN RD
MANCHACA TX 78652-4173

PHONE: 5127400553

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. Development of this magnitude will have a heavily negative impact on the already stressed Edwards Aquifer and Barton Springs.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:50 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD2.pdf

H

From: jngivens41@aol.com <jngivens41@aol.com>
Sent: Sunday, September 24, 2023 8:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Jack Givens

EMAIL: jngivens41@aol.com

COMPANY:

ADDRESS: 13403 RAMROD DR
MANCHACA TX 78652-3039

PHONE: 5126369697

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section One, is in Travis County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and, more importantly, the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners

depend on a community well for our drinking water and the current proposal puts water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

September 23, 2023

Chief Clerk, Texas Commission on Environmental Quality
Texas Commission for Environmental Quality

We request a **Contested Case Hearing** on Hays Commons Land Investments, L.P regarding Hays Commons Municipal District TCEQ # **D06282023060**.

Our property in Southwest Territory subdivision Sec. 3 is in Hays Co., TX less than a mile north from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers, sole-source aquifers.

One of our many **concerns** the applicant is proposing is to **disperse treatment wastewater** in the **Edwards Aquifer Recharge zone**. The previous landowner commissioned a report from the firm ACI Consulting in 2008 that surveyed the entire tract (formerly known as the Gragg Tract) of today's Hays Commons. Over 80% of the land has karst features like sinkholes, fractures, and caves. This land is a **conduit** to **our drinking water** wells in northern Hays Co and Travis Co.

A 2017 Groundwater Tracing Study performed by professional geologists Zappitello and Johns (City of Austin Watershed Protection) in Little Bear Creek, up stream of proposed waste dispersal, shows groundwater movement downstream to Barton Springs and possibly impacting neighboring water wells in the area.

These concerns of the placement of a wastewater treatment plant and its service lines, highly proposed impervious cover, and overdevelopment in the Little Bear Critical Water Quality Zone (CWQZ) moved the City of Hays to deny this **MUD proposal by Milestone Builders 5-0** in early 2023. The Hays Co. Commissioner's Court denied the preliminary plat for this development in May 2023.

Hays and Travis citizens and their elected representatives asked Milestone to **relocate** its proposed **sewage plant and dispersal areas off the recharge zone** on the east side of the property. Collectively we asked for a lower level of impervious cover and not building facilities in the CWQZ. Their responses were "it doesn't meet our financial goals." Conversely, the goals of hundreds of **neighboring property owners** is to have **quality drinking water** for our **health** and recreational uses of Little Bear Creek.

If the applicant relocated the sewage facility or connects with the City of Austin for water and wastewater, lowers its impervious cover development, and backs off the Little Bear Creek CWQZ, we would adjust our status, if given, to the Contested Case hearing before you.

We care deeply about the land in this area and need to preserve its integrity. Milestone's financial concerns should not override the health of the people and the land.

Sincerely,
Jack Givens

13403 Ramrod Dr * Manchaca, TX 78652 * 512-568-9444

Sept. 20, 2023

COMMISSION
ON ENVIRONMENTAL
QUALITY

2023 SEP 22 AM 10:01

Roy & Carol Gordon
920 Hawk Dr
Manhasset, TX 78652
512 787-8941

CHIEF CLERKS OFFICE

REVIEWED

SEP 22 2023

By Gow H

We request a contested case hearing with
Hays Commons Land Investments, L.P., A Texas limited
partnership regarding Hays Commons Municipal Utility District,
TCEQ Internal Control Number DO6282023060.

We live within a mile of the proposed subdivision. We
have our own private well on the Edwards Aquifer where
we get our drinking water. The above mentioned MUD DRILLING
OF FOUR wells will for their residents would greatly affect
the future of our water supply. The MUD wants to sell
water to other developments in the future. Also, the
wastewater treatment plant they are proposing would
be disastrous as they contaminate Little Bear Creek.
Our well will be contaminated and will become useless.

Hays Commons MUD would cause many problems for our
neighborhood that we have enjoyed for 46 years.
Traffic would be too much for us to get in and out of
our neighborhood. In Chaparral Park, safety concerns,
noise and air quality are just some of our concerns.
We do not want this MUD to be approved.

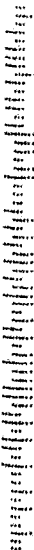
Carol Gordon
Roy H. Gordon

980 Hawk Dr
Manchaca, TX 78652

2023 SEP 22 PM 10:01
CHIEF CLERKS OFFICE

Office of The Chief Clerk
MC-105, TCEQ
PO Box 13087
Austin, TX 78711-3087

78711-308787



AUSTIN TX 787
RIO GRANDE DISTRICT
20 SEP 2023 PM 2 L



Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:13 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; Pubcomment-Dis; PUBCOMMENT-ELD
Subject: FW: Public comment on Permit Number D06282023060

H

From: hargrovefm2@gmail.com <hargrovefm2@gmail.com>
Sent: Monday, September 4, 2023 11:45 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Frances Hargrove

EMAIL: hargrovefm2@gmail.com

COMPANY:

ADDRESS: 2505 CARDINAL DR
MANCHACA TX 78652-4129

PHONE: 5122919265

FAX:

COMMENTS: Request for contested case hearing: Milestone refuses to honor the original plan of large lot development for this area and is currently proposing far more density than is appropriate for the ecological sensitivities of the recharge zone. Their plan for treated affluent waste water distribution is a recipe for environmental disaster for the aquifer. There are of course questions about available water resources also that they have not adequately addressed. There is a way to develop this area in an environmental friendly manner, but they are choosing greed over stewardship. I fully understand that change is inevitable, but we must be vigilant in preserving the ecosystem. I could support some density closer to 1626 to provide more affordable housing in the area such as townhomes/condos but the recharge zone

needs to be protected. I have lived in Chaparral Park for over 20 years. My property backs up to the City of Austin property which is protected. If dense development is permitted just on the other side of this protected land, then none of it will be protected anymore. Milestone has also not adequately addressed traffic mitigation for their proposal. Their track record is not good on providing adequate Traffic Impact Assessments and including FUNCTIONAL road improvements to development plans to handle the increased traffic demands on the current infrastructure that their developments will dramatically increase. They would prefer to have the tax paying citizens pick those costs through local county government who can barely keep up with existing road maintenance and improvements. Please hold them accountable.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 13, 2023 1:37 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: jim6655@att.net <jim6655@att.net>
Sent: Wednesday, September 13, 2023 12:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: James J Jackson

EMAIL: jim6655@att.net

COMPANY:

ADDRESS: 910 DOVE DR
MANCHACA TX 78652-4142

PHONE: 5125857670

FAX:

COMMENTS: I/we request a contested case hearing with Hays Commons Land Investments,L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060" I own my home at 910 Dove Drive Manchaca Texas 78652 have my own water supply from my well and greatly feel that allowing this project to come as close as one mile from my home with water being a problem already would seriously effect my water supply and quality of water.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 6, 2023 9:01 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D-06282023-060
Attachments: Letter requesting contested case hearing on Hays Commons MUD.pdf

H

From: rfburk@bickerstaff.com <rfburk@bickerstaff.com>
Sent: Wednesday, September 6, 2023 8:40 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D-06282023-060

REGULATED ENTY NAME N/A

RN NUMBER: N/A

PERMIT NUMBER: D-06282023-060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Joshua Katz

EMAIL: rfburk@bickerstaff.com

COMPANY: Bickerstaff Heath Delgado Acosta LLP

ADDRESS: 3711 S MOPAC EXPY STE 300
AUSTIN TX 78746-8013

PHONE: 5124728021

FAX:

COMMENTS: Please see attached letter (request for contested case hearing)



September 6, 2023

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

Re: Application by Hays Commons Land Investments, LP, to the Texas Commission on Environmental Quality for creation of Hays Commons Municipal Utility District, TCEQ Internal Control No. D-06282023-060

Dear Chief Clerk Gharis:

The City of Hays, Texas (the "City") formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to me, Joshua Katz, attorney for the City, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746. My daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Hays Commons Land Investments, LP ("Applicant") is applying to the Texas Commission on Environmental Quality (the "TCEQ") for creation of a new municipal utility district entirely within Hays County, and entirely within the current extraterritorial jurisdiction ("ETJ") of the City of Hays.¹ The City opposes the creation of the Hays Commons Municipal Utility District (the "District").

The City is an "affected person" entitled to a contested case hearing on issues raised in this hearing request because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public and is an affected person under 30 TEX. ADMIN. CODE § 55.256. The proposed municipal utility district will be located within the ETJ of the City. The City does not consent to its creation. Pursuant to Texas Water Code § 54.016(a), land within the City's extraterritorial jurisdiction cannot be included within the boundaries of a municipal utility district without the City's consent. For this and additional reasons, local governments, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 TEX. ADMIN. CODE § 55.256(b). The City has authority to protect the public health and safety within its ETJ and to

¹ On or about September 1, 2023, Applicant filed a petition with the City to release certain property that it owns from the ETJ of the City pursuant to Senate Bill 2038. Senate Bill 2038 took effect on that same date. As of the date of this letter, the City is reviewing Applicant's petition pursuant to the requirements of Senate Bill 2038. Upon information and belief, the property Applicant seeks to remove from the City's ETJ is most or all of the property located within the proposed boundaries of the MUD.

regulate development within its ETJ. TEX. LOC. GOV'T CODE §§ 42.001, 212.044. Various city functions and services – including water services, emergency services, and health and safety concerns – may be affected by the creation of the district and are not taken into account by the application.

But further, even if the subject property is removed from the City's ETJ, the City is an affected person pursuant to the relevant factors enumerated in 30 TEX. ADMIN. CODE § 55.256(c), based on the proximity of the proposed district and related wastewater facilities to the municipal limits of the City, its residents, and the wells that serve its municipal water system. The City has water wells for its municipal water system that are adjacent to the wastewater facility proposed by the Applicant. The City has a statutory obligation to provide safe potable drinking water to the customers of this system, both inside and outside of its municipal boundaries. The City therefore has an interest in ensuring the creation and operation of the proposed District is protective of the public health and safety. Thus, the City has authority under state law over the issues contemplated by this application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.256(b).

The City owns and operates two public water systems that derive their sole water supply from the Barton Springs segment of the Edwards Aquifer. The City has two public water supply wells; one is located within 60 feet of the proposed district boundary, and the other is located approximately 600 feet from the proposed district boundary. Approximately 90% of the proposed District overlies the Barton Springs segment of the Edwards Aquifer recharge zone, the source of the City's groundwater supply, and that of thousands of other people in the region. The area of the proposed District contains hundreds of sensitive karst features, which are direct conduits of water into the Barton Springs segment of the Edwards Aquifer. Because the District has been unable to obtain wholesale water and wastewater service from a regional provider, the district proposes to construct an approximately 200,000 gallon per day wastewater treatment plant, and dispose of the wastewater effluent via a Texas Land Application Permit ("TLAP") from TCEQ. The TLAP associated with the proposed District would be located in the area containing these karst features, which is contiguous with the City's northern municipal limits and in close proximity to the City's Edwards Aquifer wells. Therefore the impact of the proposed District on the health, safety, and use of property by the residents of the City, as well as the people within and without the City limits who are served by the City's public water supply system, supports the City's standing to request a hearing on the Application.

Moreover, Texas Water Code § 54.021 sets out the criteria the Commission uses to determine whether a proposed MUD is feasible and practicable, necessary, and would be a benefit to the land included in the district. Among these factors are the potential effects of the proposed district on groundwater levels in the region, groundwater recharge capability, run-off rates and drainage, and water quality. Because of the proximity of the District to the City and its water system infrastructure, the City requests a contested case hearing in order to ensure that the proposed District is protective of its interests. Therefore the impact of the District on the health, safety, and use of property by the residents of the City.

September 6, 2023
Page 3

For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Katz", with a stylized flourish at the end.

Joshua D. Katz
Attorney for City of Hays

JDK/rfb

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:31 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: chriswknight21@gmail.com <chriswknight21@gmail.com>
Sent: Tuesday, September 19, 2023 3:19 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Chris W Knight

EMAIL: chriswknight21@gmail.com

COMPANY:

ADDRESS: 2208 CHAPARRAL PARK RD
MANCHACA TX 78652-4109

PHONE: 5127448678

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060". Of all the reasons further expansion of metropolitan areas inhibit the prolonging of biological life, in this critique, we will go over impervious surfaces and their impact on our immediate environment. Impervious surfaces directly generate pollution, hinder our natural water cycle, and degrade our water quality. All urbanization will have this effect and is a large reason we shouldn't expand any further in central Texas. Impervious surfaces convey pollutants into the waterways, typically through the direct piping of stormwater. This means that all riparian life will be harmed. Riparian life is all life that relies

on our river and creek systems. Not only will it kill the flora and fauna of these ecosystem, it will also lead to more intense flash floods, and central Texas, is the most vulnerable place for flash floods in the entire United States. If we follow this logic, the more flash flooding, the more harmful debris and waste built up by humans will be distributed throughout the natural environment. The water directed by storm water drainage is not the only harmful way impervious surfaces affect us. Roofs, parking lots, and roads also cause damage to our water basins. The water that lands on these surfaces have zero chance of infiltration back into our own water cycle. The water found on these impervious surfaces is evaporated and transported hundreds of miles away, essentially resulting in less water supply for all Texas. If one knows anything about meteorology in Texas, then they will know that none of Texas' precipitation is generated locally or Texas itself. Impervious surfaces prevent natural pollutant processing in the soil by preventing percolation. This means that soil is unable to remove the toxins produced by humans, helping further contaminate our water ways. Soil and our limestone shale formations found in central Texas are the primary filters for our water that lead into our aquifer recharge zones. At our current state, there are no more water sources in the United States that do not have anthropogenic heavy metals, oil run off, and plastics. By urbanizing areas further, our water sources will only become more contaminated. It only takes basic knowledge of our environmental systems to understand why further development is an idiotic endeavor. The current stage of drought we are currently in will only be intensified for years to come as long as we continue to expand our impervious surfaces. If you want your children, grandchildren, and other loved ones to have a future that doesn't revolve around dehydration and disease caused by contaminated water supplies, then you will not take any action that would result in the expansion of impervious surfaces. Humanity is the cancer of the earth, don't help the tumor to grow.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:33 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: sknight19@austin.rr.com <sknight19@austin.rr.com>
Sent: Saturday, September 16, 2023 3:13 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Stacey Knight

EMAIL: sknight19@austin.rr.com

COMPANY:

ADDRESS: 2208 CHAPARRAL PARK RD
MANCHACA TX 78652-4109

PHONE: 5124226499

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060". My #1 concern is water. I live very close to project & our well hardly supported a family of 2 this year. There is not enough water for all the development in area & 2nd, Hays Commons plans to use sprinklers to remove septic waste that will pollute the ground. In heavy rains this water will end up running into the aquifer. Also I do not want the project built because traffic is already horrible in the area of 1626 & 45. Building in area will cause more pollution & noise and light pollution for our stary skies. Please stop this development before it ruins our wells, roads, & quailty of life in our area.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:14 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: sprinkler@austin.rr.com <sprinkler@austin.rr.com>
Sent: Monday, September 18, 2023 4:28 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: William L Knight

EMAIL: sprinkler@austin.rr.com

COMPANY: Pentecost Sprinkler

ADDRESS: 2208 CHAPARRAL PARK RD
MANCHACA TX 78652-4109

PHONE: 5122809344

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060". My main concern for the development is the 200,000 gallons of waste water a day it will create. They propose to distribute the water with an irrigation system over the recharge zone for the Barton Springs/Edwards Aquifer. I have held an irrigation license with TCEQ for over 40 years and I know without constant proper maintainence these systems can be a problem. Another huge issure is flooding in this area, during these events home owners will still be creating wastewater, where does it go when area is totally saturated? Cities around our area continue to have wastewater spills of raw sewage into rivers &

creeks. San Marcos wastewater dumped 1 million gallons of raw sewage into the river on 2/18/21, then again 225,000 gallons on 6/27/22. City of Kyle wastewater on 11/24/12 & 5/27/15 dumped raw sewage into plum creek. Brushy creek MUD 8/19/22 dumped 4.5 million gallons into Brushy creek due to a contractor error. The list goes on and on. Remember what man make = breaks. My home is very close to this project & the aquifer is my sole source of water for our home & we can not live without it!

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 1:00 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD1.pdf

eComment = H
Attachment = H

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:50 AM
To: PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; Pubcomment-Dis <Pubcomment-Dis@tceq.texas.gov>
Subject: FW: Public comment on Permit Number D06282023060

H

From: adrilyn@hotmail.com <adrilyn@hotmail.com>
Sent: Sunday, September 24, 2023 7:54 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Adrilyn Lamb

EMAIL: adrilyn@hotmail.com

COMPANY:

ADDRESS: 13403 RAMROD DR
MANCHACA TX 78652-3039

PHONE: 5126369697

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section One, is in Travis County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and, more importantly, the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners depend on a community well for our drinking water and the current proposal puts water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

September 23, 2023

Chief Clerk, Texas Commission on Environmental Quality
Texas Commission for Environmental Quality

We request a **Contested Case Hearing** on Hays Commons Land Investments, L.P regarding Hays Commons Municipal District TCEQ # **D06282023060**.

Our property in Southwest Territory subdivision Sec. 3 is in Hays Co., TX less than a mile north from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers, sole-source aquifers.

One of our many **concerns** the applicant is proposing is to **disperse treatment wastewater** in the **Edwards Aquifer Recharge zone**. The previous landowner commissioned a report from the firm ACI Consulting in 2008 that surveyed the entire tract (formerly known as the Gragg Tract) of today's Hays Commons. Over 80% pf the land has karst features like sinkholes, fractures, and caves. This land is a **conduit** to **our drinking water** wells in northern Hays Co and Travis Co.

A 2017 Groundwater Tracing Study performed by professional geologists Zappitello and Johns (City of Austin Watershed Protection) in Little Bear Creek, up stream of proposed waste dispersal, shows groundwater movement downstream to Barton Springs and possibly impacting neighboring water wells in the area.

These concerns of the placement of a wastewater treatment plant and its service lines, highly proposed impervious cover, and overdevelopment in the Little Bear Critical Water Quality Zone (CWQZ) moved the City of Hays to deny this **MUD proposal by Milestone Builders 5-0** in early 2023. The Hays Co. Commissioner's Court denied the preliminary plat for this development in May 2023.

Hays and Travis citizens and their elected representatives asked Milestone to **relocate** its proposed **sewage plant and dispersal areas off the recharge zone** on the east side of the property. Collectively we asked for a lower level of impervious cover and not building facilities in the CWQZ. Their responses were "it doesn't meet our financial goals." Conversely, the goals of hundreds of **neighboring property owners** is to have **quality drinking water** for our **health** and recreational uses of Little Bear Creek.

If the applicant relocated the sewage facility or connects with the City of Austin for water and wastewater, lowers its impervious cover development, and backs off the Little Bear Creek CWQZ, we would adjust our status, if given, to the Contested Case hearing before you.

We care deeply about the land in this area and need to preserve its integrity. Milestone's financial concerns should not override the health of the people and the land.

Sincerely,
Adrielyn Lamb and Mike Givens

13403 Ramrod Dr * Manchaca, TX78652 * 512-568-9444

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:50 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD1.pdf

H

From: adrilyn@hotmail.com <adrilyn@hotmail.com>
Sent: Sunday, September 24, 2023 7:54 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Adrilyn Lamb

EMAIL: adrilyn@hotmail.com

COMPANY:

ADDRESS: 13403 RAMROD DR
MANCHACA TX 78652-3039

PHONE: 5126369697

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section One, is in Travis County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and, more importantly, the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners

depend on a community well for our drinking water and the current proposal puts water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

September 23, 2023

Chief Clerk, Texas Commission on Environmental Quality
Texas Commission for Environmental Quality

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One of our many **concerns** the applicant is proposing is to **disperse treatment wastewater** in the **Edwards Aquifer Recharge zone**. The previous landowner commissioned a report from the firm ACI Consulting in 2008 that surveyed the entire tract (formerly known as the Gragg Tract) of today's Hays Commons. Over 80% of the land has karst features like sinkholes, fractures, and caves. This land is a **conduit** to **our drinking water** wells in northern Hays Co and Travis Co.

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Hays and Travis citizens and their elected representatives asked Milestone to **relocate** its proposed **sewage plant and dispersal areas off the recharge zone** on the east side of the property. Collectively we asked for a lower level of impervious cover and not building facilities in the CWQZ. Their responses were "it doesn't meet our financial goals." Conversely, the goals of hundreds of **neighboring property owners** is to have **quality drinking water** for our **health** and recreational uses of Little Bear Creek.

If the applicant relocated the sewage facility or connects with the City of Austin for water and wastewater, lowers its impervious cover development, and backs off the Little Bear Creek CWQZ, we would adjust our status, if given, to the Contested Case hearing before you.

We care deeply about the land in this area and need to preserve its integrity. Milestone's financial concerns should not override the health of the people and the land.

Sincerely,
Adrilyn Lamb and Mike Givens

13403 Ramrod Dr * Manchaca, TX78652 * 512-568-9444

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 3:37 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: thendrix51@aol.com <thendrix51@aol.com>
Sent: Monday, September 25, 2023 3:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Tina Latham

EMAIL: thendrix51@aol.com

COMPANY:

ADDRESS: 811 DOVE DR
MANCHACA TX 78652-4141

PHONE: 5127840507

FAX:

COMMENTS: I request a contested hearing with Hays Commons Land Investments.L.P., A Texas limited partnership regarding Hays Commons Municiple Utility District, TCEQ Internal Control Number D06282023060. I believe myself and my property will be affected by this MUD. Well contamination, supply concerns, storm runoff, traffic, safety, noise and lighting are just a few of the items that could effect my property and my well being. Thank you, Tina Latham My acreage is located less than a mile from the far northwest corner of the property on Carpenter Ln. at 811 Dove Dr.I can't think of any adjustments to the petition that would satisfy my concerns. The Edwards Aquafer is an endangered species with truly clean water that myself and my family deserve to continue drink as we have for over 20 years.

Theresa Clements-Lemman
12600 Live Oak Lane
Buda, TX 78610
Email: theresa@culturastrade.com
Cell: 512-658-8771

Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

REVIEWED

SEP 21 2023

By Gaw

CHIEF CLERK'S OFFICE

2023 SEP 20 AM 9:47

OFFICE OF THE CHIEF CLERK

September 18, 2023

I live in the City of Hays and I request a contested case hearing with Hays Commons Land Investments, L.P., a Texas limited partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060.

I have lived in my home for 44 years and chose our neighborhood because of the natural surroundings, low density, limited traffic and affordable taxes and utilities.

My 1.25 acre homestead is located at the corner of Live Oak Lane and Country Lane (Ref ID: R 25015 hayscad.com). Our backyard, garden, and patio where we spend the majority of our family time is located 275 feet from the proposed site where Milestone plans an arial spray of treated sewage.

This means that my family, home, pets, yard, garden, and outside dining area will be constantly exposed to the hazards and health issues of treated sewage being sprayed into the air.

This sewage spray would also be just feet away from the source of our neighborhood drinking water and would impact the safety of our community well that our small city relies on. The spray could migrate and affect the Little Bear Creek recharge zone which lies along the boundary of our city and also affect many wells in our area.

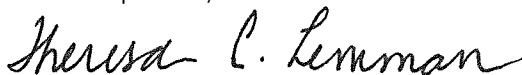
Milestone's proposed development in an environmentally sensitive area should not be allowed.

Their proposal for water, wastewater and drainage will put the fragile Edwards Aquifer recharge zone at risk. It will affect our City of Hays well and other wells in the area. It will create a financial burden, create both noise and light issues-and make my own home lose value.

Who would want to live in an effluent treatment zone?

I propose that Milestone is not allowed to place a MUD by an established residential neighborhood, not be allowed to develop over the Edwards Aquifer recharge zone, and not within 5 miles of any established wells supplying drinking water for residential or agricultural use.

In citizen protest,



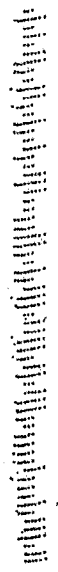
Theresa Clements-Lemman

Clement - Kemman
13000 Live Oak Lane
Buda, TX 78610

RECEIVED
SEP 20 2023
TCEQ MAIL CENTER
AJ

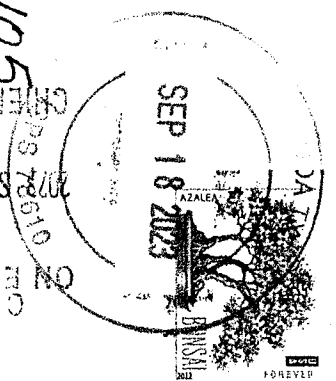
Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

787113087 8012



CHIEF CLERKS OFFICE
2023 SEP 20 AM 9:47

ON FILE
2023 SEP 20 AM 9:47



Tom E. Lemman
12600 Live Oak Lane
Buda, TX 78610
Email: tomlemman53@gmail.com
Cell: 512-565-7595

Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

REVIEWED

SEP 21 2023

By Gaw

H

CHIEF CLERK'S OFFICE

2023 SEP 20 AM 9:17

ON BEHALF OF THE
CHIEF CLERK

September 18, 2023

I live in the City of Hays and I request a contested case hearing with Hays Commons Land Investments, L.P., a Texas limited partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060.

I have lived in my home for 44 years and chose our neighborhood because of the natural surroundings, low density, limited traffic and affordable taxes and utilities.

My 1.25 acre homestead is located at the corner of Live Oak Lane and Country Lane (Ref ID: R 25015 hayscad.com). Our backyard, garden, and patio where we spend the majority of our family time is located 275 feet from the proposed site where Milestone plans an arial spray of treated sewage.

This means that my family, home, pets, yard, garden, and outside dining area will be constantly exposed to the hazards and health issues of treated sewage being sprayed into the air.

This sewage spray would also be just feet away from the source of our neighborhood drinking water and would impact the safety of our community well that our small city relies on. The spray could migrate and affect the Little Bear Creek recharge zone which lies along the boundary of our city and also affect many wells in our area.


Milestone's proposed development in an environmentally sensitive area should not be allowed.

Their proposal for water, wastewater and drainage will put the fragile Edwards Aquifer recharge zone at risk. It will affect our City of Hays well and other wells in the area. It will create a financial burden, create both noise and light issues-and make my own home lose value.

Who would want to live in an effluent treatment zone?

I propose that Milestone is not allowed to place a MUD by an established residential neighborhood, not be allowed to develop over the Edwards Aquifer recharge zone, and not within 5 miles of any established wells supplying drinking water for residential or agricultural use.

In citizen protest,



Tom E. Lemman

Lemman
12600 Live Oak Lane
Buda, TX 78610

RECEIVED

SEP 20 2023

TCEQ MAIL CENTER
AU

OFFICE OF THE CHIEF CLERK - MC105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

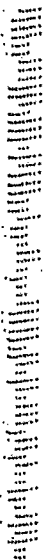


SEP 18 2023

2023 SEP 20 AM 9:47
CHIEF CLERKS OFFICE

ON ENCL
CO

787113087 BOX 13



Misty Botello

From: PUBCOMMENT-OCC
Sent: Thursday, September 14, 2023 10:15 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: jenlin00@gmail.com <jenlin00@gmail.com>
Sent: Wednesday, September 13, 2023 6:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Jenny Lindsey

EMAIL: jenlin00@gmail.com

COMPANY:

ADDRESS: 901 MOCKINGBIRD DR
MANCHACA TX 78652-4151

PHONE: 5129090973

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I reside within 1 mile of this proposed MUD and contest it's creation. The MUD this land developer is requesting will contaminate our drinking water with the wastewater they are seeking to spread along Bear Creek along with the contaminated run-off this neighborhood will create. Well supply will be diminished for the existing neighborhood. Additionally, it will negatively impact the wildlife in our community and create light pollution. Thus MUD should not be allowed and TCEQ should stand true to its mission to 'protect our state's public health and natural resources consistent with sustainable economic

development' and favor environmental health, wildlife and general health of people in this are over the greed of land developers. This MUD is not promoting sustainable economic health and TCEQ should not allow the creation of it.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 12:59 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD.pdf

eComment = H
Attachment = H

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:49 AM
To: PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; Pubcomment-Dis <Pubcomment-Dis@tceq.texas.gov>
Subject: FW: Public comment on Permit Number D06282023060

H

From: erika@erikamarcoux.com <erika@erikamarcoux.com>
Sent: Sunday, September 24, 2023 5:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Erika Marcoux

EMAIL: erika@erikamarcoux.com

COMPANY:

ADDRESS: 3807 CATTLEMAN DR
MANCHACA TX 78652-3042

PHONE: 5125689444

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section One, is in Travis County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and, more importantly, the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners depend on a community well for our drinking water and the current proposal puts water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

September 23, 2023

Chief Clerk, Texas Commission on Environmental Quality
Texas Commission for Environmental Quality

We request a **Contested Case Hearing** on Hays Commons Land Investments, L.P regarding Hays Commons Municipal District TCEQ # **D06282023060**.

Our property in Southwest Territory subdivision Sec. 3 is in Hays Co., TX less than a mile north from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers, sole-source aquifers.

One of our many **concerns** the applicant is proposing is to **disperse treatment wastewater** in the **Edwards Aquifer Recharge zone**. The previous landowner commissioned a report from the firm ACI Consulting in 2008 that surveyed the entire tract (formerly known as the Gragg Tract) of today's Hays Commons. Over 80% pf the land has karst features like sinkholes, fractures, and caves. This land is a **conduit to our drinking water wells** in northern Hays Co and Travis Co.

A 2017 Groundwater Tracing Study performed by professional geologists Zappitello and Johns (City of Austin Watershed Protection) in Little Bear Creek, up stream of proposed waste dispersal, shows groundwater movement downstream to Barton Springs and possibly impacting neighboring water wells in the area.

These concerns of the placement of a wastewater treatment plant and its service lines, highly proposed impervious cover, and overdevelopment in the Little Bear Critical Water Quality Zone (CWQZ) moved the City of Hays to deny this **MUD proposal by Milestone Builders 5-0** in early 2023. The Hays Co. Commissioner's Court denied the preliminary plat for this development in May 2023.

Hays and Travis citizens and their elected representatives asked Milestone to **relocate** its proposed **sewage plant and dispersal areas off the recharge zone** on the east side of the property. Collectively we asked for a lower level of impervious cover and not building facilities in the CWQZ. Their responses were "it doesn't meet our financial goals." Conversely, the goals of hundreds of **neighboring property owners** is to have **quality drinking water** for our **health** and recreational uses of Little Bear Creek.

If the applicant relocated the sewage facility or connects with the City of Austin for water and wastewater, lowers its impervious cover development, and backs off the Little Bear Creek CWQZ, we would adjust our status, if given, to the Contested Case hearing before you.

We care deeply about the land in this area and need to preserve its integrity. Milestone's financial concerns should not override the health of the people and the land.

Sincerely,
Erika and David Marcoux

3807 Cattleman Dr. * Manchaca, TX78652 * 512-568-9444

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD.pdf

H

From: erika@erikamarcoux.com <erika@erikamarcoux.com>
Sent: Sunday, September 24, 2023 5:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Erika Marcoux

EMAIL: erika@erikamarcoux.com

COMPANY:

ADDRESS: 3807 CATTLEMAN DR
MANCHACA TX 78652-3042

PHONE: 5125689444

FAX:

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depend on a community well for our drinking water and the current proposal puts water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

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Sincerely,
Erika and David Marcoux

3807 Cattleman Dr. * Manchaca, TX78652 * 512-568-9444

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 1:01 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD1.pdf

eComment = H
Attachment = H

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:50 AM
To: PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; Pubcomment-Dis <Pubcomment-Dis@tceq.texas.gov>
Subject: FW: Public comment on Permit Number D06282023060

H

From: david@davidmarcoux.com <david@davidmarcoux.com>
Sent: Sunday, September 24, 2023 5:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: David Marcoux

EMAIL: david@davidmarcoux.com

COMPANY:

ADDRESS: 3807 CATTLEMAN DR
MANCHACA TX 78652-3042

PHONE: 5125652749

FAX:

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September 23, 2023

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Texas Commission for Environmental Quality

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Sincerely,
Erika and David Marcoux

3807 Cattleman Dr. * Manchaca, TX 78652 * 512-568-9444

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:50 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Contested Case Hearing TCEQ Hays Commons MUD1.pdf

H

From: david@davidmarcoux.com <david@davidmarcoux.com>
Sent: Sunday, September 24, 2023 5:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: David Marcoux

EMAIL: david@davidmarcoux.com

COMPANY:

ADDRESS: 3807 CATTLEMAN DR
MANCHACA TX 78652-3042

PHONE: 5125652749

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September 23, 2023

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Texas Commission for Environmental Quality

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We care deeply about the land in this area and need to preserve its integrity. Milestone's financial concerns should not override the health of the people and the land.

Sincerely,
Erika and David Marcoux

3807 Cattleman Dr. * Manchaca, TX78652 * 512-568-9444

To: Chief Clerk, MC-105 TCEQ 9/20/23

Glenda Matthews
3415 Bliss Spillar Rd
Manduca, TX 78652
512-762-6641 (cell)

REVIEWED
SEP 22 2023
BY Gcw H

CHIEF CLERK OFFICE

2023 SEP 22 AM 10:00

OFFICE OF THE
CHIEF CLERK

I Glenda Matthews represent a contested case hearing with Hays Commons Land Investment, LP, A limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control number DD6282023060.

I have been in the Southwest Territory Subdivision for over 35 yrs. I moved here for the country like surroundings. If the Hays Commons is allowed to go through, it affects me by taking away the country look of Bliss Spillar Rd, not to mention increased traffic + noise, 1st sub-division in our area. The biggest & most important reason is the strain it would put on our aquifer, which is already stressed enough. At present we are on Stage 3 + without rain, I feel would go to stage 4 soon. My yard looks horrible since I am not allowed to water as I would like. We as a neighborhood DO NOT NEED MORE STRAIN ON OUR aquifer!!! The strain on the aquifer doesn't take in to account the water that would be used to build Hays Commons! Then there is wastewater, + what goes along with that. More people just adds to our current wildlife risk.

Again, I live in the country for a reason -
I do not want this huge common built -
I am within a mile of the location -
So many reasons for it not to be built -
The main in the water taken with
the inland population to care
about like sitting.

Thank you for your time

Stenle Matthews

Matthews

CHIEF CLERKS OFFICE

SEP 22 10 10 01

OFFICE OF THE
CHIEF CLERK
OF THE
LEGISLATURE

M

Glenda Matthews
3415 Bliss Spillar Rd
Manchaca, TX 78652

CONFIDENTIAL

2023 SEP 22 AM 10:01

CHIEF CLERK OFFICE

AUSTIN TX 787
RIO GRANDE DISTRICT
20 SEP 2023 PM 4 L



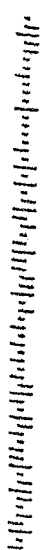
Chief Clerk, MC-105

TC Eq

P.O. Box 13087

Austin, TX 78711-3087

78711-3087



Misty Botello

From: PUBCOMMENT-OCC
Sent: Thursday, September 14, 2023 10:29 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: jtmcgimsey@me.com <jtmcgimsey@me.com>
Sent: Wednesday, September 13, 2023 10:19 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: John T McGimsey

EMAIL: jtmcgimsey@me.com

COMPANY:

ADDRESS: 913 HAWK DR
MANCHACA TX 78652-4178

PHONE: 5127517130

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. This development will be less than a half mile from our street, Hawk Drive and will drastically impact our water source in our Chaparral Park neighborhood with major detrimental effects. Additionally, this will impact our water quality as well. If plans are made post-petition consideration and the vote is to move forward, can we consider a much much smaller subdivision of homes in this proposed site?

REVIEWED

SEP 22 2023

By GCU H

Gerald and Linda McKnight
12628 Red Bud Trail Buda, TX 78610
City of Hays
512-293-4356 (cell)

CHIEF CLERKS OFFICE

2023 SEP 22 AM 10:00

COMPLIANCE
ON ENVIRONMENTAL
QUALITY

"We request a contested case hearing with Hays Commons Land Investments, L.P., A limited partnership regarding Hays Commons MUD, TCEQ Internal Control Number D.06282023060".

I have learned that when a city forms a MUD with an organization such as Milestone, it provides a developer an alternate way to finance infrastructure such as water, sewer, drainage, and road facilities. We live halfway down Red Bud Trail, so ~~we~~ we could experience the smell from an ariel spray of "treated" sewage. The spray will also be close to our city's well. The lights from the development could shine into our neighborhood. If Milestone defaults in any way, our city would be responsible for their costs.

Sincerely, Gerald McKnight
Linda McKnight

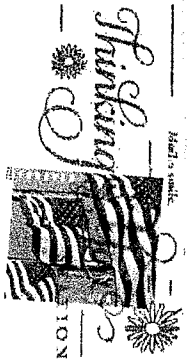
MM Knight
12628 Red Bud Trail
Buda, Texas 78610

ON FILE
2023 SEP 22 AM 10:00
CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC-105
JCEQ
P.O. Box 13087
Austin, Texas 78711-3087

78711-308787

AUSTIN TX 787
RIO GRANDE DISTRICT
20 SEP 2023 PM 2 L



Misty Botello

From: PUBCOMMENT-OCC
Sent: Thursday, September 14, 2023 11:43 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: katieamoccia@gmail.com <katieamoccia@gmail.com>
Sent: Wednesday, September 13, 2023 2:38 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Katie Moccia

EMAIL: katieamoccia@gmail.com

COMPANY:

ADDRESS: 42 COUNTRY OAKS DR
BUDA TX 78610-9338

PHONE: 5127897591

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060 Simply put, water and wastewater will have detrimental effects on all homes around this proposed site.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:31 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: Matthewmoccia@yahoo.com <Matthewmoccia@yahoo.com>
Sent: Tuesday, September 19, 2023 3:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Matthew Moccia

EMAIL: Matthewmoccia@yahoo.com

COMPANY:

ADDRESS: 42 COUNTRY OAKS DR
BUDA TX 78610-9338

PHONE: 5129631124

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property would be affected by this MUD. This includes exorbitant costs, well contamination or supply concerns, storm runoff, traffic, safety, noise, lighting, and property value. My property is in direct contact with the property involved.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 11:31 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: bemo2513@gmail.com <bemo2513@gmail.com>
Sent: Tuesday, September 19, 2023 10:55 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Brandon Morales

EMAIL: bemo2513@gmail.com

COMPANY:

ADDRESS: 112 SHANNONS WAY
BUDA TX 78610-3204

PHONE: 5128108857

FAX:

COMMENTS: I'd like to contested MUD hearing on the proposed Persimmon development.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:56 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: GEAACommentsHaysCommonsMUD.pdf

H

From: annalisa@aquiferalliance.org <annalisa@aquiferalliance.org>
Sent: Wednesday, September 20, 2023 5:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MS Annalisa Peace

EMAIL: annalisa@aquiferalliance.org

COMPANY: Greater Edwards Aquifer Alliance

ADDRESS: PO BOX 15618
SAN ANTONIO TX 78212-8818

PHONE: 2103200149

FAX: 2103206298

COMMENTS: Please accept the attached comments on behalf of the fifty-eight member groups of the Greater Edwards Aquifer Alliance.



Member Organizations

Alamo, Austin, and Lohe Star chapters of the Sierra Club

Bexar Audubon Society

Bexar and Travis-Austin Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighbors for Clean Water

Cibolo Center for Conservation

Citizens for the Protection of Cibolo Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of SA

Fitzhugh Neighbors

Friends of Canyon Lake

Friends of Castroville Regional Park

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe Riverkeepers

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Alliance

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Native Plant Society of Texas – SA

Northwest Interstate Coalition of NA's

Pedernales River Alliance – Gillespie Co.

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

RiverAid San Antonio

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Sisters of the Divine Providence

Solar San Antonio

Texas Cave Management Association

Trinity Edwards Spring Protection Assoc.

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

The Watershed Association

PO Box 15618, San Antonio, Texas 78212

September 20, 2023

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC 105

P.O. Box 13087

Austin, Texas 78711-3087

Submitted electronically at <http://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Contested Case Hearing Request Regarding Hays Commons MUD application for Permit # D06282023060

Please accept the attached comments on behalf of the fifty-eight member groups of the Greater Edwards Aquifer Alliance.

1. **Background.** Milestone Community Builders, under the name Hays Commons Land Investments, LP, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Utility District (MUD) for the proposed Hays Commons subdivision. The proposed subdivision consists of 290.1 acres consisting of a) twenty single-family lots of over 1.0 acre each, b) two multi-family/condo lots totaling 87.6 acres with 257 proposed condo units total, c) three parkland/open spaces totaling 139.7 acres, d) three utility lots totaling 15.5 acres, e) one commercial lot of 13.8 acres, and f) four public street right-of-ways.

The proposed subdivision is bounded on the north by an undeveloped 159.4 acre tract, on the east by State Highway 45 and F.M. 1626, on the south by County of Hays, Hays Country Oaks (Section 1), and Country Estates (Section 1 & Section 2), and on the west by an undeveloped 74.8 acre tract and an 11.01 acre ranch. The proposed subdivision is in Hays County, within the City of Hays Extraterritorial Jurisdiction, and within the Little Bear Creek Watershed. 248.4 acres of the proposed subdivision is within the Recharge Zone and 41.8 acres is within the Transition Zone of Edwards Aquifer.

2. **Greater Edwards Aquifer Alliance (GEAA).** GEAA submits the following comments on behalf of our fifty-eight member organizations and requests a contested case hearing regarding the Hays Commons MUD application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed

application of Milestone Community Builders for the Hays Commons MUD.

3. Hays Commons Municipal Utility District (MUD). The Hays Commons developer, Milestone, is requesting a MUD designation from TCEQ to finance the infrastructure costs associated with their proposed high-density Hays Commons development. These infrastructure costs include the development of municipal water wells, the development of a Wastewater Treatment Plant (WWTP) with corresponding Texas Land Application Permit (TLAP) infrastructure, and stormwater mitigation structures. Milestone has stated on the record that their plan is to drill multiple wells into the lower Trinity aquifer for water supply to the development and then to dispose of treated sewage effluent via land application within the “parkland” section of the tract that surrounds Little Bear Creek.

4. Specific Concerns Regarding MUD Application. GEAA and our member groups have numerous concerns with the Hays Commons MUD Application, which fall into 4 broad categories: a) Water Supply Impacts, b) Wastewater Impacts, c) Stormwater Impacts, and d) Further Impacts.

- a. Water Supply Impacts. The Hays Commons development and associated MUD will have negative impacts on the amount of water available to nearby residents and the quality of this water supply. As stated earlier in these comments, the developer is planning on drilling several wells into the lower Trinity Aquifer in order to serve the 257 condominium units, 20 single-family houses, and 14 acres of commercial development planned. Milestone also has planned a second phase of development which will include 280 condo units on an adjacent parcel of land to the north; the current plan is to have this adjacent parcel served by the same Hays Commons MUD. If allowed to move forward with the current plan, Hays Commons would more than quadruple the population in that immediate area, from 240 people currently to well over 1000, creating strain on the drought-challenged Trinity Aquifer and its ability to provide water to the surrounding area. Both the quantity and quality of the water supply would undoubtedly be affected by placing such a high-density development in such an environmentally sensitive area with limited water supply.

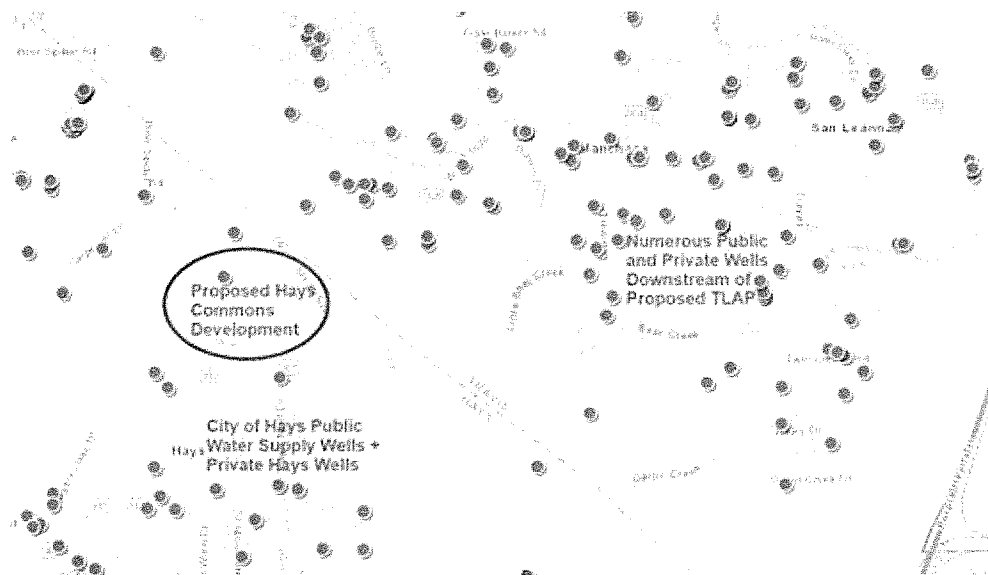


Fig. 1: Numerous existing public and private wells (shown in purple) are located near the proposed Hays Commons development

- b. Wastewater Impacts. The Hays Commons MUD will be used to finance a WWTP and the associated infrastructure necessary to irrigate up to 150,000 gallons per day (initially) of treated sewage over the Edwards Aquifer Recharge Zone (EARZ), according to the wastewater permit application recently submitted to TCEQ; Permit # WQ0016373001. Currently, there are no other developments irrigating treated sewage over the Edwards Aquifer Recharge Zone (EARZ), simply because it is unsafe and could lead to a public health crisis, passing treated sewage directly into the groundwater supply that is being used by many local wells. Yet, that is exactly what is being proposed, even though there are numerous public and private wells that serve the communities of Hays, Manchaca, and elsewhere, all located a short distance from where Hays Commons will be disposing of their treated sewage (see Fig. 1).

As can be seen from Fig. 2 below, the proposed TLAP treated sewage irrigation fields for the Hays Commons MUD will be located at the confluence of Little Bear Creek and an unnamed tributary, an area that sits over the EARZ. The red dots show significant karst features - faults and fractures where surface water flows freely to groundwater. In this sensitive region, anything that flows across the surface, including treated sewage, will end up in groundwater, if the Hays Commons MUD is allowed to be established by TCEQ.

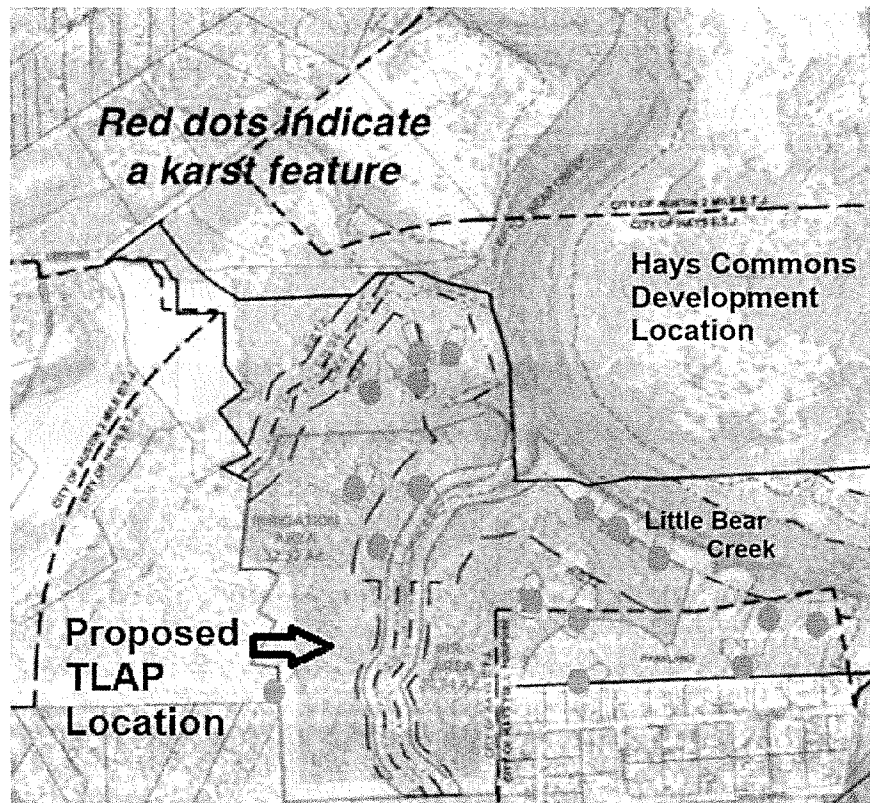


Fig. 2: The proposed area for disposing of Hays Commons treated sewage contains many karst features which provide a direct path from the surface to groundwater

- c. Stormwater Impacts. The proposed Hays Commons tract is known for flooding, with a substantial area of the tract in the 100-year and 500-year flood plains of Little Bear Creek, according to the Hays Commons preliminary plat. Seven of the proposed twenty single-family homes are surrounded on three sides by floodplains. Furthermore, the area contains thin soils that do not absorb water very well; in fact, 97% of the proposed Hays Commons soils are Category D soils, the highest runoff rating of all soils.

Into this flood-prone area with high-runoff soils, Milestone has proposed 14 acres of commercial property with 70% impervious cover, which will lead to potential flooding and groundwater contamination whenever there are heavy rains. They attempt to mitigate the impervious cover problem by including high-density condo units in the tract. However, the overall impervious cover for the entire proposed development is still 31%, which is 16% more than the 15% maximum impervious cover specified in the Save Our Springs (SOS) Ordinance for development over the EARZ.

The construction phase of this potential development is also of great concern, especially given the proximity of the proposed construction to both Little Bear Creek and the underlying Edwards Aquifer. There are legitimate concerns that the temporary erosion and sedimentation control facilities proposed by the developer will not be adequate to

prevent pollution of Little Bear Creek and the Edwards Aquifer during the construction phase.

Once construction is completed, Milestone proposes two batch detention ponds as the sole means of maintaining water quality for this development. Batch detention ponds can be effective for removing total suspended solids (TSS), with properly maintained systems. However, they are less effective at removing fluid pollutants such as oil, gasoline, and wastewater nutrients such as nitrogen and phosphorous that may not be absorbed within a land application irrigation field. More importantly, there are no batch detention ponds proposed between the TLAP field and Little Bear Creek, meaning any overflow from the TLAP field would run directly into Little Bear Creek and by extension the Edwards Aquifer, since this development is located on the EARZ.

If the two proposed batch detention ponds aren't properly maintained, solid pollutants in addition to fluid pollutants could find their way into Little Bear Creek and then groundwater. During the past eighteen years, we have seen numerous stormwater detention plans that were never fully implemented or that failed to function properly coupled with a failure on the part of TCEQ staff to make sure approved plans were adhered to and functional through follow-up inspections. Given the budgetary and staff shortages of TCEQ, we urge caution in approving high maintenance plans such as this one, especially given the environmentally-sensitive location on the EARZ.

- d. Further impacts. If approved by TCEQ, the Hays Commons MUD wouldn't just impact nearby wells and water supply; because of the interconnected nature of the Edwards Aquifer and its surface waterways, the impacts of aquifer contamination with treated sewage and stormwater runoff could be seen quite some distance away. Fig. 3 below shows the groundwater flow path in northern Hays County and southern Travis County.

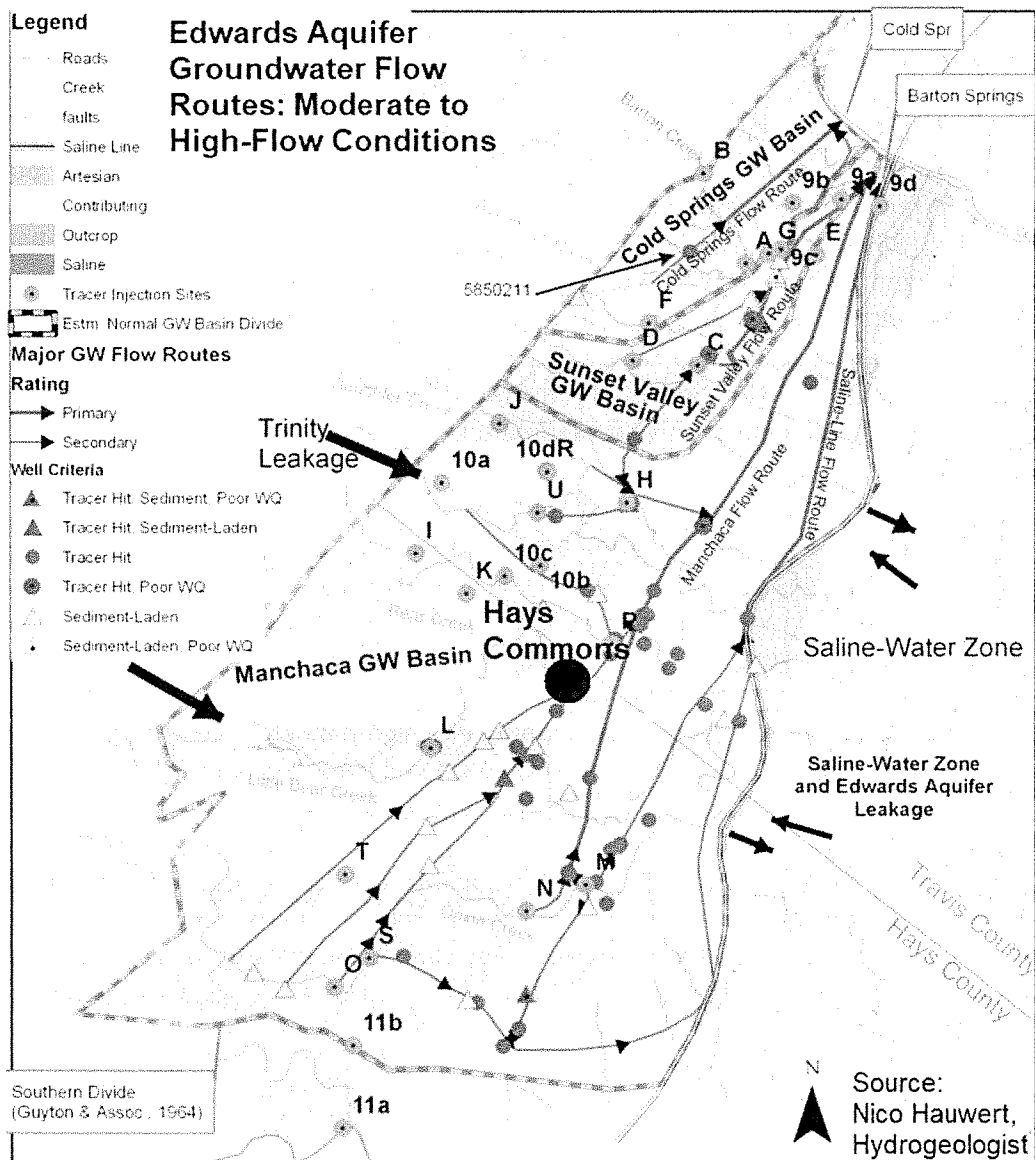


Fig. 3: The Manchaca Flow Route runs near the proposed area for Hays Commons; any surface pollutants from Hays Commons would likely end up in the Edwards Aquifer and

Note the primary Manchaca Flow Route passes right next to the proposed Hays Commons development and extends all the way to Barton Springs. Any contaminants entering the Edwards Aquifer from the many karst features on the proposed Hays Commons tract would travel fairly quickly down a flow path from northern Hays County into Travis County, through South Austin, and directly into Barton Springs pool, contaminating water wells along the way.

5. Conclusion. In summary, the type of development proposed by Milestone and the supporting MUD infrastructure required are ill-suited for the environmentally-sensitive nature of the area. Existing development in this area respects the location over the EARZ and consists predominantly of single-family homes on one acre plus lots, with On-Site Septic Facilities (OSSFs) for wastewater. Dropping in a high-density development with 14 acres of 70% impervious cover commercial space, plus a 32-acre treated sewage irrigation field is not only incongruous to the existing area aesthetic but will likely lead to significant groundwater contamination. We urge TCEQ to reject the Hays Commons MUD application in its entirety.

Thank you for the opportunity to submit these comments.

Respectfully,

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 1:47 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Aerial of Gragg Tract.pdf

H

From: cpenn43@yahoo.com <cpenn43@yahoo.com>
Sent: Wednesday, September 20, 2023 12:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Carol Pennington

EMAIL: cpenn43@yahoo.com

COMPANY:

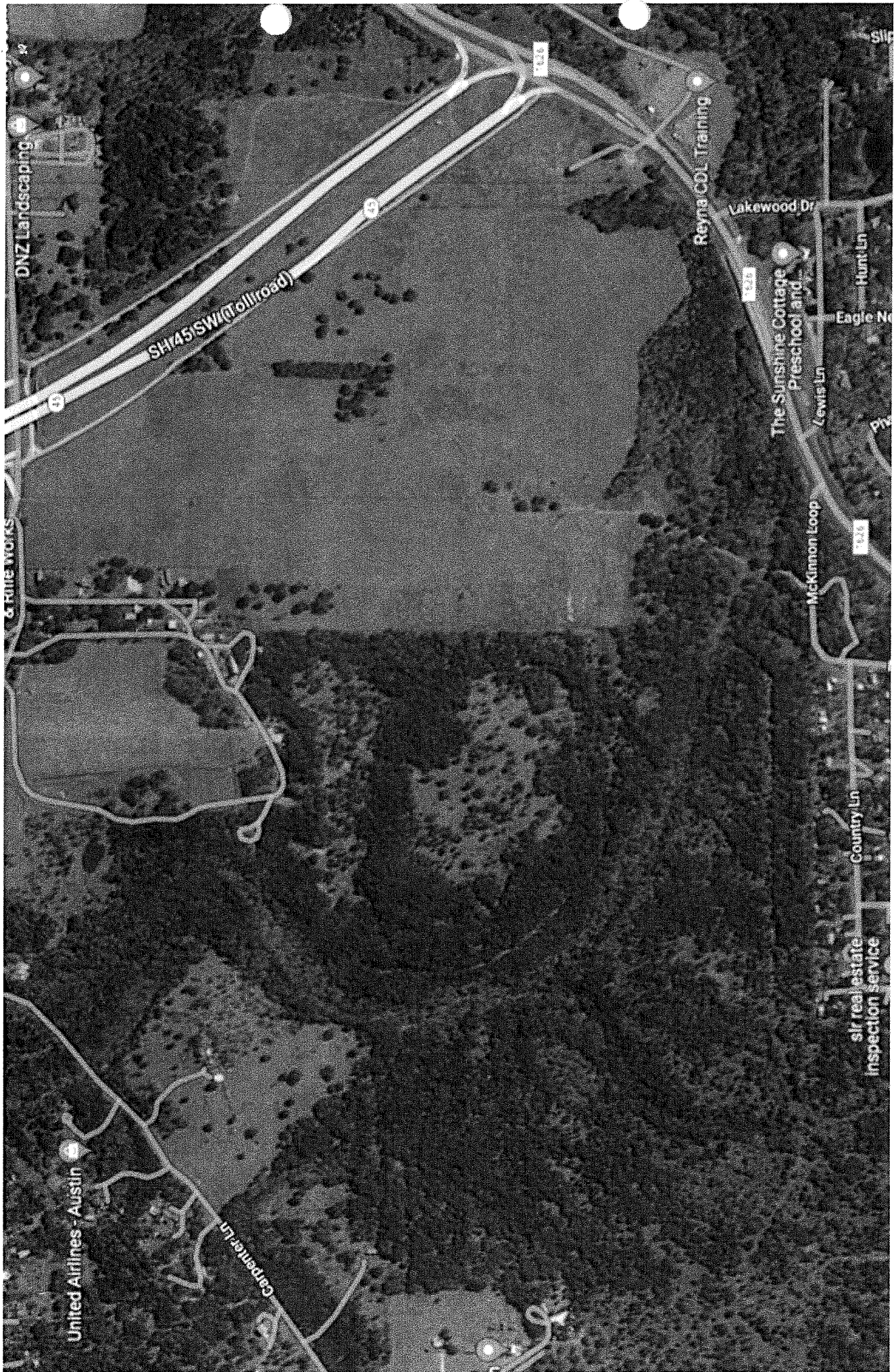
ADDRESS: 1005 BLUEBIRD DR
MANCHACA TX 78652-4157

PHONE: 5129716778

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. They want to use the exorbitant amount of money to create an infrastructure to sell water to other entities when there is no water to sell. This is not the first drought and will not be the last. We just plain do not have enough water for this subdivision let alone for more subdivisions. They also want to build a TLAP over the Edwards Aquifer Recharge Zone and spray treated wastewater right next to Little Bear Creek and two tributaries. Do you know what happens to water from Little Bear

Creek? It goes up to Austin and comes out at Barton Springs in less than five days! This would be a disaster if allowed to go forward. They also want to build 260 condo units on land that cannot support that. That is too much impervious cover and the aquifer will not get recharged like it is supposed to. This property is "in the country" and not in a city. There are not city services out here and this is trying to create city services. That is not possible. There are not enough resources for 260 condos. This is also possible Golden Cheek Warbler Habitat. There are many wildlife species that use this area for homes and migration. This would disrupt their habitat. We have dark skies out here and this would also disrupt that. Traffic would be a huge issue, especially on a small country easement, Carpenter Lane, that floods in heavy rains. This developer is known to clear cut the land and build. There are huge heritage Live Oak trees as well as understory habitat that would be lost forever. That will never be replaced as it stands today. It is an entire ecosystem with the creeks and karsts and it all goes together. There are already four water wells drilled on this property. He can hire a company to come in and install the water lines where they need to go. He could have large lots with individual septic systems. There is no reason for a MUD. This is the best way to go for this property and for the Edwards Aquifer.



Misty Botello

From: PUBCOMMENT-OCC
Sent: Thursday, September 14, 2023 10:16 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: ramonraunbyberg@gmail.com <ramonraunbyberg@gmail.com>
Sent: Wednesday, September 13, 2023 6:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Ramon Raun-Byberg

EMAIL: ramonraunbyberg@gmail.com

COMPANY:

ADDRESS: 901 MOCKINGBIRD DR
MANCHACA TX 78652-4151

PHONE: 5128090573

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I reside within 1 mile of this proposed MUD and contest it's creation. This development will cause drastic harm to myself and the wildlife by causing light pollution, increased traffic, and sewer with chemicals and prescription drugs. These are just a few of the many reasons I strongly oppose Hays Commons and any similar M.U.D. projects in this highly sensitive area.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Thursday, September 14, 2023 2:23 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: bsr0216@gmail.com <bsr0216@gmail.com>
Sent: Thursday, September 14, 2023 1:25 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Barbara Reeves

EMAIL: bsr0216@gmail.com

COMPANY:

ADDRESS: 3411 BLISS SPILLAR RD
MANCHACA TX 78652-3121

PHONE: 5126361596

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. My property in Southwest Territory subdivision Section One, Lot 16, Block C, is in Travis County and is less than one mile from the Hays Commons property. Our neighborhood is serviced by groundwater wells in the Edwards and Trinity Aquifers. My concerns include the water source and, more importantly, the wastewater recharge zone for the proposed development. The developer's proposal is to disperse treated wastewater in the Edwards Aquifer Recharge zone. Southwest Territory homeowners depend on a community well for our drinking water and the current proposal puts

water availability and cleanliness at risk. I fully understand the Hays Commons development will be built, but I believe the safest path forward would be for them to use City of Austin water and wastewater.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 3:36 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D-06282023-060
Attachments: SOS Hays Commons MUD Contested Case Hearing Request.pdf

From: victoria@sosalliance.org <victoria@sosalliance.org>
Sent: Monday, September 25, 2023 1:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D-06282023-060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D-06282023-060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Victoria Rose

EMAIL: victoria@sosalliance.org

COMPANY: Save Our Springs Alliance

ADDRESS: 4701 W GATE BLVD Ste. D-401
AUSTIN TX 78745-1479

PHONE: 5124772320

FAX:

COMMENTS: Please find SOS's contested case hearing request in the attached PDF.



Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087 – MC 105
Austin, Texas 787011 – 3087

September 25, 2023

Via: Online Submission Form

RE: Request for Contested Case Hearing on the Petition of the Hays Commons Land Investments, LP for the Proposed Hays Commons MUD, No. D-06282023-060

Dear Ms. Gharis,

Save Our Springs Alliance requests a contested case hearing on the petition of the Hays Commons Land Investments, LP for the Proposed Hays Commons Municipal Utility District, TCEQ Internal Control No. D-06282023-060.

I. Background on the Petition.

The Hays Commons Land Investments, LP (“the Petitioner”) has filed a petition with the Texas Commission on Environmental Quality (“TCEQ”) to create the Hays Commons Municipal Utility District (“the proposed MUD”). The subdivision to be served by the proposed MUD is located in an environmentally sensitive area and is within the Little Bear Creek Watershed and the recharge and transition zones of the Edwards Aquifer. The proposed MUD would allow the developer of the associated high-density development to finance the costs associated with the development of municipal water wells, wastewater infrastructure, and stormwater infrastructure while passing on the cost of environmental destruction, ground and surface water contamination, reduced aquifer recharge, and drawdown of aquifers to municipalities, property owners in the area, and those that enjoy the recreational and aesthetic uses of impacted surface waters and springs. Due to the location, scale, and accompanying impervious cover, the development associated with the proposed MUD will contaminate ground and surface water and contribute heavily to the depletion of groundwater.

II. Save Our Springs Alliance Meets the Requirements to be Considered an “Affected Person” to Request a Contested Case Hearing.

Save Our Springs Alliance (“SOS”) is a non-profit conservation organization located in Austin, Texas that works to “protect the Edwards Aquifer, its springs and contributing streams, and the natural and cultural heritage of the Hill Country region and its watersheds.” To effectuate its mission, SOS regularly works through education and legal advocacy to protect the Edwards and Trinity Aquifers from over pumping and contamination, works to advocate for limiting

Austin’s water watchdog since 1992

4701 West Gate Blvd, D-401, Austin, TX 78745 • 512-477-2320 • SOSAlliance.org

impervious cover on the recharge and contributing zones of the aquifers, and works to preserve natural landscapes. SOS also consistently challenges sources of surface water pollution across the Hill Country. Furthermore, SOS's mission places a strong emphasis on the protection of Barton Springs, and any groundwater pollution and decrease in Edwards Aquifer recharge associated with the proposed MUD will directly and negatively impact Barton Springs. Thus, challenging the petition and proposed MUD goes directly to the heart of SOS's mission, and participation in a contested case hearing for the petition and proposed MUD will allow SOS to protect its interests in water quality, water quantity, protection of aquatic and terrestrial wildlife, and protection of natural aesthetic beauty across the Texas Hill Country.

SOS has members who would otherwise have standing to request a contested case hearing in their own right. Among them is SOS member Jim Camp.

Jim Camp and his wife Elizabeth Camp own property in Hays County, Texas that is within one mile of the proposed MUD. Mr. Camp's property depends on groundwater from the Edwards and Trinity Aquifers, and Mr. Camp enjoys the benefits of living near Little Bear Creek. Mr. Camp's economic, property, aesthetic, and personal health and safety interests will be harmed by the proposed MUD. The proposed MUD will lead to the over pumping of groundwater, contamination of groundwater, contamination of surface water, negative impacts to aquifer recharge, and destruction of the character of the surrounding area. Such pollution and waste of natural resources will harm Mr. Camp. Mr. Camp's address is 3803 Cattleman Dr., Manchaca, Texas 78652; Mr. Camp's phone number is 512-431-1120; and Mr. Camp's email address is jimcamp00@gmail.com

For these reasons, SOS is an "affected person" entitled to a contested case hearing on the petition and proposed MUD.

III. The Proposed MUD Will Have Unreasonable Effects.

The proposed MUD is not feasible, practicable, or necessary, and the proposed MUD will have unreasonable effects on the groundwater level within the region, recharge capability of a groundwater source, natural run-off rates and drainage, and water quality.

The unreasonable effects associated with the proposed MUD come from the location and nature of the development including aspects such as: (1) the proposed MUD has applied for a Texas Land Application Permit to irrigate wastewater on the Edwards Aquifer Recharge Zone where wastewater will flow directly into karst features and into Little Bear Creek; (2) the developer of the proposed MUD plans to drill several wells into the Trinity Aquifer, increasing aquifer draw down in an already stressed and over drilled area; (3) development associated with the proposed MUD will increase impervious cover in a flood prone area with thin soils and any proposed mitigation is insufficient; (4) increased impervious cover from the development associated with the proposed MUD will negatively impact recharge of the Edwards Aquifer; (5) runoff from construction for the development associated with the proposed MUD will decrease will harm ground and surface water quality.

It is not reasonable to allow a single developer to contaminate the groundwater and surface water for countless people, to cause significant drawdown of an aquifer, and to cause significant and far-reaching environmental damage. Since the proposed MUD will have unreasonable effects on

the groundwater level within the region, recharge capability of a groundwater source, natural run-off rates and drainage, and water quality, the TCEQ Commissioners must deny the petition for the proposed MUD. Texas Water Code § 54.021(d).

IV. Conclusion.

SOS requests a contested case hearing on the petition of Hays Commons Land Investments, LP for the Proposed Hays Commons Municipal Utility District, TCEQ Internal Control No. D-06282023-060. Alternatively, SOS asks that the TCEQ Commissioners deny the petition without additional proceedings.

Please use the contact information below for all communications with SOS in this matter.

Sincerely,

/s/ Victoria Rose
Victoria Ann Rose
State Bar No. 24131088
victoria@sosalliance.org

Bill Bunch
State Bar No. 03342520
bill@sosalliance.org

Save Our Springs Alliance
4701 Westgate Blvd.
Bldg. D, Suite 401
Austin, Texas 78745
Tel.: 512-477-2320
Fax: 512-477-6410

Attorneys for Save Our Springs Alliance

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:02 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: kody.schouten@gmail.com <kody.schouten@gmail.com>
Sent: Saturday, September 2, 2023 4:59 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MR Kody Schouten

EMAIL: kody.schouten@gmail.com

COMPANY:

ADDRESS: 804 LAUREL CV
BUDA TX 78610-2874

PHONE: 2544854042

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., a Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. As a resident of the Cove of Cimarron subdivision and the customer of the Cimarron Park Water company, my concerns aligned with the current status of water and wastewater treatment from this MUD affecting our perilous water resource within Edward Aquifer. As of this comment, we are undergo Stage 3 drought and are told not to do outside watering/conserves water. This is only a tip of the iceberg regarding the state of the environment such as storm runoff, lightning pollution, etc.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:03 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: schoutenlindsey@yahoo.com <schoutenlindsey@yahoo.com>
Sent: Saturday, September 2, 2023 5:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Lindsey Schouten

EMAIL: schoutenlindsey@yahoo.com

COMPANY:

ADDRESS: 102 AMANDAS WAY
BUDA TX 78610-2897

PHONE: 2642245866

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I request this because it will increase traffic burden and deplete our water supply.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:39 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06282023060

H

From: Ddshultz1152@gmail.com <Ddshultz1152@gmail.com>
Sent: Friday, September 15, 2023 9:06 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MR Doyle Shultz, III

EMAIL: Ddshultz1152@gmail.com

COMPANY:

ADDRESS: 530 COUNTRY LN
BUDA TX 78610-9314

PHONE: 5126963057

FAX:

COMMENTS: I request a contested case hearing with Hays CommonsLand Investments LP., a Texas limited partnership regarding Hays Commons MUD, TCEQ internal control numberD06282023060. My property will back up to the aerial distribution of sewage. The cost my property and neighborhood will be a burden, it will contaminate the community well and could cause a loss of water. There will also be an increase of noise and safety concerns due to increased traffic. I do not support a creation of a MUD as it could also contaminate the creek.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:44 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: Ddshultz1152@gmail.com <Ddshultz1152@gmail.com>
Sent: Friday, September 15, 2023 5:22 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MR Doyle Shultz, III

EMAIL: Ddshultz1152@gmail.com

COMPANY:

ADDRESS: 530 COUNTRY LN
BUDA TX 78610-9314

PHONE: 5126963057

FAX:

COMMENTS: I request a contested case hearing with Hays CommonsLand Investments LP., a Texas limited partnership regarding Hays Commons MUD, TCEQ internal control numberD06282023060. My property will back up to the aerial distribution of sewage. The cost my property and neighborhood will be a burden, it will contaminate the community well and could cause a loss of water. There will also be an increase of noise and safety concerns due to increased traffic. I do not support a creation of a MUD as it could also contaminate the creek.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, September 26, 2023 10:35 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060
Attachments: Hays Commons TCEQ CCH (2)1.pdf

H

From: starrsdar@gmail.com <starrsdar@gmail.com>
Sent: Monday, September 25, 2023 6:08 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MRS Darlene Starr

EMAIL: starrsdar@gmail.com

COMPANY:

ADDRESS: 2301 SPARROW DR
MANCHACA TX 78652-4180

PHONE: 2149068514

FAX:

COMMENTS: Letter attached.

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC 105

P.O. Box 13087

Austin, Texas 78711-3087

Submitted electronically at: <https://www14.tceq.texas.gov/epic/eComment>

Re: Comments and Contested Case Hearing Request Regarding Hays

Commons MUD application for Permit # D06282023060

Milestone Community Builders, under the name Hays Commons Land Investments, LP, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Utility District (MUD) for the proposed Hays Commons subdivision. Greater than 95% of the tract in question lies over what many geoscientists consider to be one of the most sensitive parts of the Edwards Aquifer Recharge Zone, and as such has historically been restricted in the type of development allowed to occur here. Our home is .3 miles from the footprint of the proposed MUD. We have been participating in meetings at the City of Hays and Hays County for more than two years about this proposed development, during which I have heard the inconsistent proposals by Milestone and witnessed many instances of lack of transparency, including differing proposals being submitted to the city and county during the same time frame.

Based on the non-exhaustive list of reasons stated below, I request denial of this MUD application in its entirety.

In open public meetings, Milestone has expressed intention to:

- Build an onsite wastewater treatment plant on this tract, which is known to be in a flood zone.
- Transfer phosphorus treated wastewater across the tract, boring beneath Little Bear Creek, and dispersing this wastewater alongside Little Bear Creek in an area known to be full of openings to the aquifer.
- Build higher density than the sensitivity of the land can sustain, and higher density than allowed by SOS ordinance over the EARZ, and also higher than allowed by Hays County regulations.

ISSUES:

- Geological assessments of the tract show a large number of karsts, sinkholes, caves, and other sensitive features with direct access to the aquifer, which would allow any pollutants used above ground or applied to the ground, including sewage, pesticides, herbicides, etc to infiltrate the sole source of drinking water for all existing residents in the immediate area.
- The type of system which Milestone is proposing has a documented high rate of failure and deferred maintenance, adding to the risks in this highly sensitive area.
- Milestone developments also have many BBB reports and lawsuits regarding faulty water and wastewater infrastructure.
- Within the immediate area of the footprint exists at minimum 75 private wells and several community wells within the impact zone. They exist in both the Trinity and Edwards aquifers.
- A dye-tracing study just upstream of the subject property has proven that contamination would occur to nearby drinking water wells, and also downstream through southern Travis County, and into Barton Springs within 3-5 days.
- Proposed land use incompatible with surrounding neighborhoods, all of which are single family rural style on large acre lots, per restrictions over the EARZ.

- The soil type on the tract cannot absorb the volume wastewater MS is proposing, roughly equivalent to a half inch of rain each day.
- The amount of water pumpage the developer is requesting would impact water availability for local private and community wells into the Trinity and contaminate those in the Edwards.
- Currently, no TLAP exists over the EARZ for good reason, as there is no safe way to do this. TCEQ would be derelict in its duty to protect the environment and public health to let this be approved.
- Proposal lies within the ETJ of City of Hays, whose city council unanimously voted AGAINST the developer's MUD request.
- As Milestone has requested removal from the city's ETJ as of September 1, as allowed by new state laws, this is providing a dangerous loophole for the developer to exploit wherein they would not have to comply with the city's subdivision rules, including those in place to protect groundwater safety and availability. It is up to the TCEQ to fill this gap and protect our water and environment.
- Developer has publicly pushed back on requests to lower density to allow aquifer recharge and change their wastewater plans in order to protect nearby wells. To quote "It doesn't meet our financial goals".
- This tract is a large part of the last contiguous natural space in Northern Hays County, and as such is a highly active wildlife corridor and migration pathway for protected migratory birds, butterflies, bats, etc. The area is rich with countless raptor species, hawks, owls, chuck will's widow, nighthawks, wild turkey, roadrunners, bobcat, foxes, and the gamut of small mammals. Large butterfly/moth and bird migrations are commonly witnessed. Protected Bald Eagles and Whooping Cranes are documented in the area. The tract lies in the habitat for the endangered Golden-Cheeked Warbler, as noted by Hays County maps. A 3rd party full-year Wildlife Impact Study should be conducted.
- Wastewater treatment chemicals have the capacity to be detrimental to migratory birds and wildlife
- Adjacency to City of Austin critical water quality protection lands risks contamination of these WQP lands as well as infiltration by invasive plants commonly used in planned community landscapes, which would impact the health and effectiveness of the WQP lands.
- This tract and adjoining area is rich in animal and plant biodiversity, with much of it old-growth mixed hardwood forest, providing countless priceless ecosystem services, including aquifer protection, air quality protection, and ambient environmental cooling.
- At my home property, .3 miles away, I steward one of only three United Plant Savers botanical sanctuaries in the state of Texas, for the conservation of medicinal plants and their habitats. We gained this status via inventory of existing species and efforts to protect and encourage their populations. Our land's biodiversity is representative of the biodiversity that also exists on the subject tract. These species are being lost all over Central Texas due to tracts being razed for development. This builder has a track record of clear cutting down below the seed bank, removing even all heritage trees. See their SkyRidge development for example.
- Our botanical sanctuary, and the community classes and community garden offered here, would be negatively impacted by the noise of construction for years, and for the long-haul by the smell of sewage brought on strong winds which come to us from the South most of the year (right from the wastewater plant and distribution to our home and land). People come here to learn about nature and be immersed in it. I witness notable changes in the mental

wellbeing of individuals because of it. The smell of sewage would take away that benefit for people.

- Many adjacent landowners have found artifacts/evidence of prehistory civilization. I have had some looked at by tribal councils in Texas, who have told me they believe these are "older than what we think of as indigenous" and likely evidence of First Peoples, that still exists on these lands. Known evidence exists of sacred sites on properties very near the subject property, suspected to follow the creek through the subject property, and there is documentation of a later indigenous trade route through this very area. It is my belief that a substantial cultural site exists. An archaeological/cultural study should be done.

Remedies:

The best case scenario and highest use for this tract would be for it to be purchased from the developer and conserved for water quality protection, ecosystem and wildlife protection, and cultural respect and preservation. There is simply no replacing what would be lost within our lifetimes. Short of that, Milestone should be required to seek water and wastewater from the City of Austin, AND/OR agree to only single family homes on large aced lots, with onsite septs such as is the case with all of the surrounding area. The tract's previous owner was offered COA service option in 2017, with the caveat that Austin would require them to agree to several points to ensure environmental soundness and be in alignment with best practices over the EARZ in accordance with SOS Ordinance. Hays County also has Conservation Development Regulations which the builder could choose to opt into, but so far has not. A development agreement should be required and enforced, to ensure public health and the water supply for the area's existing residents. An impartial and complete federal environmental impact study should be done, including but not limited to wildlife, archaeological/ cultural sites, identification of critical/unique features, water and ecosystem impacts.

Thank you for the opportunity to have our concerns heard, and for your protection of our water and environment.

Darlene and Michael Starr
Manhaca, TX/ Hays County
(full address and daytime phone number submitted in online form)

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, September 26, 2023 10:34 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

From: michaelstarrrocks@gmail.com <michaelstarrrocks@gmail.com>
Sent: Monday, September 25, 2023 5:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MR Michael Starr

EMAIL: michaelstarrrocks@gmail.com

COMPANY:

ADDRESS: 2301 SPARROW DR
MANCHACA TX 78652-4180

PHONE: 2147255917

FAX:

COMMENTS: RE: HAYS COMMONS MUD Our county and state should be more steadfast in protecting its citizens AND environment from developments like this. Do these developers have long-terms water conservation plans in place? How much more stress are we going to keep putting on the aquifer trying to build over such a sensitive, special part as this? Does anyone care of the impact this will have on neighboring communities of already established taxpayers? If this developer REALLY cared about this particular region as they continue to gobble up nearby land for more development, perhaps they should consider returning THIS part back to the land, and making a park/preserve out of it instead of tons of housing & development. This part of our growing community will always need that little oasis to help the ecosystem.

We have to be smart about where we set up future developments....this one concerns me. Thank you for your time and allowing me to share my thoughts.

September 18, 2023

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

REVIEWED

SEP 21 2023

By GW

CHIEF CLERK'S OFFICE

2023 SEP 20 AM 9:40

ONE OF TWO

Dear Sir or Madam:

I request a contested case hearing with Hays Commons Land Investments, L.P., a Texas Limited Partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060.

My name is Ed M. Thayer. I live at 534 Country Lane, Buda, Texas 78610. My phone number is (512) 295-3526 (home) or (512) 217-9728 (cell). My property is directly next to the proposed Hays Commons project.

The proposed plan to spray treated sewage directly affects the safety of my family and my drinking ^{water}. This plan also proposed to spray sewage over one of the most sensitive portions of the Edwards Aquifer. It also threatens the environmental quality of Little Bear Creek, which floods during periods of heavy rainfall. This area is also full of caves ~~with~~ ^{which} go directly into the Aquifer. Proximity to this City of Hays water well (only feet from it) is also a major problem.

Earlier proposals have for years set aside the area South of Little Bear Creek as a green space. This is the minimum that should be done if this project is approved. Obviously, traffic, noise, disruption of wildlife, cost, storm runoff, etc. are other problems with this proposed development.

Thank you for your consideration of this input.

Sincerely,
Ted M. Thayer

TED THAYER
534 COUNTRY LN
RUDA, TX 78610

RECEIVED

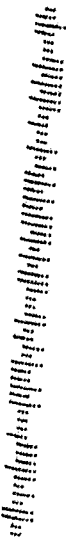
SEP 20 2023

TCEQ MAIL CENTER

AJ

Office of the Chief Clerk, me
TCEQ
P.O. Box 13487
Austin, Texas 78711-3087

78711-308787



AUSTIN TX 787
RIO GRANDE DISTRICT
18 SEP 2023 PM 2 L



CHIEF CLERK'S OFFICE

2023 SEP 20 AM 9:49

CO. 108

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:09 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D-06282023-060
Attachments: D06162023032 MUD Hearing Request.docx

H

From: amberisathompson@gmail.com <amberisathompson@gmail.com>
Sent: Monday, September 18, 2023 10:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D-06282023-060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D-06282023-060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Amber Thompson

EMAIL: amberisathompson@gmail.com

COMPANY:

ADDRESS: 200 BERMUDA LN
BUDA TX 78610-2880

PHONE: 5123504607

FAX:

COMMENTS: Hello, and thank you for reading what follows with an open heart. I request a contested case hearing with Bailey Land Investments, LP, a Texas limited partnership and Armbruster Land Investments, LP, a Texas Limited partnership, for the creation of Persimmon Municipal Utility District, TCEQ Internal Control Number D06162023032. I live within one mile of this proposed MUD, and am finding it hard to find any benefits to its creation. My biggest concerns are for utilities, and for safety. The fact that these two things are even in question should bring a full stop to this proposed MUD's incorporation immediately. A third and most obvious concern is the increase in living costs, and

ultimately taxes, for the entire area. The utility concerns involve our current water restrictions, imposed in our area this summer, and last summer, and the summer before, and the summer before. They continue to be lengthy and devastating every single year. Our area is unable to regenerate water supplies in the hottest months for the size of the community we currently have, and that includes the surrounding areas as well. The rolling brownouts the electric companies imposed on our hottest days were frustrating and concerning as well. This is a known issue for not just our area, but our entire state. Imagine the effect that so many new homes will contribute to this neglected state issue. These two land investor companies that are proposing this MUD have not shown to care for the future of either of these utilities. When our concerns were expressed in person to the representatives of these companies, at our many city council meetings, they crudely smirked at us and stated it will be built the way they want to, and whether we like it or not. The other prevalent concern is safety. While crime rates may increase, the real safety concern is with our current roadway infrastructure. None of us enjoy long wait times at traffic lights, but that is ultimately not the safety issue in question here. It is the speed and driving congestion that our current roads struggle to handle. FM 967 is not the only roadway impacted by this proposed community. This MUD will impact all who utilize the roads in Buda and the surrounding areas. Again, the representatives of these companies have not attempted to present any updated traffic impact audits of the area. Nor do they seem to even care about addressing the current propositions for road improvements, until after a percentage of their companies' homes are built (as implied by their comments during city council meetings). Why would the safety of the roads be an afterthought? Why would the life of any commuter be jeopardized for the profit of a housing company? Taxes and costs of living are always impacted negatively by growth. It is unfortunate no matter what. I wanted to mention it merely to add it to the list of personal concerns. Our dollars are spread so painfully thin, and any relief seems out of sight. However, cost of living will never be more important than my, my children's, and my neighbors' safety. The only way I can support the creation of this MUD would be for these first two concerns to be addressed thoroughly and entirely, before any home builds are begun. Before a single tree is decimated or any land is leveled. The utilities of our area and the safety of our residents should always be the priority over anyone's profits, or any future growth. The growth is simply not necessary, it is merely a desire of the land investors to profit from. It is difficult to see why their desires would take any priority over the current residents of the area. So, present the residents of Buda with a plan for the safest roadways possible for this kind of population influx. And begin the work for these roadway improvements before any other ground is broken for buildings or homes. Present the residents of Buda and South Austin with a plan for water supply, water runoff, and electricity that won't dismantle our already fragile utilities. And begin the steps to enact those plans before the trees are cut down and the land is leveled and paved; before any new electricity is run to the land. Those are the ways we can best welcome this new community to the area. Those are the ways we can enjoy the growth of our town without harming our and our children's future. Isn't that what all of this is all about? There is not a single resident of Texas who is not impacted by the water and electricity strains of our entire state. Bailey and Armbruster must be held accountable for their impact to the Buda and South Austin areas, as well as all residents of Texas. Our future very much depends on it. Thank you for your time and consideration. Amber Thompson Buda Resident

Hello, and thank you for reading what follows with an open heart.

I request a contested case hearing with Bailey Land Investments, LP, a Texas limited partnership and Armbruster Land Investments, LP, a Texas Limited partnership, for the creation of Persimmon Municipal Utility District, TCEQ Internal Control Number D06162023032.

I live within one mile of this proposed MUD, and am finding it hard to find any benefits to its creation. My biggest concerns are for utilities, and for safety. The fact that these two things are even in question should bring a full stop to this proposed MUD's incorporation immediately. A third and most obvious concern is the increase in living costs, and ultimately taxes, for the entire area.

The utility concerns involve our current water restrictions, imposed in our area this summer, and last summer, and the summer before, and the summer before. They continue to be lengthy and devastating every single year. Our area is unable to regenerate water supplies in the hottest months for the size of the community we currently have, and that includes the surrounding areas as well. The rolling brownouts the electric companies imposed on our hottest days were frustrating and concerning as well. This is a known issue for not just our area, but our entire state. Imagine the effect that so many new homes will contribute to this neglected state issue. These two land investor companies that are proposing this MUD have not shown to care for the future of either of these utilities. When our concerns were expressed in person to the representatives of these companies, at our many city council meetings, they crudely smirked at us and stated it will be built the way they want to, and whether we like it or not.

The other prevalent concern is safety. While crime rates may increase, the real safety concern is with our current roadway infrastructure. None of us enjoy long wait times at traffic lights, but that is ultimately not the safety issue in question here. It is the speed and driving congestion that our current roads struggle to handle. FM 967 is not the only roadway impacted by this proposed community. This MUD will impact all who utilize the roads in Buda and the surrounding areas. Again, the representatives of these companies have not attempted to present any updated traffic impact audits of the area. Nor do they seem to even care about addressing the current propositions for road improvements, until after a percentage of their companies' homes are built (as implied by their comments during city council meetings). Why would the safety of the roads be an afterthought? Why would the life of any commuter be jeopardized for the profit of a housing company?

Taxes and costs of living are always impacted negatively by growth. It is unfortunate no matter what. I wanted to mention it merely to add it to the list of personal concerns. Our dollars are spread so painfully thin, and any relief seems out of sight. However, cost of living will never be more important than my, my children's, and my neighbors' safety.

The only way I can support the creation of this MUD would be for these first two concerns to be addressed thoroughly and entirely, before any home builds are begun. Before a single tree is decimated or any land is leveled. The utilities of our area and the safety of our residents should always be the priority over anyone's profits, or any future growth. The growth is simply not necessary, it is merely a desire of the land investors to profit from. It is difficult to see why their desires would take any priority over the current residents of the area. So, present the residents of Buda with a plan for the safest roadways possible for this kind of population influx. And begin the work for these roadway improvements before any other ground is broken for buildings or homes. Present the residents of Buda and South Austin with a plan for water supply, water runoff, and electricity that won't dismantle our already fragile utilities. And begin the steps to enact those plans before the trees are cut down and the land is leveled and paved; before any new electricity is run to the land. Those are the ways we can best welcome this new community to the area. Those are the ways we can enjoy the growth of our town without harming our and our children's future. Isn't that what all of this is all about?

There is not a single resident of Texas who is not impacted by the water and electricity strains of our entire state. Bailey and Armbruster must be held accountable for their impact to the Buda and South Austin areas, as well as all residents of Texas. Our future very much depends on it.

Thank you for your time and consideration.

Amber Thompson

Buda Resident

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:55 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: Lydiabryanvaldez@gmail.com <Lydiabryanvaldez@gmail.com>
Sent: Wednesday, September 20, 2023 4:53 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Antonio Sanchez Valdez

EMAIL: Lydiabryanvaldez@gmail.com

COMPANY:

ADDRESS: 546 COUNTRY LN
BUDA TX 78610-9398

PHONE: 5125769709

FAX:

COMMENTS: Dear Sir/Madam, We are requesting a contested case hearing with Hays Commons Land Investments, L.P, A Texas limited partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060. My husband, Antonio S. Valdez, and I, Lydia Bryan-Valdez own the property at 546 Country Lane, Buda, Texas 78610. Our phone numbers are: Antonio, 512-576-9709, Lydia 512-767-4520. We are also guarantors to the property at 542 Country Lane, Buda, Texas 78610. Our property is located on Country Lane, which is adjacent to the proposed Milestone Development/Hays Commons Land Investment project (within one mile of the subdivision boundaries) and we would be negatively impacted should the MUD be granted in the following ways: 1.) Our well water system would be at risk of

contamination which will adversely affect our health and well being. Additionally, the water supply for the City of Hays will be depleted. We are currently in a Stage 3 drought and do have sufficient water to support new growth and development. 2.) The wastewater treatment plant would emit odor/stench which would be detrimental to our health. We have medical issues which will become catastrophic with added pollutants stemming from the MS development. . 3.) The storm runoff will potentially flood the City of Hays. 4.) The proposed increased traffic volume generated as a result of the proposed development will adversely impact our current peaceful Country Living. We currently have dark sky, low noise levels, beautiful natural wildlife habitats and clean water. 5.) The proposed adjustments to the petition so our properties will not be affected are as follows: Relocate the Wastewater Treatment Facility to another location which is not harmful to Little Bear Creek/the Edwards Aquifer and the City of Hays residential areas. The release of the effluent (sewage spray) should be at no less than the level of potable water. The Milestone Developers should not infringe upon the City of Hays as this City was incorporated in 1971. The Milestone Developers/Hays Commons is seeking to develop property adjacent to the City of Hays/over the Edwards Aquifer recharge zone at the cost of tainting the water supply for not only the City of Hays, but all ground well water users in the area and water systems using the Edwards Aquifer. We respectfully ask for the MUD application to be denied. Please protect the City of Hays. Please protect our water supply. Please protect the Edwards Aquifer. Respectfully, Antonio S. Valdez. Lydia Bryan-Valdez

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:33 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: michael.s.warnken@gmail.com <michael.s.warnken@gmail.com>
Sent: Tuesday, September 19, 2023 8:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MR Michael Stephen Warnken

EMAIL: michael.s.warnken@gmail.com

COMPANY:

ADDRESS: 12624 RED BUD TRL
BUDA TX 78610-9325

PHONE: 5126266637

FAX:

COMMENTS: September 19, 2023, RE: Hays Commons MUD, TCEQ Internal Control Number D06282023060 My name is Michael S. Warnken, a current resident, and former Mayor and Alderman of the City of Hays, TX. I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas Limited Partnership regarding Hays Commons MUD, TCEQ Internal Control Number D06282023060. I reside at address 12624 Red Bud Trail, in the incorporated section of Hays, TX 78610 located near SH45 and FM1626 in Northern Hays County. My property is approximately less than ½ mile from the proposed development property boundaries. I have resided at my current address since April 1995, but have lived within the City of Hays (formerly Country Estates) since Nov 4, 1965, my birthday. As you can see, I've lived in this

area my whole life, and plan to hopefully live here for many more decades. The area of concern for the proposed MUD district for Hays Commons backs up directly to our Well site #1, and about 150-200 yards to Well Site #2 for the city. These wells are the sole provider of water for the City of Hays. The proposed MUD, and their request to force the City of Hays to release Hays Commons from Hays' ETJ will greatly reduce the water quality to the recharge area directly to our wells, along with possible contamination to our water source by allowing direct run-off from the release of sewer affluent directly within our water quality recharge zone and into Little Bear Creek Watershed. Additionally, by forcing the city to release this development from the City of Hays' ETJ, this would eliminate the ability of the City of Hays to control/limit any development within this area. As you know, the ETJ allows an incorporated area to control any subdivision development within their ETJ along with water quality. Additionally, by forcing Hays to release the ETJ to this area, would limit potential future tax revenue for any development by preventing Hays the ability to grant variances and thus, not allowing potential sales tax rebates to any developer via "Quid Pro Quo" of said variances by requiring the developer to request annexation into the City of Hays to receive potential sales tax revenue for the agreed rebates from granted variances. This release would also allow unrestricted access to develop as the developer desires. This would decrease lot size, and increase the number of houses per acre, increase pollution into storm drainage from run-off, and increase light pollution. This area is already dealing with severe traffic due to FM1626 being a quick connector from IH35 to/from S.LP1 for quicker travel to Austin from the surrounding area. This development can drastically increase the traffic on already congested roadways, decreasing public safety from the added traffic, and add even more pollution flowing into the watershed from run-off. If you force the City of Hays to release this property from our ETJ, it potentially could be the death of our city by not allowing us to control our own destiny. I plead that you decide to leave the property of the Hays Commons Land L.P. within the City of Hays' ETJ where the city can be a better Stewardship of the area around us, and of any possible development within the City of Hays' city limits and ETJ. Your consideration of this matter in favor of the City of Hays would be greatly appreciated. Thank you, Michael S. Warnken

REVIEWED

SEP 21 2023

By GW

H

SEPTEMBER 16, 2023

MY NAME IS ROYCE N. WARNEKE AT 162620
RED BUD TRAIL, PHONE # 512 450-8198

I REQUEST A ~~CONST~~ CONTESTED CASE HEARING
WITH HAYS COMMONS LAND INVESTMENT L.P., A
TEXAS LIMITED PARTNERSHIP REGARDING HAYS
COMMONS MUD, TCEQ INTER^{IN}CONTROL NUMBER
D06282023060.

MY PROPERTY IS THE 7TH HOUSE NORTH OF
HARRIN LOOP ON THE WEST SIDE OF RED BUD TRAIL.

MY REASONS FOR THIS PROTEST ARE AS FOLLOWS:

1. THE ARIAL SPRAY TREATMENT OF SEWAGE MAY
CONTAMINATE OUR DRINKING WATER SUPPLY
2. STORM RUNOFF WILL ENTER LITTLE BEAR
RECHARGE ZONE.
3. IF THEY PUT IN THEIR OWN WATER
SUPPLY IN MAY DRY UP ON WELL.
4. TOO MUCH TRAFFIC. 45 AND 1626 IS
ALREADY AT CAPACITY.
5. OVER POPULATION OF THE AREA
6. NOISE
7. LIGHT POLLUTION ~~FROM~~ FROM STREET LIGHTS, ETC.

8. DESTROY OUR QUIET COUNTRY STYLE
OF LIVING.

9. ALSO, IF THEY ARE NOT IN OUR LTTJ,
WE WOULD ~~BE~~ LOSE OUT ON TAXES ON
COMMERCIAL PROPERTY DEVELOPMENT,
THIS WOULD BE A FINANCIAL SETBACK FOR
OUR COMMUNITY.

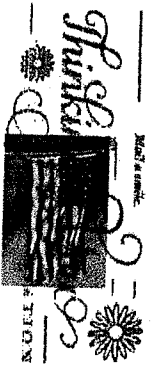
I AGAIN REQUEST THAT THEIR ACTIONS
BE DENIED.

Royce N. Wink

Royce And Mary Jane Wanhken
12620 Red Bud Trail
Buda TX 78610-9325

AUSTIN TX 787
RIO GRANDE DISTRICT
18 SEP 2023 PM 3 L

FOREVER / USA



OFFICE OF THE CHIEF CLERK, MC-105

TECQ

RECEIVED

P.O. Box 13087

SEP 20 2023

AUSTIN TEXAS 78711-3087

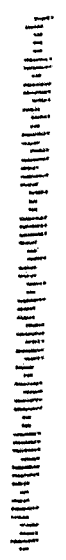
TCOQ MAIL CENTER
AJ

CHIEF CLERKS OFFICE

2023 SEP 20 AM 9:48

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

78711-308787



Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, September 26, 2023 10:30 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: keith@lynxpropertyservices.com <keith@lynxpropertyservices.com>
Sent: Monday, September 25, 2023 4:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Keith L Whittington

EMAIL: keith@lynxpropertyservices.com

COMPANY: Lynx Property Services.com

ADDRESS: 13511 CARPENTER LN
MANCHACA TX 78652-3142

PHONE: 5127847521

FAX:

COMMENTS: I wish to request a hearing and standing with the TCEQ regarding this permit. I am a property owner within 500 yards of where this property is located and where their plans for a MUD would adversely impact the value of my property. In at least 3 significant ways. 1. Pumping for water and the formation of a MUD would potentially reduce the amount of water available in my underground well and the wells of my neighboring property owners. 2. The use of a TLAP to treat this water that is drawn out of the ground and then sprayed across the land area in a recharge zone could damage and taint the water that is within my well and therefore pollute not only the Little Bear Creek that runs through my property but also make the water that I drink, undrinkable due to intense development and run off into the aquifer

in the future. 3. The developer has not current planned to adequately address the limited road access on to Carpenter Lane, which is only 20 feet wide and is actually not a county road but only a limited access lane for current property owners and runs through Little Bear Creek, which periodically floods in heavy rain conditions. This road has a history of flooding. A conditional requirement to upgrade and improve that road out of the flood zone would have to be made for the safety of members of the public to travel on the road in the future. For both water and wastewater and public safety reasons, I ask that the commissioners examine this application thoroughly and thoughtfully and turn down this application due to the extensive environmental impact and safety concerns that it poses now and into the future. It is this developer's intention to have as many as 2-3,000 people living here in the future and this type of development is one that should not be done over such a sensitive recharge zone and is likely to result in environmental damage in the future.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:32 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: courtneyyantiss@sbcbglobal.net <courtneyyantiss@sbcbglobal.net>
Sent: Tuesday, September 19, 2023 4:42 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: MRS Courtney Shea Williamson

EMAIL: courtneyyantiss@sbcbglobal.net

COMPANY:

ADDRESS: 912 DOVE DR
MANCHACA TX 78652-4142

PHONE: 5127759854

FAX:

COMMENTS: I request a contested case hearing with the Hays Commons Land Investments, L.P., a Texas Limited Partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I came to Chaparral Park in 2003, after finding this hidden gem tucked back behind Marbridge Ranch with only one route into and out of the neighborhood. This area and our neighborhood which also comprises Cooper Hills is truly one the last rural, open land areas south of Austin, in North Hays County. Some of my neighbors have lived in this area for over 40 plus years. There are an estimated 27 individual wells in the neighborhood with the rest of the residents having water service through Aqua Texas. In 22 years, I have watched this area grow and change. We saw the expansion of FM 1626. We

watched the state build SH 45 and the nature trail that bumps up against the toll. We have the international soccer field that greets us at the entrance to our neighborhood. This proposed development for the area is of great concern. We are located over the Middle Trinity Aquifer. We have little and big bear creeks around us. We also have other tributaries that feed into these creeks and our area rivers downstream. Our entire area is over the Edwards Aquifer and recharge zone. The open land of trees, native grasses, etc., provide the protection of our water system. Furthermore, there isn't enough water in the area to support this development. Texas is in a drought, and the availability of water is slowly dwindling in the state. Why would we want to add to the situation by mounting more pressure to area's water availability because no matter, we are all using from the same source. Who wins and who loses? This development in our area will have more losers over time than winners. We don't have the adequate road infrastructure to support the increased traffic pressure. There are only three roads leading into and around our neighborhood – Bliss Spiller, Chaparral, and Carpenter Lane. The development is proposing to add residential, multi-family, and commercial properties that will surround my neighborhood. We will be the donut hole. The increased traffic is going to cause major delays for those individuals using Bliss Spiller to get to FM 1626. There is only one light at FM 1626 and Bliss Spiller. Not everyone will be taking the toll, but also the toll has an exit at Bliss Spiller with one stop sign for traffic to either go towards FM 1626 or into my neighborhood. I can't imagine the traffic jam at this stop sign off the toll. It won't be good. To propose the level of development around our neighborhood is reckless. Our neighborhood has only one route in and out for all the residents that live in Chaparral Park, Copper Hills, and those off Carpenter Lane in both directions. We also do not have any working fire hydrants. They are all blacked out. The drought has caused this area to be a tinderbox of fuel. What if there is a fire – the neighborhood is like Maui – sitting ducks of residents, many elderly, that have only one road in and out and no working fire hydrants. The loss would be tremendous. I leave my home every day praying that nothing happens but to think we would be surrounded by a development with little to no regard to this situation is reckless. Again, who wins and who loses. Our neighborhood is surrounded by precious open space that provide a sanctuary for residents and wildlife such as the rarely seen roadrunner/chaparral, migrating birds and ducks, bats, and deer. We have ranching families that have ties to the area for decades raising livestock. There is a bat cave in our area, and every evening, you can see the colonies of bats begin their nightly journey. We are the last of its kind in this area. Why not take this jewel and create something sustainable and that gives back to generations. A place where conservation and preservation meet. Why not create a park system where residents from across the area and the state can come and enjoy; learn about native Texas trees, plants, birds, butterflies, etc.; expand on the nature hike and bike trail along SH 45; sit and enjoy family and friends under the canopy of large, old Texas oak trees; and much more. We are stewards of the land, and it is not all about money and consumption. Responsible development is possible, but this is not one. Instead, it will forever change this area and the residents that call it home. Residents that came to this area and my neighborhood because of the beauty it gives. We should not be taking this land and replacing it with concrete. That is not being responsible stewards of the land. I respectfully request a contested case to hear from our residents and the community before making a decision on this MUD. There is too much at risk here.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 12, 2023 11:20 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: deewright821@yahoo.com <deewright821@yahoo.com>
Sent: Monday, September 11, 2023 3:30 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Dee Wright

EMAIL: deewright821@yahoo.com

COMPANY:

ADDRESS: 1530 LITTLE BEAR RD
BUDA TX 78610-3004

PHONE: 5123120413

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. Our subdivision is in the City of Hays ETJ and very close to where this MUD would be established. We get all of our water from the Edwards Aquifer and to have a waste water system built right over the aquifer is a MAJOR safety issue. I have witnessed the changes that Milstone has continuously done to the original contract, from 1 acre lots to small postage stamp lots so that they can add more houses to this addition which is increasing the amount of residents living over the Aquifer. I frankly don't trust Milestone to hold up their end of the bargain and suspect they will do whatever they can to build this

subdivision. Instead of creating a MUD district I don't understand why they don't require septic systems on each house. Please refuse this request. Water is such a special commodity and one we can't live without.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 6, 2023 2:26 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: acyarbrough@gmail.com <acyarbrough@gmail.com>
Sent: Wednesday, September 6, 2023 2:10 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Aaron Yarbrough

EMAIL: acyarbrough@gmail.com

COMPANY:

ADDRESS: 12608 CRYSTAL CREEK DR
BUDA TX 78610-2560

PHONE: 5126189654

FAX:

COMMENTS: I request a contested case hearing with Hays Commons Land Investments, L.P., A Texas limited partnership regarding Hays Commons Municipal Utility District, TCEQ Internal Control Number D06282023060. I believe the the proposed MUD would put a great strain on our already tenuous water supply and the waste water treatment would risk contaminating ground water. Further, the development served by the MUD will significantly affect drainage and reduce rain water infiltration due to dramatic increase in impervious surface cover. To reduce the impact on water supplies and prevent drainage and infiltration issues I suggest the following mandates for the developer: - 1/2 acre minimum lot size. - A maximum of 15% of the lot may have impervious cover. Impervious cover requirement may be offset if the surface is

- part of an appropriately sized (5 gallons of storage per 1 square foot of cover) rain water collection system. - The MUD cannot sell water to other entities

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: fy8675@sbcglobal.net <fy8675@sbcglobal.net>
Sent: Monday, September 25, 2023 1:10 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Frank Lee Ybarra

EMAIL: fy8675@sbcglobal.net

COMPANY:

ADDRESS: 3407 BLISS SPILLAR RD
MANCHACA TX 78652-3120

PHONE: 5124973722

FAX:

COMMENTS: I'm requesting a contested case hearing on Hays Common Land investments, L. P. regarding Hays Common Municipal District TXEQ # D06282023060 My property in Southwest Territory subdivision section 1 Is in Travis County and is less than a mile from the Hays Common property boundary. Our neighborhood wells draw from the Edwards and Trinity aquifers. I'm concerned that the additional water this enormous development will pump out of the aquifers and the wastewater sewage seeping back into the ground ,generated from these homes will affect our subdivision's only water source. It would make environmental sense to extend the City of Austin water and sewer lines a few thousand feet from where they currently end(FM 1626 at Bliss Spillar Rd.) This is the safest course to keep our drinking water and

Barton Springs from pollution. Respectfully Frank Ybarra 3407 Bliss Spillar Rd. Manchaca Texas 78652 Homeowner and 40 year resident.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, September 25, 2023 10:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06282023060

H

From: fy8675@sbcglobal.net <fy8675@sbcglobal.net>
Sent: Monday, September 25, 2023 12:57 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Frank Lee Ybarra

EMAIL: fy8675@sbcglobal.net

COMPANY:

ADDRESS: 3407 BLISS SPILLAR RD
MANCHACA TX 78652-3120

PHONE: 5124973722

FAX:

COMMENTS: I'm requesting a contested case hearing on Hays Common Land investments, L. P. regarding Hays Common Municipal District TXEQ # D06282023060 My property in Southwest Territory subdivision section 1 is in Travis County and is less than a mile from the Hays Common property boundary. Our neighborhood wells draw from the Edwards and Trinity aquifers. I'm concerned that the additional water this enormous development will pump out of the aquifers and the wastewater sewage seeping back into the ground ,generated from these homes will affect our subdivision's only water source. It would make environmental sense to extend the City of Austin water and sewer lines a few thousand feet from where they currently end(FM 1626 at Bliss Spillar Rd.) This is the safest course to keep our drinking water and

Barton Springs from pollution. Respectfully Frank Ybarra 3407 Bliss Spillar Rd. Manchaca Texas 78652 Homeowner and 40 year resident.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, September 26, 2023 12:36 PM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number D06282023060
Attachments: SBCA Letter to TCEQ on Hays Common MUD Application 09.25.23.pdf

eComment = H
Attachment = comment

From: PUBCOMMENT-OCC
Sent: Tuesday, September 26, 2023 10:35 AM
To: PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; Pubcomment-Dis <Pubcomment-Dis@tceq.texas.gov>
Subject: FW: Public comment on Permit Number D06282023060

H

From: brian@savebartoncreek.org <brian@savebartoncreek.org>
Sent: Monday, September 25, 2023 11:50 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06282023060

REGULATED ENTY NAME HAYS COMMONS MUD

RN NUMBER: RN111765376

PERMIT NUMBER: D06282023060

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COMMONS MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606156107

NAME: Brian Zabcik

EMAIL: brian@savebartoncreek.org

COMPANY: Save Barton Creek Association

ADDRESS: 15241 STATE HIGHWAY 53 UNIT 670
TEMPLE TX 76501-3490

PHONE: 7182880341

FAX:

COMMENTS: BCA has reviewed the plans for the proposed Hays Common subdivision by MileStone Community Builders which have been made public so far. The development would be located over the Edwards Aquifer Recharge Zone and would straddle Little Bear Creek. Based on our decades of knowledge about what is necessary to protect natural water quality, we believe that MileStone's development as proposed would cause unacceptable damage to both the aquifer and the creek. SBCA has multiple members who live next to Hays Common and who would be harmed by its construction. On their behalf and on behalf of other members in the larger area, SBCA requests that TCEQ hold a contested case hearing on MileStone's MUD application, and that the commission ultimately reject this application. Please see the attached letter for the continuation of our comments.



September 25, 2023

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

Submitted electronically at <http://www14.tceq.texas.gov/epic/eComment/>

**Statement by Save Barton Creek Association on MileStone's Application for the Hays Commons MUD,
TCEQ D06282023060**

Save Barton Creek Association was founded in 1979, making us one of the oldest citizens' environmental groups not just locally, but in the entire state. We have steadily expanded our mission scope over the years, and we now work to protect streams throughout Central Texas. We have become well-versed in the harms that wastewater and stormwater can cause to natural water quality.

SBCA has reviewed the plans for the proposed Hays Common subdivision by MileStone Community Builders which have been made public so far. The development would be located over the Edwards Aquifer Recharge Zone and would straddle Little Bear Creek. Based on our decades of knowledge about what is necessary to protect natural water quality, we believe that MileStone's development as proposed would cause unacceptable damage to both the aquifer and the creek. SBCA has multiple members who live next to Hays Common and who would be harmed by its construction. On their behalf and on behalf of other members in the larger area, SBCA requests that TCEQ hold a contested case hearing on MileStone's MUD application.

The aspect of MileStone's proposal that causes us the greatest concern is the company's concurrent application to TCEQ for a Texas Land Application Permit, or TLAP, for the disposal of wastewater produced by Hays Common. The company's MUD and TLAP applications cannot be evaluated independently of each other. One of the main reasons for the creation of a MUD is to facilitate the construction and operation of a wastewater system.

TCEQ banned wastewater discharge permits over the Edwards Aquifer Recharge Zone in 1996, thus recognizing that this zone is uniquely susceptible to harm from the dispersal of treated wastewater. While the commission's rules still allow it to issue TLAP permits over the Recharge Zone, it has rarely done so in practice. As far as SBCA has been able to determine, there are no operational TLAP permits at present over the Barton Spring Segment of the Recharge Zone.

TLAP permits, while far better than discharge permits, can still cause problems in sensitive watersheds. These are some of the most serious:

1) Treated wastewater will run off from irrigation fields when they can't absorb more water. This can happen when the soil is saturated from heavy rainfall, or when it has iced over from low temperatures. TCEQ currently requires most TLAP systems to be able to store 3 days' worth of wastewater when application isn't possible. This only works if the irrigation fields dry or thaw out enough in 3 days to begin absorbing wastewater again. If a TLAP facility is located next to a stream, treated wastewater will overflow from saturated fields and run off into that stream.

Wastewater overflow from TLAP facilities is not a hypothetical problem. TCEQ has previously cited Dripping Springs for wastewater overflow from one of the city's TLAP fields next to Onion Creek. According to the commission, 26,000 gallons of Dripping Springs's treated wastewater flowed onto adjacent properties and into an Onion Creek tributary in a single incident in 2016. Wastewater overflow has also been documented for the TLAP facilities in Belterra, Barton Creek West, and West Cypress Hills.

MileStone's proposal for Hays Common will exacerbate the potential for excess wastewater to overflow into an adjoining stream. The company's plans call for a wastewater treatment facility on the east side of Little Bear Creek, and irrigation fields on the west side of the stream. Given the known potential for wastewater pipes to break and leak, MileStone's intention to pipe wastewater under Little Bear Creek seems especially risky and unnecessary.

2) Wastewater runoff from an irrigation field can also happen when equipment is inadequately maintained. TLAP systems are designed to include monitoring equipment to prevent the excess application of wastewater onto fields that can't handle it. In practice, this monitoring equipment frequently has failures due to lack of proper maintenance. Because most TLAP facilities are small, they don't have the rigorous maintenance and monitoring practices that larger treatment plants usually have.

It's also worth noting that most wastewater discharge plants in our region frequently exceed their permit pollutant limits. In 2020, SBCA released the *Hill Country Sewage Scorecard*, which analyzed the self-reported compliance data that facilities are required to submit to TCEQ and the EPA. We found that 39 of the 48 major municipal discharge plants in the Hill Country — 82 percent — exceeded at least one of their permit limits during the study period. Making matters worse, TCEQ only penalized 22 percent of these plants with a formal enforcement order and fine.

Discharge plants are subject to much higher monitoring and reporting requirements than TLAP facilities. It's difficult to compile a similar scorecard for TLAP plants, because TCEQ does not make this monitoring data easy for the public to access. But it's safe to assume, based on the anecdotal evidence that SBCA and others have collected, that many TLAP facilities are exceeding their permit limits even more frequently than discharge plants.

3) Treated wastewater can seep into an aquifer through recharge features. TCEQ has banned the use of subsurface drip irrigation for TLAP systems on the recharge zone for this reason. However, the alternative — dispersal by surface sprayers — can have all of the problems outlined above. The unique karst limestone structure of the Edwards Aquifer means that there's very little filtering of the water. The water that's pulled out of the aquifer by wells is only as good as the water that seeps into the aquifer.

Again, the track record for discharge plants doesn't inspire confidence that TLAP plants will always release the cleanest possible wastewater. TCEQ includes limits on the amount of *E. coli* bacteria that can remain in wastewater after treatment. But again, many discharge plants exceed this limit. Of the 48 discharge plants in SBCA's Sewage

Scorecard, 25 plants — 52 percent — exceeded their *E. coli* limit at least once during the study period. It's also worth remembering that *E. coli* isn't a problem by itself; it is measured because it's a marker that indicates the presence of other fecal pathogens.

In addition, there's the problem of contaminants of emerging concern. This is a broad category that includes pharmaceuticals, personal care products (soap, shampoo, makeup, sun block, etc.) and hormone-disrupting medication. All of these substances are present in wastewater because of the way people use them, and because they're not removed by any treatment process. Studies have already shown that wastewater with these substances can harm fish and other aquatic life. Their effect on humans has yet to be fully determined. None of these substances are regulated in TCEQ's wastewater discharge or TLAP permits. They will be present in any wastewater that seeps into the Edwards Aquifer Recharge Zone, and they will be present in any water pumped out of the aquifer.

4) Impervious cover will create stormwater runoff pollution. Even the rocky soil of the Hill Country can absorb a substantial amount of rain where it falls. This absorption is prevented by impervious cover from houses, buildings, streets, and parking lots. Rainwater will then pick up whatever is on the surfaces where it falls — roofing chemicals, automotive liquids, trash, debris, pet and wildlife excrement — and runoff will carry these pollutants into streams. The use of green stormwater infrastructure features such as rain gardens, bioswales, rainwater collection, green roofs, and permeable pavement can mitigate the potential for runoff pollution. But these features need to be incorporated into the design of a development from the beginning for the fullest impact.

In closing, SBCA is a member of the Greater Edwards Aquifer Alliance (GEAA), which previously submitted the attached comment letter to TCEQ on MileStone's MUD application. SBCA endorses and incorporates GEAA's comments in our own letter. For all of the reasons stated in these comment letters, SBCA respectfully asks that TCEQ reject MileStone's application to create the Hays Common MUD.

For Save Barton Creek Association:

Clark Hancock, Board President
Brian Zabcik, Advocacy Director



Member Organizations

Alamo, Austin, and Lone Star chapters of the Sierra Club

Bexar Audubon Society

Bexar and Travis-Austin Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighbors for Clean Water

Cibolo Center for Conservation

Citizens for the Protection of Cibolo Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of SA

Fitzhugh Neighbors

Friends of Canyon Lake

Friends of Castroville Regional Park

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe Riverkeepers

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Alliance

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Native Plant Society of Texas – SA

Northwest Interstate Coalition of NA's

Pedernales River Alliance – Gillespie Co.

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

RiverAid San Antonio

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Sisters of the Divine Providence

Solar San Antonio

Texas Cave Management Association

Trinity Edwards Spring Protection Assoc.

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

The Watershed Association

PO Box 15618, San Antonio, Texas 78212

September 20, 2023

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC 105

P.O. Box 13087

Austin, Texas 78711-3087

Submitted electronically at <http://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Contested Case Hearing Request Regarding Hays Commons MUD application for Permit # D06282023060

Please accept the attached comments on behalf of the fifty-eight member groups of the Greater Edwards Aquifer Alliance.

1. **Background.** Milestone Community Builders, under the name Hays Commons Land Investments, LP, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Utility District (MUD) for the proposed Hays Commons subdivision. The proposed subdivision consists of 290.1 acres consisting of a) twenty single-family lots of over 1.0 acre each, b) two multi-family/condo lots totaling 87.6 acres with 257 proposed condo units total, c) three parkland/open spaces totaling 139.7 acres, d) three utility lots totaling 15.5 acres, e) one commercial lot of 13.8 acres, and f) four public street right-of-ways.

The proposed subdivision is bounded on the north by an undeveloped 159.4 acre tract, on the east by State Highway 45 and F.M. 1626, on the south by County of Hays, Hays Country Oaks (Section 1), and Country Estates (Section 1 & Section 2), and on the west by an undeveloped 74.8 acre tract and an 11.01 acre ranch. The proposed subdivision is in Hays County, within the City of Hays Extraterritorial Jurisdiction, and within the Little Bear Creek Watershed. 248.4 acres of the proposed subdivision is within the Recharge Zone and 41.8 acres is within the Transition Zone of Edwards Aquifer.

2. **Greater Edwards Aquifer Alliance (GEAA).** GEAA submits the following comments on behalf of our fifty-eight member organizations and requests a contested case hearing regarding the Hays Commons MUD application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed

application of Milestone Community Builders for the Hays Commons MUD.

3. Hays Commons Municipal Utility District (MUD). The Hays Commons developer, Milestone, is requesting a MUD designation from TCEQ to finance the infrastructure costs associated with their proposed high-density Hays Commons development. These infrastructure costs include the development of municipal water wells, the development of a Wastewater Treatment Plant (WWTP) with corresponding Texas Land Application Permit (TLAP) infrastructure, and stormwater mitigation structures. Milestone has stated on the record that their plan is to drill multiple wells into the lower Trinity aquifer for water supply to the development and then to dispose of treated sewage effluent via land application within the "parkland" section of the tract that surrounds Little Bear Creek.

4. Specific Concerns Regarding MUD Application. GEAA and our member groups have numerous concerns with the Hays Commons MUD Application, which fall into 4 broad categories: a) Water Supply Impacts, b) Wastewater Impacts, c) Stormwater Impacts, and d) Further Impacts.

- a. Water Supply Impacts. The Hays Commons development and associated MUD will have negative impacts on the amount of water available to nearby residents and the quality of this water supply. As stated earlier in these comments, the developer is planning on drilling several wells into the lower Trinity Aquifer in order to serve the 257 condominium units, 20 single-family houses, and 14 acres of commercial development planned. Milestone also has planned a second phase of development which will include 280 condo units on an adjacent parcel of land to the north; the current plan is to have this adjacent parcel served by the same Hays Commons MUD. If allowed to move forward with the current plan, Hays Commons would more than quadruple the population in that immediate area, from 240 people currently to well over 1000, creating strain on the drought-challenged Trinity Aquifer and its ability to provide water to the surrounding area. Both the quantity and quality of the water supply would undoubtedly be affected by placing such a high-density development in such an environmentally sensitive area with limited water supply.



Fig. 1: Numerous existing public and private wells (shown in purple) are located near the proposed Hays Commons development

- b. Wastewater Impacts. The Hays Commons MUD will be used to finance a WWTP and the associated infrastructure necessary to irrigate up to 150,000 gallons per day (initially) of treated sewage over the Edwards Aquifer Recharge Zone (EARZ), according to the wastewater permit application recently submitted to TCEQ; Permit # WQ0016373001. Currently, there are no other developments irrigating treated sewage over the Edwards Aquifer Recharge Zone (EARZ), simply because it is unsafe and could lead to a public health crisis, passing treated sewage directly into the groundwater supply that is being used by many local wells. Yet, that is exactly what is being proposed, even though there are numerous public and private wells that serve the communities of Hays, Manchaca, and elsewhere, all located a short distance from where Hays Commons will be disposing of their treated sewage (see Fig. 1).

As can be seen from Fig. 2 below, the proposed TLAP treated sewage irrigation fields for the Hays Commons MUD will be located at the confluence of Little Bear Creek and an unnamed tributary, an area that sits over the EARZ. The red dots show significant karst features - faults and fractures where surface water flows freely to groundwater. In this sensitive region, anything that flows across the surface, including treated sewage, will end up in groundwater, if the Hays Commons MUD is allowed to be established by TCEQ.

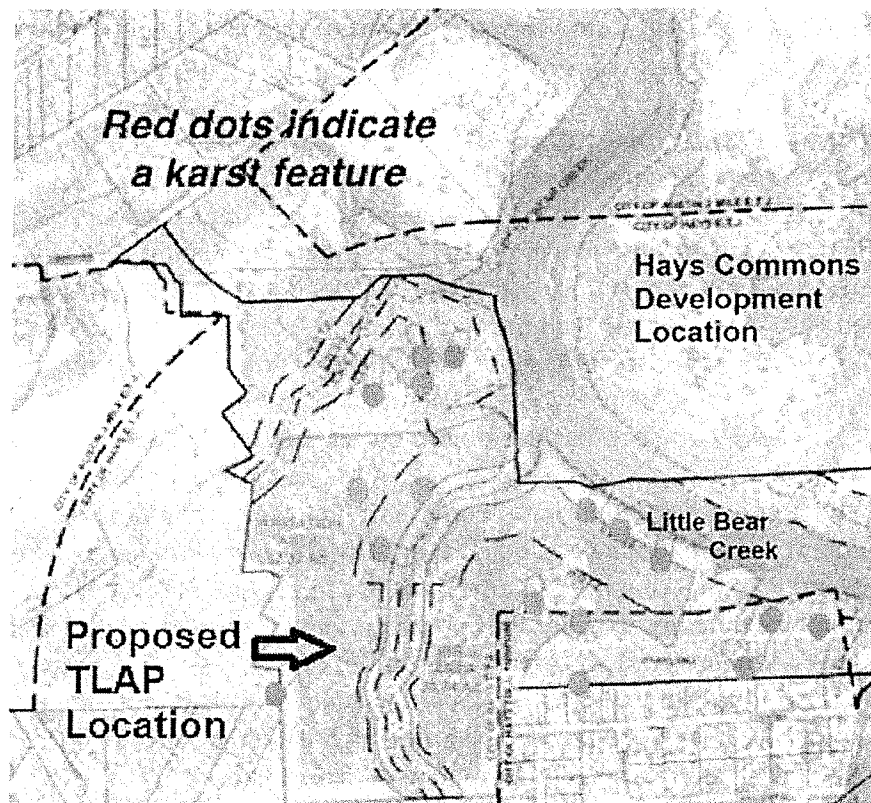


Fig. 2: The proposed area for disposing of Hays Commons treated sewage contains many karst features which provide a direct path from the surface to groundwater

- c. Stormwater Impacts. The proposed Hays Commons tract is known for flooding, with a substantial area of the tract in the 100-year and 500-year flood plains of Little Bear Creek, according to the Hays Commons preliminary plat. Seven of the proposed twenty single-family homes are surrounded on three sides by floodplains. Furthermore, the area contains thin soils that do not absorb water very well; in fact, 97% of the proposed Hays Commons soils are Category D soils, the highest runoff rating of all soils.

Into this flood-prone area with high-runoff soils, Milestone has proposed 14 acres of commercial property with 70% impervious cover, which will lead to potential flooding and groundwater contamination whenever there are heavy rains. They attempt to mitigate the impervious cover problem by including high-density condo units in the tract. However, the overall impervious cover for the entire proposed development is still 31%, which is 16% more than the 15% maximum impervious cover specified in the Save Our Springs (SOS) Ordinance for development over the EARZ.

The construction phase of this potential development is also of great concern, especially given the proximity of the proposed construction to both Little Bear Creek and the underlying Edwards Aquifer. There are legitimate concerns that the temporary erosion and sedimentation control facilities proposed by the developer will not be adequate to

prevent pollution of Little Bear Creek and the Edwards Aquifer during the construction phase.

Once construction is completed, Milestone proposes two batch detention ponds as the sole means of maintaining water quality for this development. Batch detention ponds can be effective for removing total suspended solids (TSS), with properly maintained systems. However, they are less effective at removing fluid pollutants such as oil, gasoline, and wastewater nutrients such as nitrogen and phosphorous that may not be absorbed within a land application irrigation field. More importantly, there are no batch detention ponds proposed between the TLAP field and Little Bear Creek, meaning any overflow from the TLAP field would run directly into Little Bear Creek and by extension the Edwards Aquifer, since this development is located on the EARZ.

If the two proposed batch detention ponds aren't properly maintained, solid pollutants in addition to fluid pollutants could find their way into Little Bear Creek and then groundwater. During the past eighteen years, we have seen numerous stormwater detention plans that were never fully implemented or that failed to function properly coupled with a failure on the part of TCEQ staff to make sure approved plans were adhered to and functional through follow-up inspections. Given the budgetary and staff shortages of TCEQ, we urge caution in approving high maintenance plans such as this one, especially given the environmentally-sensitive location on the EARZ.

- d. Further impacts. If approved by TCEQ, the Hays Commons MUD wouldn't just impact nearby wells and water supply; because of the interconnected nature of the Edwards Aquifer and its surface waterways, the impacts of aquifer contamination with treated sewage and stormwater runoff could be seen quite some distance away. Fig. 3 below shows the groundwater flow path in northern Hays County and southern Travis County.

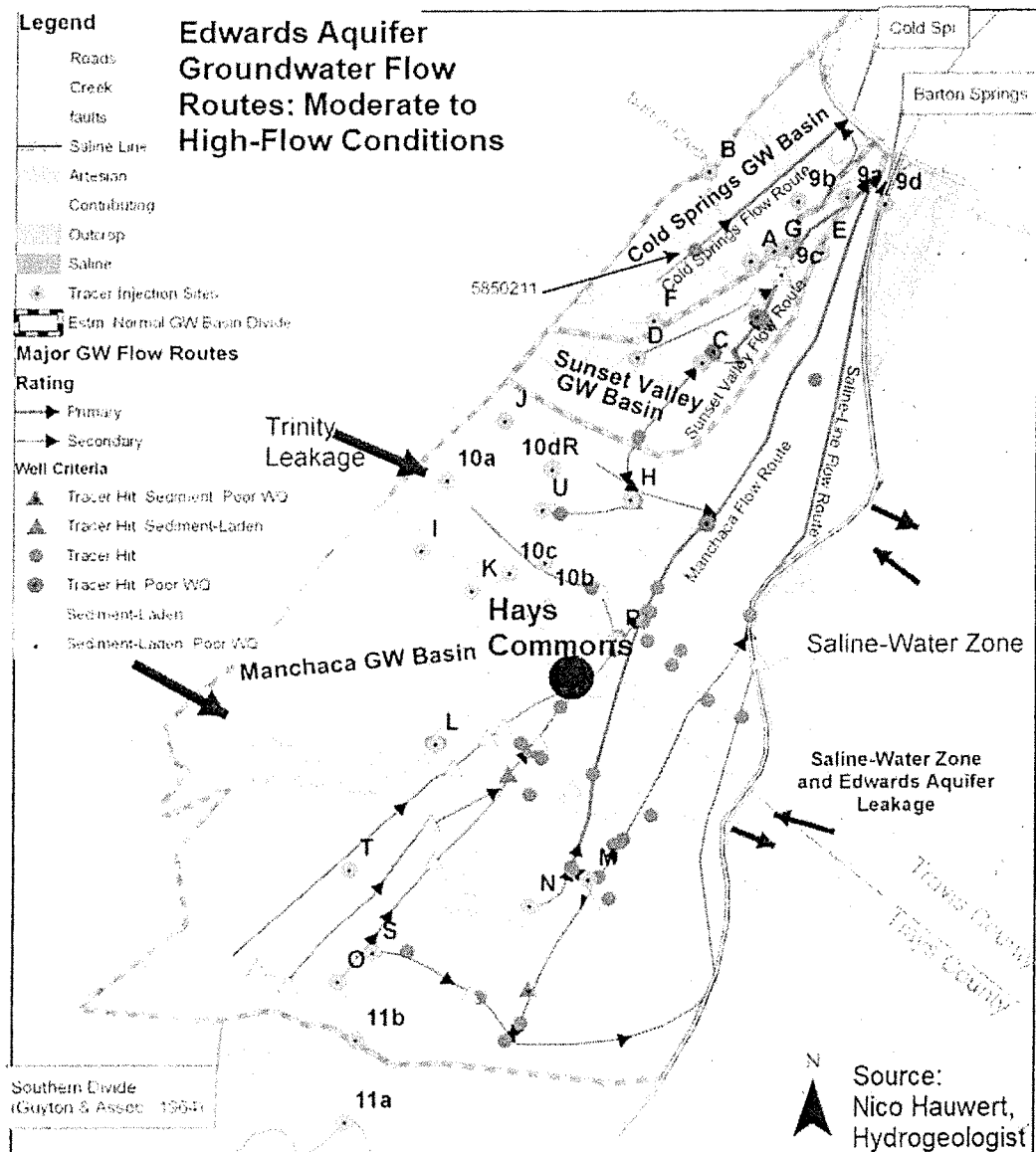


Fig. 3: The Manchaca Flow Route runs near the proposed area for Hays Commons; any surface pollutants from Hays Commons would likely end up in the Edwards Aquifer and

Note the primary Manchaca Flow Route passes right next to the proposed Hays Commons development and extends all the way to Barton Springs. Any contaminants entering the Edwards Aquifer from the many karst features on the proposed Hays Commons tract would travel fairly quickly down a flow path from northern Hays County into Travis County, through South Austin, and directly into Barton Springs pool, contaminating water wells along the way.

5. Conclusion. In summary, the type of development proposed by Milestone and the supporting MUD infrastructure required are ill-suited for the environmentally-sensitive nature of the area. Existing development in this area respects the location over the EARZ and consists predominantly of single-family homes on one acre plus lots, with On-Site Septic Facilities (OSSFs) for wastewater. Dropping in a high-density development with 14 acres of 70% impervious cover commercial space, plus a 32-acre treated sewage irrigation field is not only incongruous to the existing area aesthetic but will likely lead to significant groundwater contamination. We urge TCEQ to reject the Hays Commons MUD application in its entirety.

Thank you for the opportunity to submit these comments.

Respectfully,

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance