

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:58 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: artarizpe@gmail.com <artarizpe@gmail.com>
Sent: Thursday, September 21, 2023 10:22 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Art Arizpe

EMAIL: artarizpe@gmail.com

COMPANY:

ADDRESS: 129 CLOVER LEAF CV
BUDA TX 78610-2878

PHONE: 5126263738

FAX:

COMMENTS: 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 in the Coves of Cimarron, which is adjacent to the Persimmon property. My house is within 1/2 mile of the development's western boundary. This development will significantly impact the water supply which is already limited due to the current drought. I am also concerned about the runoff problems which this development might exacerbate. The area on FM 967 where the development entrance will be, is

already subject to significant flooding when we get heavy rains. The addition of over 2000 houses will significantly add to traffic noise and light pollution.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:51 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Mbaran82@yahoo.com <Mbaran82@yahoo.com>
Sent: Wednesday, September 20, 2023 4:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Michael Baran

EMAIL: Mbaran82@yahoo.com

COMPANY:

ADDRESS: 103 NOPAL LN
BUDA TX 78610-3260

PHONE: 5127878347

FAX:

COMMENTS: We 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 or Persimmon Municipal District, TCEQ Internal Control Number D06162023032. We Are concerned with added traffic to the surrounding area, water issues, safety, higher cost of utilities, We live in the Coves of Cimarron which is next to the proposed subdivision.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 3:06 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: darrenbien@gmail.com <darrenbien@gmail.com>
Sent: Friday, September 22, 2023 3:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Darren Bien

EMAIL: darrenbien@gmail.com

COMPANY:

ADDRESS: 1002 MAGNOLIA CV
BUDA TX 78610-2876

PHONE: 5127964890

FAX:

COMMENTS: I Respectfully 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. My property, located at 1002 Magnolia Cove, Buda, TX 78610 is less than 1000 feet from the boundary line of the proposed Persimmon MUD. It is still unclear how many homes are planned for this community and the impact this will have on water and waste water resources. In addition, the proposed development will create a substantial traffic load to streets that were designed for neighborhood access

instead of thoroughfares. We understand and respect the developers desire to develop this tract, but would ask the TCEQ to call for the requested hearing to ensure proper planning to mitigate negative impacts.

BOJORQUEZ
LAW FIRM, PC
TexasMunicipalLawyers.com

11675 Jollyville Rd
Suite 300
Austin, Texas 78759

Phone: (512) 250-0411
Fax: (512) 250-0749
TexasMunicipalLawyers.com

September 22, 2023

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

REVIEWED

SEP 22 2023
By GCW H

Re: Request for Contested Case Hearing: Petition for
Creation of Persimmon Municipal Utility District
Bailey Land Investments, LP, and Armbruster Land
Investments, LP
TCEQ Internal Control No. D-06162023-032

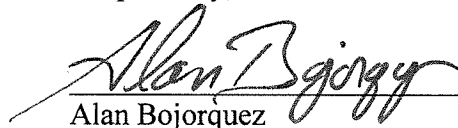
Laurie Gharis:

Enclosed please find the City of Buda's Request for Contested Case Hearing ("Request") pursuant to 30 TAC § 55.251. This is in response to the above-captioned Petition that was published on August 24, 2023, in the San Marcos Daily Record.

For the reasons stated in the enclosed Request, the City is an "Affected Person" pursuant to 30 TAC § 55.256(b), and as such is authorized to make the enclosed Request pursuant to 30 TAC § 55.256(c)(6).

Thank you for your attention to this matter.

Respectfully,



Alan Bojorquez
City Attorney
City of Buda, Texas
Attorney for Requestor

TCEQ OCC
22SEP '23 14:00

Enclosures

- City of Buda's Request for Contested Case Hearing
- Notice of District Petition
- City of Buda Resolution No. 2023-R-32

cc: Honorable Lee Urbanovsky, Mayor of Buda, TX (w/enclosure)
Mr. Micah Grau, City Manager, Buda, TX (w/enclosure)

TCEQ INTERNAL CONTROL NO. D-06162023-032

CITY OF BUDA, TEXAS, REQUEST	§	BEFORE THE TEXAS COMMISSION
FOR CONTESTED CASE HEARING:	§	
BAILEY LAND INVESTMENTS, LP,	§	ON ENVIRONMENTAL QUALITY
AND ARMBRUSTER LAND	§	
INVESTMENTS, LP	§	

CITY OF BUDA’S REQUEST FOR CONTESTED CASE HEARING

I. Introduction

On June 5, 2023, the City of Buda, Texas, (“Buda”) received a Petition (“Petition”) for Creation of Municipal Utility District (the “MUD”) that was submitted on or about June 7, 2023, to the Texas Commission on Environmental Quality (“TCEQ”) by Bailey Land Investments, LP, a Texas limited partnership, and by Armbruster Land Investments, LP, a Texas limited partnership (collectively, “Petitioner”). According to the Petition, the proposed MUD would contain approximately 459 acres of land (“Persimmon”). Of that acreage, 178.6 acres (“Property”) are subject to Buda’s Certificate of Convenience and Necessity for water service (“Water CCN”) alone, but Buda does not yet provide such service. Currently, there is no Certificate of Convenience and Necessity for wastewater service (“Wastewater CCN”) that includes the Property.

On August 7, 2023, the TCEQ issued the “Notice of District Petition of Bailey Land Investments, LP, and Armbruster Land Investments, LP” (“Notice”). On August 24, 2023, the Notice was published by the *San Marcos Daily Record*. In response to the Petition, Buda respectfully submits this Request for Contested Case Hearing (“Request”). Buda, as a local government with statutory authority over and interests in the issues related to the Petition, is an affected person pursuant to Section 55.256 of Title 30 of the Texas Administrative Code.

II. Background

Buda is a home rule city with a population of approximately 16,086 residents. Buda owns and operates its own water and wastewater treatment facilities that have limited capacity to provide water and wastewater services to potential utility consumers outside of the Buda city limits. Buda's main source of drinking water is groundwater with a limited supply of surface water from the Guadalupe Blanco River Authority.

Buda has been actively engaged for more than two years with Milestone Community Builders ("Developer") on, among other things, the provision of water and wastewater services to Persimmon. The Developer acts on behalf of the Petitioner with respect to a planned 775-acre mixed-use development project ("Project") that includes Persimmon and the Property. The Project is located partially in the Buda city limits, partially in Buda's Extraterritorial Jurisdiction ("ETJ"), and partially in an unincorporated area of Hays County.

Buda has cooperated in good faith with the Developer in an effort to negotiate a Development Agreement ("Agreement") as authorized by Texas Local Government Code Chapter 212. The goals the parties hoped to achieve include the possible formation of a Public Improvement District ("PID") and other means of addressing shared public infrastructure. Buda had hoped to come to a meeting of the minds with respect to many legitimate public interests. Those interests include limitations on population density, availability and variety of housing stock, land use, conservation of surface water and groundwater resources, preservation of water and air quality, economic development, creation of parks and recreation centers, transportation, tree and native habitat preservation, wildlife conservation, dark skies, and the provision of reliable public utility services.

Notwithstanding Buda's continuing good faith efforts to come to a mutual accommodation of the Developer's requests for services, Buda has not been able to reach an acceptable agreement with the Developer. The impasse is in part attributable to the Developer's failure to comply with Buda's reasonable requests for the Developer to revise or supplement inadequate or incomplete submissions in connection with the Developer's various applications and petitions associated with the Project and the creation of the MUD.

The inadequacy of the Developer's responses to Buda's requests for additional information has prevented Buda from determining if the MUD project is feasible and practicable. Thus, Buda continues to question whether the MUD and the subsequent development within the MUD will have a negative impact on the following considerations: the potential alteration of potable groundwater elevations within the region; the potential for ground surface subsidence in the vicinity of where greater volumes of groundwater may be extracted; the impacts to the recharge capability of groundwater source or sources; the effect the Project may have on natural run-off rates and drainage pathways; and, potential negative impacts to surface water quality due to increased surface runoff caused by earthmoving activities during the construction of the Project, and from the installation of permanent impervious surfaces such as parking areas, sidewalks and roadways that would be installed at the latter phase of construction.

III. The City of Buda is an Affected Person

The City of Buda is an "affected person" pursuant to Section 55.256 of Title 30 of the Texas Administrative Code ("TAC"), and as such is authorized to submit this Request. 30 TAC § 55.256(c)(6) states that local governments with authority under state law over issues raised by an application may be considered "affected persons."

A. Six Factors

To determine whether Buda is an “affected person” authorized to challenge Petitioner’s Petition, one must consider the six factors set out at 30 TAC § 55.256(c)(1) – (6). Those factors are:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

B. Application of the six factors to Buda as an affected person.

- (1) Buda’s interests, as further discussed in this Request, are protected by the law under which the Petition will be considered.

Texas Local Government Code Section 42.042 and Texas Water Code 54.016 state unequivocally that a political subdivision such as a MUD may not be created within the corporate limits and/or ETJ of a municipality without the municipality’s written consent by ordinance or resolution, or by operation of law in accordance with those statutes. Buda has not given its consent, either by written consent, by ordinance or resolution, or by operation of law in accordance with those statutes cited above.

- (2) The proposed area to be included in the MUD is partially located within Buda's ETJ and also includes area within Buda's Water CCN.

The proposed Persimmon MUD and related development Project include approximately 459 acres of land located within Buda's ETJ, including 178.6 acres that are within Buda's Water CCN. As stated above, Buda's consent to creation of the MUD in its ETJ has not been given. In addition, Buda has legal interests in the Property within its Water CCN.

- (3) A reasonable relationship exists between Buda's interests and the proposed MUD creation.

As further detailed in the Request below, the Petitioner has claimed that it is entitled to water and wastewater services from Buda, which would serve the Developer's interests in constructing the Project. However, while the Petitioner alleges entitlement to the services requested, Buda simply lacks the capacity to provide water and wastewater services to Persimmon. Therefore, while Buda regulates the provision of those services pursuant to the Texas Water Code and Texas Local Government Code, at this time, Buda cannot accommodate Developer's interests as requested, pursuant to those statutes.

- (4) Buda has valid concerns about the likely adverse impacts of the proposed MUD creation on the health, safety, and use of property in the proposed Project, the City's ETJ, and city limits.

The Texas Water Code and Texas Local Government Code regulate the provision of water and wastewater treatment services. Buda's inability to provide those services due to lack of capacity, and its consequential denial of those services, protect the quality of drinking water and the waters into which effluent would be discharged. As detailed in the Request below, Buda has sincere concerns about the adequacy of safeguards for the public interests related to the

potential adverse effect of the MUD creation on groundwater levels and quality within the region, recharge capability of groundwater sources, natural run-off rates and drainage, and water quality.

(5) Buda has valid concerns about the likely adverse impacts of the proposed MUD creation on the shared natural resources in the area.

Buda has valid concerns that the increase in demand for Buda's limited groundwater resources to serve Persimmon's needs would strain already taxed groundwater resources. Groundwater is an important natural resource that sustains the lives of biota, which includes humans and plant life. In the same vein, the proper treatment of wastewater produces clean water that sustains life within the affected watershed. Therefore, inadequately treated wastewater would have a direct negative impact on those natural resources.

(6) Buda is a governmental entity with statutory authority over and interests in the issues relevant to the Petition.

The statutory bases under which Buda makes this Request for a Contested Case Hearing are the Texas Local Government Code and Texas Water Code. Buda's interests in the issues relevant to the Petition are further detailed in this Request.

For the reasons asserted above, Buda has standing to oppose the Petition.

IV. The Petition Should Be Denied

A. In addition to the regulatory analysis set out above, the Developer's service requests would unduly burden Buda's diminishing drinking water sources and wastewater treatment capacity.

On January 28, 2022, the Developer submitted to Buda a Service Extension Request ("Extension Request") on behalf of Persimmon. The Extension Request was for Buda to extend

water and *wastewater* service to approximately 305 acres within Buda's ETJ. However, a portion of the Property that is located between Goldilocks Lane and FM 967 is subject to Buda's Water CCN. That Water CCN does not include *wastewater* service, and Buda is not obligated to provide such service. Were Buda to grant Persimmon's Extension Request, Buda's wastewater treatment capacity would be unduly burdened. The inclusion of water service would also impose excessive pressures on Buda's diminishing groundwater supply. Thus, Buda has concluded that approval of the Extension Request would be to the detriment of its citizens who currently reside within the city limits, and therefore it did not grant the request.

Buda does not deny that it may provide *water* services within the Water CCN area, but only when it is reasonably requested and reasonably able. However, Buda is not obligated to provide *wastewater* service to the portion of the Property that is within Buda's *Water* CCN. *See* Texas Water Code § 13.250(a). As Buda has indicated previously, it is committed to satisfying its legal obligations, and those commitments may be memorialized in voluntarily negotiated agreements as contemplated by Texas Local Government Code Sections 212.172 and 552.001(c). However, because Buda currently *lacks the capacity to provide service* to the single-family or multi-family units and associated infrastructure proposed for the Project as requested by the Developer, Buda cannot enter into such voluntarily negotiated agreements. Consequently, such limited capacity is an impediment *to the construction* of those types of residences. In fact, the density of service consumers who reside in multi-family housing units would substantially increase the number of utility service consumers per square foot of Persimmon's footprint.

Simply put, Buda anticipates that it cannot serve its current and reasonably anticipated future residents and the reasonably anticipated future water and wastewater treatment needs of single-family and dense multi-family housing units that may be located within the ETJ. Thus, it

is in Buda's interest to preserve within its city limits its diminishing drinking water and sewage treatment resources for its current and reasonably anticipated future residents. Therefore, at this time, Buda and its residents are not able to agree to provide the Property with the water and wastewater services the Developer has requested.

B. The proposed MUD is inconsistent with the State policy of regionalization when the City of Austin is a reasonably available alternative for water and wastewater services.

In addition to practical impediments for Buda to acquiesce to the Developer's requests for utility service to the Property, the Texas Legislature has articulated a policy of regionalization of wastewater treatment and disposal services. To that end, the City of Austin ("Austin") may have more than adequate surface water and sewage treatment capacity to satisfy the Project's, including Persimmon and the Property, future needs, which will rapidly increase for both municipalities. Although Buda currently has adequate capacity to serve the citizens who reside within its city limits, Austin might have the capacity to serve the present and future residents who reside on the land currently lying within Buda's ETJ.

The Petitioner's proposal to create a MUD is inconsistent with State policy to regionalize wastewater treatment services and would rapidly deplete Buda's diminishing groundwater resources. Texas Water Code Section 49.230, Area-wide Wastewater Treatment, provides:

The powers and duties conferred on the district are granted subject to the policy of the state to encourage the development and use of integrated area-wide wastewater collection, treatment, and disposal systems to serve the wastewater disposal needs of the citizens of the state whenever economically feasible and competitive to do so, *it being an objective of the policy to avoid the economic burden to the people and the impact on the*

quality of the water in the state that result from the construction and operation of numerous small wastewater collection, treatment, and disposal facilities to serve an area when an integrated area-wide wastewater collection, treatment, and disposal system for the area can be reasonably provided. [Emphasis added.]

By letter dated August 19, 2021, Developer submitted to Austin a Service Extension Request (“SER”) for the Property. In the SER, Developer requested a waiver pursuant to Section 25-9-3 of Austin’s Land Development Code to allow Austin to provide water, wastewater, and reclaimed water service outside of its service area and to the Property. Also in its SER application, Developer affirmed the statement set out in the application form:

Due to the proximity of centralized wastewater service and/or the density of this development, decentralized wastewater options were not determined to be feasible.

Thus, in its SER application form, Developer has acknowledged that decentralized water and wastewater service for the Property was not feasible. Consequently, it applied to Austin to avail itself of Austin’s existing water and wastewater infrastructure.

As stated above, the State of Texas has established a statutory policy for regionalization of wastewater services. That policy directly applies to the situation at hand, where Buda lacks capacity to provide wastewater treatment service in addition to water service to the Project, let alone to the Property, and where Austin may be a reasonably available alternative. Were Petitioner to request and receive wastewater and water services from Austin, the Developer would only need to develop one pipeline corridor and associated infrastructure to transport Persimmon’s wastewater and water to the entirety of the Project.

The public benefits that an arrangement with Austin for water and wastewater services would bestow would be substantial. Among other attributes, such an arrangement would reduce the economic burden on residents and the impact on the quality of water that may result from the construction and operation of numerous smaller wastewater collection, treatment, and disposal facilities, assist conservation of groundwater resources, preserve water and air quality, encourage economic development, place a lesser footprint that would provide more land for the development of public parks and recreation centers, enhance tree and native habitat preservation, and conserve wildlife.

C. The proposed MUD outside the city limits and ETJ lacks adequate safeguards for the public interests.

On June 20, 2023, the Petitioner submitted a Petition for the Release of Property from the Extraterritorial Jurisdiction of the City of Buda to Buda seeking mandatory release of 459 acres of the Project from the City's ETJ in accordance with recent legislation, Senate Bill 2038 (Texas Legislature, 88th Regular Session, codified as Texas Local Government Code Sections 42.101-105). A Restated and Corrected Petition for the Release of Property from the Extraterritorial Jurisdiction of the City of Buda was filed on September 1, 2023, correcting and superseding the prior petition. The release from Buda's ETJ necessitated by this new law (which went into effect September 1, 2023) will make Buda's Code of Ordinances inapplicable to the varied construction, development, transportation, and utility matters for Persimmon's activities. Thus, Buda has sincere and legitimate public concerns about the creation of the MUD in such close proximity to the city limits without application of Buda's reasonable regulations and standards to safeguard the public interests.

V. Conclusion

Buda is an “affected person” pursuant to TCEQ’s rules to request a contested case hearing, and therefore has standing to assert this Request.

The Texas Legislature has articulated a policy of regionalization of wastewater treatment and disposal services. Buda is reliant on diminishing groundwater resources as its water source. Therefore, as recently as August 2021, the Developer submitted to Austin an SER in which it requested inclusion within Austin’s utility service area. It did so because it recognized that decentralized water and wastewater service for the Property was not feasible and because Austin may have more than adequate capacity from the relatively more abundant Colorado River to provide its current service base and the Developer’s proposed Project with drinking water. Austin also possesses sufficient treatment capacity for the provision of wastewater services. Buda has limited wastewater capacity, and its drinking water source is diminishing and will experience significant strain were the Developer not to enter into an agreement with an alternate provider. Austin, which already has the capacity to provide both the Property and the Project as a whole with both water and wastewater services, could serve as such an alternative.

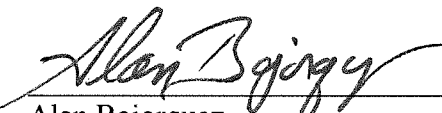
In closing, on behalf of its citizens and property owners, Buda continues to be concerned that the proposed MUD will have an unreasonable and adverse effect on: groundwater levels and quality within the region; recharge capability of groundwater sources; natural run-off rates and drainage; and, water quality. With the MUD being created outside the city limits and ETJ, there are few development regulations that will apply to safeguard the public interest.

VI. Request for Relief

For the reasons set forth above, the City of Buda respectfully requests that the Commission grant a Contested Case Hearing and thereafter deny Petitioner's Petition.

Respectfully submitted,

City of Buda, Texas

by: 
Alan Bojorquez
City Attorney
City of Buda, Texas

State Bar No. 00796224
alan@texasmunicipallawyers.com
Bojorquez Law Firm, P.C.
11675 Jollyville Road, Suite 300
Austin, TX 78759
Telephone: (512) 250-0411
Facsimile: (512) 250-0749

ATTORNEY FOR REQUESTOR

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known parties by the method identified below pursuant to the Texas Rules of Civil Procedure on the 22nd day of September, 2023.


Alan Bojorquez

Jeffrey S. Howard
McLean & Howard, LLP
4301 Bull Creek Road, Ste. 150
Austin, Texas 78731

via CMRRR# 9589 0710 5270 0138 1675 28

Garrett S. Martin
Bailey Land Investments, LP
2100 Northland Drive
Austin, Texas 78756

via CMRRR# 7020 1810 0000 2802 6692

Garrett S. Martin
Armbruster Land Investments, LP
2100 Northland Drive
Austin, Texas 78756

via CMRRR# 7020 1810 0000 2802 6685

Shani Armbruster
MileStone Community Builders
2100 Northland Drive
Austin, Texas 78756

via CMRRR# 7020 1810 0000 2802 6708

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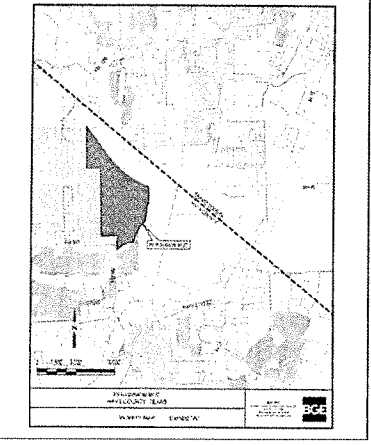
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Table with 9 columns: Public Notice, Public Notice, Public Notice, Public Notice, Public Notice, Public Notice, Public Notice, Public Notice, Autos

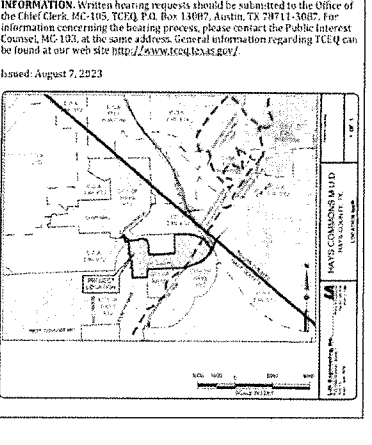
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-06162023-032 PETITION: Batley Land Investments, LP, a Texas limited partnership and Armbrister Land Investments, LP, a Texas limited partnership, (Petitioners) filed a petition for creation of Permian Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ)...

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement of how you would be affected by the petition in a way not common to the general public; and (4) the location of your property relative to the proposed District's boundaries...



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-06262023-060 PETITION: Hays Commons Land Investments, LP, a Texas limited partnership, (Petitioner) filed a petition for creation of Hays Commons Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ)...

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement of how you would be affected by the petition in a way not common to the general public; and (4) the location of your property relative to the proposed District's boundaries...



2008 TOYOTA CAMRY standard transmission, clean cond., except front bumper damage, 2nd owner, power everything, \$4,000. 512-626-8527

WANTED: CARS/TRUCKS. Any cond. Running or not. Wills Michael, 353-4511

CASH FOR JUNK Cars & Trucks. Free Towing. Lost Title Ok. 210-778-0796

Rentals

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CITY OF BUDA, TX

RESOLUTION NO. 2023-R-32

PERSIMMON MUNICIPAL UTILITY DISTRICT

A RESOLUTION OF THE CITY OF BUDA, TEXAS, TAKING A POSITION IN OPPOSITION TO THE CREATION OF THE PERSIMMON MUNICIPAL UTILITY DISTRICT AND REQUESTING A CONTESTED CASE HEARING BEFORE TCEQ; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO SUBMIT NECESSARY DOCUMENTS TO TCEQ RELATED TO SUCH REQUEST; AND PROVIDING FOR REPEALER, SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Buda, Texas ("City"), is entrusted by its citizens to protect the public health, safety, welfare and the environment through a system of comprehensive land use planning, transportation planning, development regulations, economic development, and the provisions of certain utilities; and

WHEREAS, the City has engaged in a holistic approach to managing growth and development in its City Limits and Extraterritorial Jurisdiction, balancing incentives for certain mutually beneficial projects, reliable public utility services, capital improvements and infrastructure construction, tree preservation, the protection of open space, creation of recreational space, and the regulation of construction; and

WHEREAS, the City is committed to responsible, orderly growth and development that facilitates new construction and the reasonable utilization of land while safeguarding shared natural resources, the safety and quality of life of neighboring citizens, and the investments of adjoining property owners; and

WHEREAS, the City has been actively engaged for more than two years with Milestone Community Builders ("Developer") on behalf of the owners of a 775-acre mixed-use development project commonly known as Persimmon ("Project") located partially in the City Limits, partially in the City's Extraterritorial Jurisdiction ("ETJ"), and partially in an unincorporated area of Hays County; and

WHEREAS, the City has in good faith diligently cooperated with the Developer in an effort to negotiate a Development Agreement as authorized under Texas Local Government Code Chapter 212, which included the possible formation of a Public Improvement District, and addressing many legitimate public interests including density, housing stock, land use, conservation of surface water and groundwater resources, preservation of water and air quality, economic development, parks and recreation, transportation, tree and native habitat preservation, wildlife conservation, dark skies, and the provision of reliable public utility services; and

WHEREAS, the City has been generally receptive to the prospect of the creation of a Municipal Utility District (“MUD”) for the Project, but only in conjunction with the mutual approval by the City and the Developer of a Development Agreement addressing the many public concerns about the impact of the Project on the community as a whole, the adjoining neighborhoods, and the region; and

WHEREAS, on August 10, 2022, Bailey Land Investments, LP, and Armbruster Land Investments, LP (“Petitioners”) filed with the City of Buda a Petition for Consent to Creation of Municipal Utility District (“Consent Petition”) pursuant to Texas Water Code Chapter 54 and Texas Local Government Code Chapter 42, to be named the “Hays County Municipal Utility District No. 8 or some other name as required or permitted by law” (“District”); and

WHEREAS, on June 5, 2023, the Petitioners filed with the Texas Commission on Environmental Quality (“TCEQ”) a petition (“Petition”) for the creation of the proposed “Persimmon Municipal Utility District” covering 459 acres of the Project located within the City’s ETJ; and

WHEREAS, on June 20, 2023, the Developer submitted to the City on behalf of the Petitioners a Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Buda seeking mandatory release of 459 acres of the Project from the City’s ETJ in accordance with recent legislation, Senate Bill 2038 (Texas Legislature, 88th Regular Session, codified as Texas Local Government Code §542.101-105); and

WHEREAS, on September 1, 2023, the Developer submitted to the City on behalf of the Petitioners a superseding Corrected and Restated Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Buda seeking mandatory release of 459 acres of the Project from the City’s ETJ in accordance with recently enacted recent legislation, Senate Bill 2038 (Texas Legislature, 88th Regular Session, codified as Texas Local Government Code §542.101-105); and

WHEREAS, the City is now uncertain the extent to which the Developer is currently engaged in negotiations with the City on a Development Agreement or any other transactions that would protect the public health, safety and welfare or provide for orderly growth and development for the Project; and

WHEREAS, as an adjoining local government, the City has sincere concerns about the anticipated adverse effects and negative externalities the proposed District will have on the City, its residents and neighbors, thus making the City an *Affected Person* under the law with *justiciable interests* affected by the Petition; and

WHEREAS, the City has legitimate public interests in the availability of sufficient groundwater resources to serve the residents within the City Limits and other reasonably-

anticipated development projects near the City and the proposed MUD, and whether economically feasible and practical alternatives involving reasonably available surface water have been properly vetted; and

WHEREAS, the City may state its opposition to the creation of the District in accordance with Texas Water Code Chapters 49 and 54, and the Texas Administrative Code (30 TAC 293, and 30 TAC 55.251); and

WHEREAS, the City Council finds this Resolution to be reasonable, necessary, and proper, and in the best interests of the citizens of the City of Buda.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buda, Texas:

Section 1. Findings of Fact: The foregoing recitals are incorporated into this resolution ("Resolution") by reference as findings of fact as if expressly set forth word-for-word herein.

Section 2. Opposition: The City Council hereby approves the filing of a request for a contested case hearing with TCEQ in opposition to the Petitioners' Petition for the creation of the District. In so doing, the City Council authorizes the Mayor and Council Members to speak in opposition to the creation of the District. The City Council further authorizes the City Manager and City Attorney to represent the City and submit to the TCEQ any documentation necessary to the position taken by this Resolution, including but not limited to a written Request for a Contested Case Hearing to be approved by the City Attorney, substantially in the form attached as Exhibit "A".

Section 3. Filing: The City Secretary is hereby directed to file a certified copy of this Resolution and an updated map of the City's ETJ boundary with the County Clerk of Hays County, Texas.

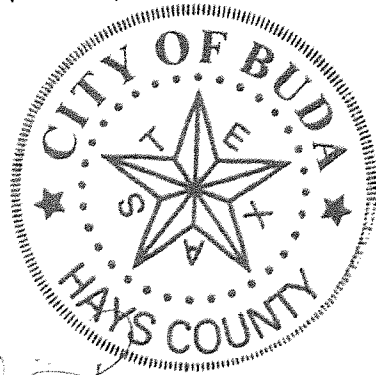
Section 4. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 5. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.


Section 6. Effective Date: This Resolution shall take effect upon the date of final passage noted below.

Section 7. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED on First Reading by the City Council of the City of Buda, on this, the 19th day of September, 2023.




The City of Buda



Lee Urbanovsky, Mayor

ATTEST:



Alicia Ramirez, City Clerk

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

Request for Contested Case Hearing Regarding the Proposed Persimmon MUD

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 D06162023032

H

From: ecmare@gmail.com <ecmares@gmail.com>
Sent: Thursday, September 21, 2023 4:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Elena Mares-Coyote

EMAIL: ecmares@gmail.com

COMPANY:

ADDRESS: 907 MAGNOLIA CV
BUDA TX 78610-2889

PHONE: 5127752049

FAX:

COMMENTS: 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 460 feet from the proposed development. I am concerned for the amount of traffic and accidents this large influx of people will bring. I am also alarmed by the cost of water, wastewater, and drainage this project requires.

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 D06162023032

H

From: ddulski@austin.rr.com <ddulski@austin.rr.com>
Sent: Wednesday, September 20, 2023 8:41 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Debra Dulski

EMAIL: ddulski@austin.rr.com

COMPANY:

ADDRESS: 261 KATES CV
BUDA TX 78610-3238

PHONE: 5129403096

FAX:

COMMENTS: 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 have lived in the Creekside subdivision for 24 years and have seen the developments move into our area. I'm very concerned that this new development will put demands on our water supply that we can fulfill, causing current residents to not have enough. The storm runoff into our creeks is another large concern. Our traffic is already an issue and adding all of these homes will put us more at risk for accidents. FM967 is one lane and not able to handle the traffic safely now. Please review this application with caution.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:17 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: fabmc212@gmail.com <fabmc212@gmail.com>
Sent: Monday, September 18, 2023 2:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: MS Connie Faber

EMAIL: fabmc212@gmail.com

COMPANY:

ADDRESS: 212 LONGSPUR DR
BUDA TX 78610-2652

PHONE: 5122952590

FAX:

COMMENTS: I request a contested case hearing with Bailey Land Investments, L.P., A Texas limited partnership and Armbruster Land Investments, LP, a limited partnership for the creation of Persimmon Municipal Utility District, TCEQ Internal Control Number D06162023032. I am writing to express my strong opposition to the proposed housing development in our neighborhood. While I understand the need for housing, I believe that this project at its current size, would have a detrimental impact on our community. First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Traffic on FM967 and FM1626 is

already heavy. I fear adding a large number of drivers to this area without adequate roads to support the traffic will be unsafe. Traffic will increase in residential neighborhoods, Leisurewoods and Coves of Cimarron as people look for short cuts to avoid the already heavy traffic. Both subdivisions have narrow roads which are not designed to carry this level of traffic. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a massive, high-density development. Buda has many beautiful heritage oaks and to my knowledge, no tree survey has been done. Many of these trees would be cleared. The type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of residents on lots substantially smaller than those in surrounding neighborhoods. Finally, I am deeply concerned about the impact this development would have on water resources in the surrounding area. Many of the wells in our area have gone dry. All subdivisions are on restrictions and it has impacted our ability to maintain our plant and animal life. It is illogical to me that with our decreasing resources additional people would be added to share limited resources. The only people this would benefit would be the developers. In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that the current design of the project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:52 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: thattxengineer@gmail.com <thattxengineer@gmail.com>
Sent: Wednesday, September 20, 2023 5:54 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: David Fletcher

EMAIL: thattxengineer@gmail.com

COMPANY:

ADDRESS: PO BOX 332
MANCHACA TX 78652-0332

PHONE: 7372881964

FAX:

COMMENTS: I request a contested case hearing in the matter of the creation of Persimmon Municipal Utility District, TCEQ# D06162023032 in the City of Buda ETJ I own certain real property at 221 Ranger Dr, Buda, TX which is less than 1 mile from the proposed MUD I have grave concerns regarding the creation of this MUD and do not believe the available water supply in the area can sustain this development, nor has the petitioner adequately addressed traffic issues that the creation of this MUD will assuredly cause. The petitioner has also been provided adequate opportunity to address these issue with the City of Buda and has refused reasonable proposals to do so.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:53 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: jrfloros1@yahoo.com <jrfloros1@yahoo.com>
Sent: Wednesday, September 20, 2023 11:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: James Flores

EMAIL: jrfloros1@yahoo.com

COMPANY:

ADDRESS: 121 PILOT GROVE CT
BUDA TX 78610-2773

PHONE: 5126537202

FAX:

COMMENTS: we 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 am writing to express my deep concern about the proposed new subdivision development in our community. While I understand the need for growth and development, I firmly believe that this particular project may have significant negative impacts on our neighborhood, especially concerning traffic congestion, potential water shortages, and our overall quality of life. Traffic Congestion: Our neighborhood has always enjoyed a relatively peaceful and safe environment with manageable traffic flow. The addition of a new subdivision

would undoubtedly increase the number of vehicles on our roads, potentially leading to traffic jams, longer commute times, and decreased road safety. Moreover, the strain on our existing infrastructure could result in increased maintenance costs for taxpayers. Water Shortages: The sustainability of our water supply is a critical concern. With an increasing population due to the proposed subdivision, our water resources could be put under immense pressure. Water scarcity is already a growing issue in our region, and adding more households could exacerbate this problem. We need to carefully assess the water supply infrastructure and ensure that we have adequate resources to support both existing and new residents. Livelihood and Quality of Life: Our community has thrived due to its unique charm, peaceful atmosphere, and close-knit residents. The introduction of a large subdivision could alter the character of our neighborhood and negatively impact our livelihoods. Increased noise, pollution, and overcrowding may diminish our overall quality of life and erode the sense of community that we hold dear. I implore you to consider these concerns seriously and conduct a thorough impact assessment before moving forward with the proposed subdivision. It is crucial that we prioritize the well-being and satisfaction of current residents, as well as the long-term sustainability of our community. I kindly request that you keep us informed about any developments related to this project and involve the community in the decision-making process. Together, we can work towards a solution that balances growth with the preservation of our neighborhood's unique character and the well-being of its residents. Thank you for your attention to this matter, and I look forward to hearing from you soon.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 1:46 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: gwosdzgee@gmail.com <gwosdzgee@gmail.com>
Sent: Wednesday, September 20, 2023 12:59 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Carol Gee

EMAIL: gwosdzgee@gmail.com

COMPANY:

ADDRESS: 123 NOPAL LN
BUDA TX 78610-3260

PHONE: 7133061316

FAX:

COMMENTS: 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 have lived in Coves of Cimarron, just west of the proposed Persimmon development, for over 17 years. We moved in before White Oak Preserve, Garlic Creek, and Whispering Hollow brought hundreds of new houses and cars to the immediate area, already occupied by Creekside Park, Cullen Country, and Elm Grove. This new Persimmon development would add more homes than all of these neighborhoods combined, without sufficient planning to alleviate the already-congested traffic on FM 967. These 2000+ new homes would only be

developed with one dedicated elementary school, which will not even satisfy the demand for the new development, much less middle school and high school capacity. And while all of these human impacts are extremely important, they say nothing of the impact on natural resources, most notably water supply and wildlife habitats. Please save our green spaces, protect our water supply, and don't add to the congestion on our roads and in our schools by stalling this development until a responsible agreement can be reached by all parties (including the City of Buda). Thank you.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:54 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: gail41953@gmail.com <gail41953@gmail.com>
Sent: Thursday, September 21, 2023 4:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Gail Hall

EMAIL: gail41953@gmail.com

COMPANY: None

ADDRESS: 300 TREETOP WAY
BUDA TX 78610-2851

PHONE: 5125675111

FAX:

COMMENTS: 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.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 11:09 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: thall8@austin.rr.com <thall8@austin.rr.com>
Sent: Friday, September 22, 2023 11:05 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Thomas L Hall

EMAIL: thall8@austin.rr.com

COMPANY:

ADDRESS: 300 TREETOP WAY
BUDA TX 78610-2851

PHONE: 5122959295

FAX:

COMMENTS: 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 800 feet west of the west edge of Persimmon and will be directly affected by the development. Subdivisions along Hy 967 originally required 1/2 acre, then developers convinced planners to allow 1/4-acre subdivisions. Now Persimmon lots will be even smaller. This brings excess population to Hy 967, designed originally to support 1/4-acre plot traffic. This development will significantly alter traffic on Hy 967 and the quality of life, adding long wait times in traffic with accompanying noise and pollution of idling cars and trucks. An

acceptable solution is two-fold: a road north out of Persimmon directly to Hy 1626 near Hy 45, and a road east out of Persimmon directly to IH-35. Also, population density is an issue. Higher-density apartment living brings in less-established and transient renting individuals lacking a stake in the community, along with increased noise, crime, and light pollution. that doesn't even begin to address future problems as properties degrade along with the occupant socio-economic status. The solution, if small lots must even be tolerated, is to eliminate apartments and keep West Buda a residential area with safe, quiet neighborhoods.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 11:00 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Gerald1508@aol.com <Gerald1508@aol.com>
Sent: Thursday, September 21, 2023 9:20 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: MR Gerald Haschke

EMAIL: Gerald1508@aol.com

COMPANY:

ADDRESS: 308 FOX HOLW
BUDA TX 78610-2827

PHONE: 5122171483

FAX:

COMMENTS: My wife and I have lived in the Coves of Cimarron since 1999. Our home is approximately a 3rd of a mile west of the proposed Persimmon development. We chose this as our home because of the large lots and trees, quiet neighborhood, dark nights and limited traffic. We 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. We have a number of concerns about this development. First, is the traffic problem on 967 and 1626. This development, if approved MUST build an adequate four lane roadway with turnlanes and sidewalks between 967 and 1625 to help alleviate the traffic cut-

throughs in our neighborhood on Dove Drive and other subdivisions. This development will add thousands of cars to our already crowded roadways. This road must be built before any homes are constructed. The proposed roundabout on 967 isn't an adequate solution. Second, is an adequate water supply. If this development doesn't work with the City of Buda to supply water, they have no choice but to drill wells. Who will monitor them, and this also applies to the wells already on the property. We have been restricted in water usage already this year and it won't get any better with thousands of more homes in this development. Third, is drainage. When it does rain and it floods, where will the water go? 967 and much of this property floods and we don't want it being diverted into the Coves or other subdivisions. Fourth, we want the size of lots to be comparable to those in the Coves; 1/2 acre and up so we don't lose property values with smaller lots, etc. Homes need to be of comparable size, not apartments or crackerbox houses built on top on one another. Same applies to the heritage trees in the Coves and the proposed development. The City of Buda has a tree ordinance to protect those trees. Those trees need to be protected. Fifth, is the issue of sewage and wastewater. It would be much better if this proposed subdivision and its builders worked with the City of Buda to facilitate these issues. Finally, it would be much better for everyone concerned that IF this subdivision is going to be built, that the above referenced developers work out ALL the details with the City of Buda. I, personally prefer that it not be built and the land become a nature conservancy. But, that's probably not going to happen. Just think, what's it ultimately going to cost all the taxpayer of Buda to allow this subdivision to be built? How's it going to promote the health, safety and general welfare of the City of Buda? Its all about the bottom line. The builders and their agents aren't going to live here and have to suffer what they have changed and left behind for all of us to deal with for years to come.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:19 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: bryanhud22@yahoo.com <bryanhud22@yahoo.com>
Sent: Monday, September 18, 2023 1:01 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Bryan Huddleston

EMAIL: bryanhud22@yahoo.com

COMPANY:

ADDRESS: 12703 SAGEBRUSH CIR
BUDA TX 78610-2806

PHONE: 5125578309

FAX:

COMMENTS: 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'm concerned myself and/or my property will be impacted in the following ways- exorbitant costs, impact to my water supply, increased storm runoff, increased traffic, decreased safety, increased noise, increased lighting/spill light. My property is approximately 0.3 mi from the boundary of the proposed development, 12703 Sagebrush Circle

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:19 AM
To: Pubcomment-DIS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: bryanhud22@yahoo.com <bryanhud22@yahoo.com>
Sent: Monday, September 18, 2023 12:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTITY NAME: PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Bryan Huddleston

EMAIL: bryanhud22@yahoo.com

COMPANY:

ADDRESS: 12703 SAGEBRUSH CIR
BUDA TX 78610-2806

PHONE: 5125578309

FAX:

COMMENTS: 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'm concerned myself and/or my property will be impacted in the following ways- exorbitant costs, impact to my water supply, increased storm runoff, increased traffic, decreased safety, increased noise, increased lighting/spill light. My property is approximately 0.3 mi from the boundary of the proposed development, 12703 Sagebrush Circle

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:50 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: huskeysl@yahoo.com <huskeysl@yahoo.com>
Sent: Wednesday, September 20, 2023 3:53 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Shawna-Lee Huskey

EMAIL: huskeysl@yahoo.com

COMPANY:

ADDRESS: 210 TREETOP WAY
BUDA TX 78610-2840

PHONE: 5124614861

FAX:

COMMENTS: 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. My family's property would be dramatically affected by this MUD (exorbitant costs, well contamination/supply, storm runoff, traffic, safety, noise, lighting. I am in the Coves of Cimarron-very close to this proposed subdivision boundary

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:20 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: Vjurika@gmail.com <Vjurika@gmail.com>
Sent: Monday, September 18, 2023 11:23 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Virginia Jurika

EMAIL: Vjurika@gmail.com

COMPANY: Doctors Without Borders

ADDRESS: 161 SERENE HOLLOW LN
BUDA TX 78610-2791

PHONE: 5129021231

FAX:

COMMENTS: 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”.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:54 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: jkaufmann121@earthlink.net <jkaufmann121@earthlink.net>
Sent: Thursday, September 21, 2023 5:46 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Jeffrey C. Kaufmann

EMAIL: jkaufmann121@earthlink.net

COMPANY:

ADDRESS: 407 LEISUREWOODS DR
BUDA TX 78610-2613

PHONE: 5126333016

FAX:

COMMENTS: 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. This subdivision as currently planned by Milestone will cause significant increases in traffic on FM 967, one of only two exits/entrances to my subdivision of Leisurewoods. The builder has no plan to create any additional exit or entrance to the property, which will result in at first hundreds and at buildout thousands of cars and trucks streaming onto an already congested country road. This will create hazardous driving conditions for current and future residents in nearby subdivisions, including mine (Leisurewoods). The developers plan

to jam homes on a portion of the Edwards Aquifer contributing zone and could potentially drain the aquifer I depend on for my water. They have insufficient plans for waste water and drainage, again, over a sensitive environmental area. Please do don't grant the this ill-considered and poorly planned request for a MUD.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 4:18 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: skinslow@austin.rr.com <skinslow@austin.rr.com>
Sent: Friday, September 22, 2023 4:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Stephen Kent Kinslow

EMAIL: skinslow@austin.rr.com

COMPANY:

ADDRESS: 12610 SHADY ACRES DR
BUDA TX 78610-2522

PHONE: 5122955232

FAX:

COMMENTS: We 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". The creation of this MUD will increase traffic, create noise, dislocate wildlife, reduce water availability and result in the loss of main old-growth oaks. Our home is located within 300 yards of the planned development. I believe that if development is to proceed it should be done with the planning of larger lots and green spaces that will allow for the preservation of the old oaks and reduce environmental damage to the native forest and creek below.

J. P. Kirksey, SPHR

12503 Scissortail Drive
Manchaca, TX 78652
512/585-0992

REVIEWED

September 19, 2023

SEP 21 2023

By GW

H

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

My wife and I are 41-year residents of Manchaca, Texas – our home is in Arroyo Doble Estates which is just south of FM 1626 and west of Twin Creeks Road. Our property is on the eastern fringe of the Persimmon Residential Development proposed by Milestone Properties.

Our understanding is that Milestone has made application to create a Municipal Utility District to support the proposed development. As affected property owners, we 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.

Over the last few years, this area has seen a tremendous increase in population with the resulting massive traffic congestion and demands on our limited water supply. The addition of the number of homes that is proposed by the Persimmon Development would further increase the traffic load and demands on the area's limited water supply as well as produce an adverse impact on the already strained infrastructure of the immediate area.

We are strongly opposed to the housing density proposed by Milestone for the Persimmon Development.

Sincerely,



J. P. Kirksey

CHIEF CLERKS OFFICE

2023 SEP 21 AM 9:58

NO ENFORCEMENT
ON ENVIRONMENTAL
COLLECTION

J.P. & Judy Kirksey
12503 Scissortail Drive
Manchaca, TX 78652

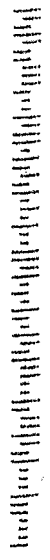
RECEIVED

SEP 21 2023

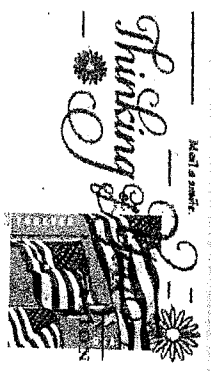
TCED MAIL CENTER
AT

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

78711-308787



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



CHIEF CLERKS OFFICE

2023 SEP 21 AM 9:58

TEXAS
OFFICE OF THE CHIEF CLERK
CHIEF CLERKS OFFICE

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 1:46 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Meknight@austin.rr.com <Meknight@austin.rr.com>
Sent: Wednesday, September 20, 2023 1:03 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Marta E ,Knight

EMAIL: Meknight@austin.rr.com

COMPANY:

ADDRESS: 305 RANGER DR
BUDA TX 78610-2539

PHONE: 5126572366

FAX:

COMMENTS: I/we 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. This neighborhood has not planned for traffic flow in or out. Using neighboring developments for entrance and exit on neighborhood streets is not a good plan. I have not heard agreement to limit lot size, where water is coming from, road improvement, or storm runoff. My home is less than a quarter of a mile from this proposed neighborhood and my street is planned as one of their major entrance/exit streets. I have heard they are planning 2800 residences. With approximately two cars per household, that's 5600 vehicles and

that's way too many for neighborhood streets. This will create so many traffic safety concerns and additional maintenance costs.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 2:39 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: bkoger@austin.rr.com <bkoger@austin.rr.com>
Sent: Friday, September 22, 2023 1:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Brett Koger

EMAIL: bkoger@austin.rr.com

COMPANY:

ADDRESS: 12507 SHADY ACRES DR
BUDA TX 78610-2517

PHONE: 5126959714

FAX:

COMMENTS: 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 in Cimarron Park on Shady Acres Drive. My lot borders the western most lots of the proposed development. My family and I have lived in our house since 1989 so we have seen a lot of changes to the area over the years. I have some concerns about the proposed Persimmon development that I would like you to consider. 1) Traffic issues in our neighborhood a. For many years traffic along Shady Acres Dr. was not bad. It's still not bad during the summer months; however, during the school year it has become a nightmare. From about 7:00 –

8:30 each weekday morning it is nearly impossible to pull out of our driveway onto Shady Acres Dr. There is always a line of cars present during those hours. Drivers using westbound RM 967 to go from Buda and points east and south of there, decide to cut through our neighborhood instead of waiting in the incredibly long line of cars that backs up along RM 967 from the FM1626 intersection. They turn right onto Dove Dr. from RM 967 until it ends into Ranger Dr., take a left on Ranger Dr., and then use the north-south roads through the Cimarron Park neighborhood to get to Lakewood Dr. so they can access FM 1626 to head into Austin. With Shady Acres Dr. being the first north-south road that connects to Ranger Dr., many of the cars take Shady Acres Dr. to get to Lakewood Dr. b. The huge traffic increase through our neighborhood began primarily with the opening of Carpenter Hill Elementary and Johnson High School a few years ago. The traffic to take kids to school was not that bad when the only schools in the area were Dahlstrom M.S and Elm Grove Elementary. The addition of the two newer schools, the completion of the southern part of FM 1626 and the overall increase to the population in the area over the last few years have caused the traffic in our neighborhood to increase dramatically. c. With the proposed development including 2800 more residential units, a potential new school site on Dove Dr., and six of the development's west bound roads terminating at and feeding into Dove Dr., Ranger Dr., or Shady Acres Dr., the current incredible amount of traffic on these roads in the mornings during the school year will become intolerable for anyone living here. Has anyone completed a study to determine the potential increase to traffic on these roads over the next three to five years? 2) Neighborhood drainage issues a. A great deal of the drainage from the northeastern section of Cimarron Park goes through our property and several adjoining properties on Shady Acres Dr. There is a substantial degree of slope or vertical drop from the front of our property along Shady Acres Dr. to the back of the property that would now border the western most lots of the new development. That slope helps drain the run-off from our lots. What steps will be taken by the developers to account for that slope and the amount of drainage that could potentially inundate those lots? b. In December of 1991, the area had record rainfall amounts. One of our dogs managed to get under our chain link fence in back during that time and when I went to search for her in the area that would now be some of the western most lots in the new development I discovered a roaring sink hole with a tremendous amount of water draining into it. These new lots may be subject to flooding during times when we have substantial rainfall. Who would be liable for any damages sustained by those homeowners? An extensive site study should be completed to determine the amount of infrastructure costs the developer could incur to prevent or remedy the drainage situation for those potential new homeowners. What remedies would we as current homeowners have if the developer brings in so much fill to protect their homeowners that the current drainage pattern is altered and our properties begin to flood. Who would be responsible for our costs incurred if we have to build new septic systems and drain fields because of that flooding and the raising of the water table on our lots? 3) Water availability The last two summers have proven again that there is a finite amount of water available from the wells our water companies draw from, especially with the growth in this area over the last 30-40 years. Adding 2,800 more homes that would draw from the same sections of the aquifer could reduce the supply for the existing homes in our neighborhoods to dangerous levels. Does the developer have any plans to bring in water from more stable aquifers to our south or are they planning to draw from the same source our local neighborhoods draw from? What mitigation plans do they have for our neighborhoods if we have serious water issues? Thank you in advance for your time and consideration of these issues.

ASPCA

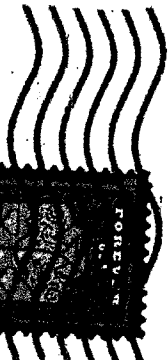


Aimee Lakey
1165 Clark Brothers Dr
Buda, TX 78610-5127

15 SEP 23 9:39

1060 000

AUSTIN TX 786
RIO GRANDE DISTRICT
PAUG 2023 PM 3 L
15 SEP 23 9:39



SEP 11 2023

TCEQ MAIL CENTER
WT

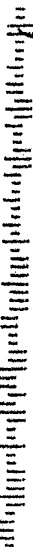
Office of the Chief Clerk

MC-105 TCEQ

PO Box 13087

Austin, TX 78711-3087

78711-3087



Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:57 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: 50rlambert@gmail.com <50rlambert@gmail.com>
Sent: Thursday, September 21, 2023 9:09 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: ROBERT LAMBERT

EMAIL: 50rlambert@gmail.com

COMPANY:

ADDRESS: 298 KATES CV
BUDA TX 78610-3235

PHONE: 5129401632

FAX:

COMMENTS: 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. It is already next to impossible and extremely dangerous to get out of my neighborhood (Creekside) onto 967 and there are zero improvements to 967 as a part of this proposed development. As horrific as the additional vehicles being added to a already over burdened roadway will be, I can only imagine the impact on my utility costs, water and power supply/pressure. In addition I have grave concerns about the impact of storm runoff, additional road noise and degraded safety for my neighborhood. Thank you.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:53 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: jesusabrahammares@gmail.com <jesusabrahammares@gmail.com>
Sent: Wednesday, September 20, 2023 11:19 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Jesus Mares

EMAIL: jesusabrahammares@gmail.com

COMPANY:

ADDRESS: 907 MAGNOLIA CV
BUDA TX 78610-2889

PHONE: 5126696503

FAX:

COMMENTS: Hello, My name is Jesus Mares. I live at 907 Magnolia Cove Buda, TX 78610. I am one block away from the proposed subdivision. I would be able to see it from the inside of my house. The proposed project will negatively impact my well water supply and cause draw down and contamination. There is an old landfill at Dove Dr and FM 967, now a small lake. Additional groundwater draw can cause leaching from the old landfill. Furthermore, the applicant did not properly give proper notice to affected persons in a timely manner. The applicant did not contact affected persons by mail, legal notice, or posting within the legal time frame. 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. Respectfully, Jesus Mares

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 4:17 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: connienicholson6@gmail.com <connienicholson6@gmail.com>
Sent: Friday, September 22, 2023 3:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Connie Nicholson

EMAIL: connienicholson6@gmail.com

COMPANY:

ADDRESS: 119 SAGUARO DR
BUDA TX 78610-3262

PHONE: 5127911887

FAX:

COMMENTS: We 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. The creation of this MUD would negatively impact the current residents in the area. The traffic is already a significant problem. The amount of water needed to support this MUD will add to the stress of maintaining adequate water supplies to the existing residents. It would create significant change to the neighborhoods. The noise the additional lights and the lack of infrastructure to support this MUD should be taken into

consideration. We don't want the quality of life that we have enjoyed for the last 22 years to be ruined. Our home is less than a mile from the proposed subdivision.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:19 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: Mrsnuke86@gmail.com <Mrsnuke86@gmail.com>
Sent: Monday, September 18, 2023 12:53 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Sharon Neukam

EMAIL: Mrsnuke86@gmail.com

COMPANY:

ADDRESS: 1001 LAUREL CV
BUDA TX 78610-2872

PHONE: 5124234673

FAX:

COMMENTS: I/we 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. The current water shortage and roadway congestion in this area are not prepared for another large land development. The proposed development backs up to my backyard, only separated by Dove Dr. The amount of traffic on Dove is far above what it used to be and the additional homes will only make matters worse. I would hope that TCEQ will not allow this development to take place.

Aug. 31, 2023

Office of the Chief Clerk, MC-105

TCEQ

P.O. Box 13087

Austin, TX 78711-3087

REVIEWED

SEP 11 2023

YCW

H

Dear Chief Clerk,

I am herein requesting 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 No. D06162023032. I reside in the Garlic Creek subdivision that is just off RM969 and believe the addition of this MUD and its associated housing and retail plans will not only have a significant impact on the water supply for this area during a time of increasing drought conditions, there will be a substantial increase in traffic, causing safety concerns due to there being only one way in and one way out on a major road for several years. The impact on the residents in the area as well as the impact on the existing infrastructure and school district, are of great concern.

Sincerely,

Cynthia C Pasadeos

Cynthia C Pasadeos
2592 Garlic Creek Dr
Buda, TX 78610
205.239.9989

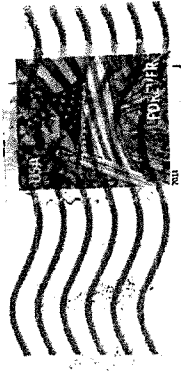
CHIEF CLERKS OFFICE

2023 SEP -5 AM 9:51

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Cynthia C Pasadeos
2592 Gardie Cr Dr.
Buda TX 78610

NORTH HOUSTON TX 773
31 AUG 2023 PM 8 L



RECEIVED

SEP 05 2023

TCO MAIL CENTER
BC

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK, MC-105, TCEQ

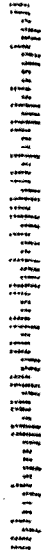
2023 SEP -5 AM 9:51

P.O. Box 13087

ENVIRONMENTAL
COMMISSION

Austin, TX 78711-3087

787113087



Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 4:18 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: rasperry1003@gmail.com <rasperry1003@gmail.com>
Sent: Friday, September 22, 2023 4:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Robin Perry

EMAIL: rasperry1003@gmail.com

COMPANY:

ADDRESS: 307 LAKEWOOD DR
BUDA TX 78610-2507

PHONE: 5129038503

FAX:

COMMENTS: We, the residents of 307 Lakewood DR., 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. We strongly object to the proposed Persimmon MUD for a number of reasons: 1) Currently, there is inadequate road infrastructure to support this development. The proposed development has 1 entrance in and out, onto an already busy FM 967. Drivers heading into Austin will cut through the Cimmarron Coves and Cimmarron Park neighborhoods. These neighborhoods are not built for heavy traffic. Cimmarron Park, where I live, has no sidewalks. Kids, cyclists, moms pushing strollers, joggers, and dog

walkers all use the streets in this neighborhood. The Persimmon developers have promised to create a connection to 1626 only after they begin construction and sell a certain number of homes. The connection to 1626 needs to happen before a single home is built. 2) Water. We have a private water system in Cimmaron Park. Every summer we have restrictions on how much water we can use. Many people around here are on private wells. Where is the water going to come from for the houses and lawns in the new development? The water supplies of existing residents could run dry because of this massive development. 3 Impact on the environment and wildlife. Milestone refuses to do a tree survey of the property. Their "prairie build" will clearcut one of the last wooded areas in the Buda area. What will happen to the wildlife? Milestone has shown no evidence of how they intend to protect the creeks on or near the property that feed into Onion Creek. In summary, this project is poorly planned and harmful to the community. It will have a horrendous negative impact on the quality of life for adjacent neighbors by sending dangerous traffic through an established neighborhood with no sidewalks, draining our limited water supply, and harming the environment. Thank you for your consideration. Kind regards, Robin & Scott Perry

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:35 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: janetpierce01@gmail.com <janetpierce01@gmail.com>
Sent: Wednesday, September 20, 2023 11:31 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: MRS Janet Pierce

EMAIL: janetpierce01@gmail.com

COMPANY:

ADDRESS: 13100 ONION CREEK DR
MANCHACA TX 78652-5620

PHONE: 5122644664

FAX:

COMMENTS: 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. Since my property is on Onion Creek I am very concerned about more runoff, more pollution, less water for anyone else in the area since we are already on stage 3/4 water restrictions and there is barely enough water for the homes that are already here. These two entities only care about the money and not the environment. The traffic to the area would make an already overloaded roadway even more intolerable. Please think about these things before you allow them to ruin what is left of the Buda/Kyle area. Thank you, Janet Pierce

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:53 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Blythempowell@gmail.com <Blythempowell@gmail.com>
Sent: Wednesday, September 20, 2023 10:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Blythe Powell

EMAIL: Blythempowell@gmail.com

COMPANY:

ADDRESS: 230 TREETOP WAY
BUDA TX 78610-2840

PHONE: 6504544853

FAX:

COMMENTS: We 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". 3. Then in your own words give a description of how you and/or your property would be affected by this MUD. This can include your exorbitant costs, well contamination or supply, storm runoff, traffic, safety, noise, lighting, etc. 4. You must provide the location of your property relative to the boundaries of the proposed subdivision. 5. You may also submit your proposed adjustments to the petition which would satisfy your concerns. This would be changes so you and/or your property. Thank you in advance.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, September 22, 2023 10:53 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Blythempowell@gmail.com <Blythempowell@gmail.com>
Sent: Wednesday, September 20, 2023 9:57 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Blythe Powell

EMAIL: Blythempowell@gmail.com

COMPANY:

ADDRESS: 230 TREETOP WAY
BUDA TX 78610-2840

PHONE: 6504544853

FAX:

COMMENTS: We 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". 3. Then in your own words give a description of how you and/or your property would be affected by this MUD. This can include your exorbitant costs, well contamination or supply, storm runoff, traffic, safety, noise, lighting, etc. 4. You must provide the location of your property relative to the boundaries of the proposed subdivision. 5. You may also submit your proposed adjustments to the petition which would satisfy your concerns. This would be changes so you and/or your property. Thank you in advance.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:28 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: Rrios3@austin.rr.com <Rrios3@austin.rr.com>
Sent: Tuesday, September 19, 2023 1:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Roxanne Rios

EMAIL: Rrios3@austin.rr.com

COMPANY:

ADDRESS: 1129 HALEYS WAY DR
BUDA TX 78610-3206

PHONE: 5122956278

FAX:

COMMENTS: We 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. It is unwise to build such a large development in an area with severe drought conditions. Although we are not on a well, our neighbors in surrounding subdivisions are. Water is something that none of us can do without and we cannot keep building without regard as to where water for citizens who already live in this community will come from.

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 D06162023032

H

From: kody.schouten@gmail.com <kody.schouten@gmail.com>
Sent: Tuesday, September 19, 2023 3:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: 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 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. My property will be adversely impacted by the creation and usage of this MUD through the storm runoff impact on environment-sensitive areas, traffic noise and light pollutions impacts by new developments, groundwater supply shortage by new well to supply to new developments, the increase in exorbitant costs causes by the MUD and its development. If the TCEQ regulation and MUD take serious in the proactive measures and proposed adjustments to this petition with protect environment and properties such as taking on the Dark Skies

program to reduce the light pollution, higher removal efficiency of storm runoff above a minimum requirements of 80%, tighter limitation on groundwater removal and increase the circular economy from wastewater to reused treated water or drinking water, and an approach to prevent the increases in property taxes/utility fees, and heavy traffic/safety mitigation measures, then it will be benefits to the impact of community surrounding by this MUD. My property is located within the Cove of Cimarron HOA and is located less than a hundred meters from the edge of the proposed subdivision boundary.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:34 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

H

From: KATSTROM@VERIZON.NET <KATSTROM@VERIZON.NET>
Sent: Wednesday, September 20, 2023 11:05 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: KATHY SELLSTROM

EMAIL: KATSTROM@VERIZON.NET

COMPANY:

ADDRESS: 301 BUTTERCUP TRL
BUDA TX 78610-2832

PHONE: 5122953759

FAX:

COMMENTS: I/we 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. Our property is located approximately 200 yards from Dove Drive which runs along the Armbruster tract. Traffic is already a concern in this area from people cutting through from FM967 to FM1626. Traffic lines up from downtown Buda to the entrance of our neighborhood the Coves of Cimarron at peak times as it is now. This addition of more homes would make a much more dangerous traffic pattern. There has been one recent fatality on the curve on FM967 and two on Dove Drive very near the requested MUD. The Coves of Cimarron gets

water from a well nearby which is already running low. Pollution/contamination are also concerns from adding multiple homes in this sensitive area. The City of Buda is trying to become a "Dark Sky" community and we feel this would not only go against their desire but produce more noise and disrupt refuge for the wildlife inhabitants. Please consider all our concerns against the requested MUD.

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 D06162023032

H

From: nate.sewell@gmail.com <nate.sewell@gmail.com>
Sent: Tuesday, September 19, 2023 9:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Nathan Sewell

EMAIL: nate.sewell@gmail.com

COMPANY:

ADDRESS: 12701 PHEASANT RUN
BUDA TX 78610-2531

PHONE: 8057985066

FAX:

COMMENTS: 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 There is not enough water resources for the current residents let alone 2800 additional proposed homes. The road infrastructure is insufficient for existing traffic with people already cutting through the the Cimarron Park Neighborhood as a shortcut, and going in speeds in excess of 60 mph as recorded in recent traffic survey (it's all a 25mph residential zone) The "plan" does not include a road attaching FM1626 to FM967

which might alleviate some of the problem. Instead they are proposing a roundabout in the middle of a current 55mph section of FM967 which already backs up for miles during peak traffic hours.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:10 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: tco9ggbc@duck.com <tco9ggbc@duck.com>
Sent: Monday, September 18, 2023 9:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Sara Shannon

EMAIL: tco9ggbc@duck.com

COMPANY:

ADDRESS: 307 RACCOON RUN
BUDA TX 78610-2834

PHONE: 5126947800

FAX:

COMMENTS: 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 am a homeowner directly adjacent to the property who stands to be adversely affected by traffic, noise, and water use/runoff from this proposed development.

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 D06162023032

H

From: nataliegilmer1@yahoo.com <nataliegilmer1@yahoo.com>
Sent: Sunday, September 24, 2023 2:09 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Natalie Gilmer Shebel

EMAIL: nataliegilmer1@yahoo.com

COMPANY:

ADDRESS: 12615 EAGLE NEST DR
BUDA TX 78610-2447

PHONE: 5124700177

FAX:

COMMENTS: I request a contested case hearing with Bailey Land Investment, LP, A Texas limited partnership, for the creation of Persimmon Municipal Utility District, TEQ Internal Control # D06162023032. We already have enough issues with our water consumption in this area. In Cimarron Park we have not been able to water our yards in over a year because of the water restrictions. This has caused foundation issues to my property which will cost me thousands to repair. We do not need anymore developments fighting us for water. Also the amount of traffic on 967 - only a two lane road is exorbitant.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 3:38 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032
Attachments: TCEQ Persimmon Comments.pdf

H

From: masulli@mac.com <masulli@mac.com>
Sent: Wednesday, September 20, 2023 2:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Mary Ann Sullivan

EMAIL: masulli@mac.com

COMPANY:

**ADDRESS: 159 MADISONS CV
BUDA TX 78610-3218**

PHONE: 7088293399

FAX:

COMMENTS: I submitted a comment yesterday and will upload a copy of it to the form. I forgot to add the following language: I am requesting a contested case hearing with Bailey Land Investments, LP, a Texas limited partnership, and Armbruster Land Development, LP, a Texas Limited Partnership, for the creation of Persimmon Municipal Utility District, TCEQ Internal Control Number D06162023032.

From: donotreply@tceq.texas.gov
Subject: TCEQ Confirmation: Your public comment on Permit Number D06162023032 was received.
Date: September 19, 2023 at 2:02 PM
To: masulli@mac.com



REGULATED ENTITY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Mary Ann Sullivan

EMAIL: masulli@mac.com

COMPANY:

ADDRESS: 159 MADISONS CV
BUDA TX 78610-3218

PHONE: 7088293399

FAX:

COMMENTS: I live in the Creekside Park Subdivision which lies directly east of the proposed development. I am concerned about several serious issues related to this project, but will direct my comments here to those concerned with the complete lack of concern the developers have at this time regarding the traffic that will be generated from day one if this project and MUD are approved. At this time our subdivision has only two points of ingress and egress - both onto FM967. If there was a fire in any area surrounding our neighborhood, or any reason we needed to evacuate quickly it would be very difficult-even impossible - even without this project sitting between us and FM1626. When the developers first brought their plans to the City of Buda, these plans included a promise to build an access road to FM 1626 through the land FIRST. This promise has changed over the years to only a commitment to build a roundabout on 967 (which would only make things worse without additional means of access to 1626 from east and north of the development). The current plans are completely unacceptable and extremely dangerous to all who live on the west side of Buda. Without roads built prior to starting any kind of building of infrastructure - and certainly prior to the building of homes, businesses, etc., this project will put the lives of those of us who live nearby at serious risk - not to mention the additional time it would take at the best of times to exit onto 967 and travel west to the high school, middle school, and to any businesses we must be able to get to quickly to the west of our homes...doctors, etc. We are already in a draught as well - and until whatever new system they are talking about building is IN EXISTENCE to supply us with water needed in order to live - a project such as this should never be allowed to go forward. There have been problems with flooding all along 967 in years when we did have heavy rain...resulting in access east and west of Creekside to be cut off at times. Adding a roundabout at a very dangerous curve in the road will not address this issue or any others. If and until Milestone agrees to pay for and contract access roads that cut across the property and which allow cars to access 1626 without going west to the intersection of 967 and 1626 at all, this project should be put on hold. Any MUD created would cost homeowners within it and all of us dearly. I am also concerned about the disregard for the City of Buda's good faith that Milestone has displayed over these years of "negotiations". The City has been more than reasonable in its requests and has allowed Milestone much leeway. However, Milestone has answered this with fewer and fewer responses that show that they are willing to consider the very real concerns for the lifestyles and safety of the residents of the City or of the region in general. They would not have ever gotten this far without that first Promise to provide the access road BEFORE they build one home. Over time they changed that tune and it is one that never ever should have been allowed to enter the conversation. After seeing what can happen in an area without proper access during a disaster like the fire in Hawaii, I realized that we are in a very similar situation here in west Buda. Please consider this comment in your deliberations. Thank you very much.

Based on TCEQ rule Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of comments, requests, or withdrawals using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your electronic comments or requests is the time this online system receives your comments or requests. Comments or requests are considered timely if received by 5:00 p.m. CST on the due date.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:30 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D06162023032

From: masulli@mac.com <masulli@mac.com>
Sent: Tuesday, September 19, 2023 2:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Mary Ann Sullivan

EMAIL: masulli@mac.com

COMPANY:

ADDRESS: 159 MADISONS CV
BUDA TX 78610-3218

PHONE: 7088293399

FAX:

COMMENTS: I live in the Creekside Park Subdivision which lies directly east of the proposed development. I am concerned about several serious issues related to this project, but will direct my comments here to those concerned with the complete lack on concern the developers have at this time regarding the traffic that will be generated from day one if this project and MUD are approved. At this time our subdivision has only two points of ingress and egress - both onto FM967. If there was a fire in any area surrounding our neighborhood, or any reason we needed to evacuate quickly it would be very difficult-even impossible - even without this project sitting between us and FM1626. When the developers first brought their plans to the City of Buda, these plans included a promise to build an access road to FM

1626 through the land FIRST. This promise has changed over the years to only a commitment to build a roundabout on 967 (which would only make things worse without additional means of access to 1626 from east and north of the development). The current plans are completely unacceptable and extremely dangerous to all who live on the west side of Buda. Without roads built prior to starting any kind of building of infrastructure - and certainly prior to the building of homes, businesses, etc., this project will put the lives of those of us who live nearby at serious risk - not to mention the additional time it would take at the best of times to exit onto 967 and travel west to the high school, middle school, and to any businesses we must be able to get to quickly to the west of our homes...doctors, etc. We are already in a draught as well - and until whatever new system they are talking about building is IN EXISTENCE to supply us with water needed in order to live - a project such as this should never be allowed to go forward. There have been problems with flooding all along 967 in years when we did have heavy rain...resulting in access east and west of Creekside to be cut off at times. Adding a roundabout at a very dangerous curve in the road will not address this issue or any others. if and until Milestone agrees to pay for and contract access roads that cut across the property and which allow cars to access 1626 without going west to the intersection of 967 and 1626 at all, this project should be put on hold. Any MUD created would cost homeowners within it and all of us dearly. I am also concerned about the disregard for the City of Buda's good faith that Milestone has displayed over these years of "negotiations". The City has been more than reasonable in its requests and has allowed Milestone much leeway. However, Milestone has answered this with fewer and fewer responses that show that they are willing to consider the very real concerns for the lifestyles and safety of the residents of the City or of the region in general. They would not have ever gotten this far without that first Promise to provide the access road BEFORE they build one home. Over time they changed that tune and it is one that never ever should have been allowed to enter the conversation. After seeing what can happen in an area without proper access during a disaster like the fire in Hawaii, I realized that we are in a very similar situation here in west Buda. Please consider this comment in your deliberations. Thank you very much.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:29 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: Beeterrel@yahoo.com <Beeterrel@yahoo.com>
Sent: Monday, September 18, 2023 11:21 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Martha Terrel

EMAIL: Beeterrel@yahoo.com

COMPANY:

ADDRESS: 905 MAGNOLIA CV
BUDA TX 78610-2889

PHONE: 5127010970

FAX:

COMMENTS: I request a contested case heading with Bailey Land Investment,LP, a Texas limited partnership and Armbruster Land investment , a Texas limited partnership, for the creation of Persimmon municipal utility district. TCEQ internal case number: D061612023032 I contested on the grounds that we are currently in a stage 3 drought. There is not enough water for the current residents . A MUD in this area would severely compete/deplete water allocations. Persimmon will dig deeper and therefore take the water before the coves of Cimarron and surrounding home. Persimmon will create more impervious surface that will contaminate water trying to go into the aquifer and where will the affluent from the treatment plant be released? 967 , a two lane road, is the major road that will be used by the

subdivision. Traffic is already congested on this road. The increase in traffic,, air pollution, noise pollution will negatively impact the natural environment. Tree removal to make room for homes will contribute to natural resources degradation- increased water evaporation, potential increase temperature... Protecting our shared natural resources is a life or death situation. I strongly contest the building and maintenance of a new MUD in the Buda area for Persimmon subdivision. It will have a strong negative effect on the environment and the people that live/will live in this area.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 19, 2023 8:21 AM
To: Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number D06162023032

H

From: Beeterrel@yahoo.com <Beeterrel@yahoo.com>
Sent: Monday, September 18, 2023 11:21 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Martha Terrel

EMAIL: Beeterrel@yahoo.com

COMPANY:

ADDRESS: 905 MAGNOLIA CV
BUDA TX 78610-2889

PHONE: 5127010970

FAX:

COMMENTS: I request a contested case heading with Bailey Land Investment,LP, a Texas limited partnership and Armbruster Land investment , a Texas limited partnership, for the creation of Persimmon municipal utility district. TCEQ internal case number: D061612023032 I contested on the grounds that we are currently in a stage 3 drought. There is not enough water for the current residents . A MUD in this area would severely compete/deplete water allocations. Persimmon will dig deeper and therefore take the water before the coves of Cimarron and surrounding home. Persimmon will create more impervious surface that will contaminate water trying to go into the aquifer and where will the affluent from the treatment plant be released? 967 , a two lane road, is the major road that will be used by the

subdivision. Traffic is already congested on this road. The increase in traffic,, air pollution, noise pollution will negatively impact the natural environment. Tree removal to make room for homes will contribute to natural resources degradation- increased water evaporation, potential increase temperature... Protecting our shared natural resources is a life or death situation. I strongly contest the building and maintenance of a new MUD in the Buda area for Persimmon subdivision. It will have a strong negative effect on the environment and the people that live/will live in this area.

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 D06162023032

H

From: twid22@yahoo.com <twid22@yahoo.com>
Sent: Tuesday, September 19, 2023 4:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: Sandra Twidwell

EMAIL: twid22@yahoo.com

COMPANY:

ADDRESS: 100 DEVONS CV
BUDA TX 78610-2893

PHONE: 5124701282

FAX:

COMMENTS: 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 close to this proposed development that would allow over 2000 homes to be built in an area that's already facing a Stage 2 Drought. The creeks in the area usually dry so they would discharge underground where it could contaminate innumerable acres of land in Hays and Travis County. As far as safety goes the development has only one way in or out and that is a very dangerous and overcrowded RR967. I have lived here for 20 years and have seen many developments come into the area but this one is totally unsuitable for the

surrounding area and neighbors. This permit should not be approved based on the current drought conditions. Thank you Sandy Twidwell

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 D06162023032

H

From: jpvedental@yahoo.com <jpvedental@yahoo.com>
Sent: Tuesday, September 19, 2023 5:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: DR. James Van eyk

EMAIL: jpvedental@yahoo.com

COMPANY:

ADDRESS: 301 TREETOP WAY
BUDA TX 78610-2853

PHONE: 5125238020

FAX:

COMMENTS: 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. Living 1/4 of a mile from proposed development, I have grave concerns with many factors of this project. Traffic is already unbearable on 967 at work times AM&PM, to the point of people using our neighborhood as shortcut to 1626. Water here is a community well that has been in stage 3 for over a year. The proposed duplexes and townhouses will substantially lower our property value and cause increased traffic, again since feeder roads already are over burdened. Their proposed school and other 'improvements' are universally detested

by those of us that live next to the project and the developer is not open to comments. They continue to post notices of planning meetings by using letter size announcements in inaccessible areas and the one meeting I did find out about, I was told I had no input, they were doing the project how they felt and the meeting was just basically a necessity and not made for community input. We were told if City of Buda did not allow it, they would have no problem getting City of Austin to approve it due to their many relationships with the city.

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 D06162023032

H

From: kerri5570@yahoo.com <kerri5570@yahoo.com>
Sent: Tuesday, September 19, 2023 4:08 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D06162023032

REGULATED ENTY NAME PERSIMMON MUD

RN NUMBER: RN111758405

PERMIT NUMBER: D06162023032

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: PERSIMMON MUNICIPAL UTILITY DISTRICT

CN NUMBER: CN606151900

NAME: KERRI WEBB

EMAIL: kerri5570@yahoo.com

COMPANY:

ADDRESS: 213 AMANDAS WAY
BUDA TX 78610-2926

PHONE: 5128258906

FAX:

COMMENTS: I request a contested case hearing with Bailey Land Investments, LP, A texas limited partnership and Amburuster Land Investments LP., A Texas Limited partnership for the creation of Persimmon Municipal Utility District TCEQ Internal Control Number D06162023032. I am very concerned about the water supply, waste water, run off of water into my subdivision, as well as the wildlife that will be affected. This will also create poor traffic control, congested roadways and overflowing into the schools that are already over crowded. The turn where the development will have access already has a high rate of traffic accidents and congestion. This added population will cause more life threatening

accidents due to poor visibility at this turn. I reside in Creekside, which will back up to the new subdivision. Please, please reconsider this added developmental to this already overcrowded area.