

TCEQ DOCKET NO. 2023-1588-DIS

APPLICATION FOR THE	§	BEFORE THE
CREATION OF HAYS COMMONS	§	TEXAS COMMISSION ON
MUNICIPAL UTILITY DISTRICT	§	ENVIRONMENTAL QUALITY
IN HAYS COUNTY, TEXAS	§	

**SAVE OUR SPRINGS ALLIANCE’S REPLY FOR
CONTESTED CASE HEARING REQUESTS**

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. In response to the petition for the proposed MUD, Save Our Springs Alliance (SOS) timely filed a contested case hearing request with TCEQ that complied with all of the requirements of 30 TAC § 55.252. Based on SOS’s contested case hearing request, the TCEQ Executive Director and Office of Public Interest Counsel recommended that SOS be granted a contested case hearing. SOS replies to the arguments against the request made by the Petitioner below.

As set out in SOS’s contested case hearing request, SOS member Jim Camp owns 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 neighborhood wells that will be impacted by activities undertaken by the MUD, 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.

First, Petitioner’s objections to SOS’s standing manufacture requirements that are not in TCEQ’s rules. TCEQ’s rules do not require SOS to submit a contested case hearing request that is identical to the one submitted by SOS members. Neither do the TCEQ rules permit the TCEQ Commissioners to only consider the contested case hearing request of SOS’s members rather than the request submitted by SOS when making determinations on affected person status and contested case hearing requests for the organization. These two approaches suggested by Petitioner on page 6 of its response are without basis in the TCEQ rules and thus cannot be taken by the TCEQ Commissioners to deny SOS’s contested case hearing request.

Second, Petitioner’s contention that neither SOS nor the Camps have an interest in the proposed MUD’s activities or an interest that will be impacted by the activities because the Camps’ home is within one mile of the Proposed MUD and that SOS did not specify ways that the Camps will be harmed by the proposed MUD is without merit. As set out in SOS’s contested case hearing request the proposed MUD will impact many of the Camps’ interests in their property through “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.”

Third, Petitioner’s claim that the concerns raised about impacts to groundwater are common to the general public fails to hold water. While Petitioner is correct in pointing out that many people depend on the Edwards and Trinity aquifers for groundwater, it is not true that tens of thousands of wells and people will be impacted in the same way that the neighborhood wells the Camps depend on will be due to the close proximity of the neighborhood wells to those of the proposed MUD and the likelihood of drawdown, creation of a cone of depression, and contamination of groundwater near the neighborhood wells.

For the reasons stated above, the reasons set out in SOS’s contested case hearing request, and the reasons in the Executive Director’s and Office of Public Interest Counsel’s Response, SOS respectfully requests that TCEQ grant the organization a contested case hearing on the proposed MUD.

Respectfully Submitted,

/s/ Victoria Rose

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CERTIFICATE OF SERVICE

I certify that on February 26, 2024, a true and correct copy of Save Our Springs Alliance's Reply for Contested Case Hearing Requests was served on all persons on the Mailing List in the Agenda setting letter via electronic mail, the Chief Clerk's e-filing portal, or first class mail.

/s/ Victoria Rose
Victoria Rose