

TCEQ DOCKET NO. 2024-0670-MWD

**APPLICATION BY
MUNICIPAL OPERATIONS LLC FOR
TPDES PERMIT NO. WQ0016171001**

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**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests on the application by Municipal Operations LLC (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016171001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1.0 million gallons per day (MGD) in the Final Phase.

The Office of the Chief Clerk received timely contested case hearing requests from the City of Grey Forest, the Greater Edwards Aquifer Alliance, San Antonio Metropolitan Health District, San Antonio Water System, Jane Armstrong, John P. Ayraud, Candy Rowan Berkley, Natalie T. Bowman, Luis Carriles, Elizabeth Anne Comeaux, Patricia Kyle Cunningham, John Russell Feist, Kelley Ferguson, Samuel Galm, Kelli Golobek, Donna Gottwald, Martha Ann Hanes, Jeff Hanson, Timothy Patrick Hough, Karen Leidner, Kelly D. Luckett, Cynthia Massey, Justin McCord, Annie McEntire, Brooke & Brian Minihan, Joseph & Sharon Minihan, Merrie Lynette Munson, Jennifer Nottingham, Lisa Muyres Pack, Michael Phillips, Avery Roan, Casey Roan, Christine Roan, Harrison Roan, Sydney Roan, Daniel Roan, Jane Sams, Steven Soukup, and Elizabeth Ann Toepperwein.

Attached for Commission consideration are satellite maps of the area and an appendix showing the locations of the facility and requestors.

II. ATTACHMENTS FOR COMMISSION CONSIDERATION

- Attachment A — ED's GIS Maps

III. DESCRIPTION OF THE FACILITY, DISCHARGE ROUTE, AND THE EXECUTIVE DIRECTOR'S TECHNICAL REVIEW

Municipal Operations LLC has applied to TCEQ for new TPDES Permit No. WQ0016171001 to authorize the discharge of treated domestic wastewater (effluent) at a daily average flow not to exceed 0.20 MGD, 0.40 MGD, and 1.0 MGD in the Interim I Phase, the Interim II Phase, and the Final Phase, respectively. The Guajolote Ranch Wastewater Treatment Facility (WWTF) will include a Membrane Bioreactor (MBR) system and will be an activated sludge process plant operated in conventional mode with chemical phosphorus removal capability. Treatment units in Interim Phase I will include a primary fine screen, an equalization tank, a secondary fine screen, an anoxic tank, an aeration basin, an aeriated MBR tank, a sludge holding tank, and an ultraviolet light (UV) disinfection system. Treatment units in Interim Phase II will include a primary fine screen, two equalization tanks, two secondary fine screens, two anoxic tanks, two aeration basins, two aeriated MBR tanks, a sludge holding tank, and an UV disinfection system. Treatment units in the Final Phase will include a primary fine

screen, four equalization tanks, four secondary fine screens, four anoxic tanks, four aeration basins, four aeriated MBR tanks, a sludge holding tank, and an UV disinfection system. The facility has not been constructed.

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

INTERIM PHASE I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent must not exceed 0.20 MGD, nor must the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD ₅)	5 (8.3)	10	20	30
Total Suspended Solids (TSS)	5 (8.3)	10	20	30
Ammonia Nitrogen (NH ₃ - N)	2 (3.3)	5	10	15
Total Phosphorus (TP)	0.15 (0.25)	0.3	0.6	0.9
<i>E. coli</i> colony-forming units (CFU) or most probable number (MPN) per 100 mL	126	N/A	N/A	399

The Applicant must utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH must not be less than 6.0 standard units (SU) nor greater than 9.0 SU and must be monitored once per month by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent must contain a minimum dissolved oxygen of 4.0 mg/L and must be monitored once per week by grab sample.

INTERIM PHASE II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent must not exceed 0.40 MGD, nor must the average discharge during any two-hour period (2-hour peak) exceed 1,111 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
CBOD ₅	5 (17)	10	20	30
TSS	5 (17)	10	20	30
NH ₃ -N	2 (6.7)	5	10	15
TP	0.15 (0.5)	0.3	0.6	0.9
<i>E. coli</i> , CFU or MPN per 100 mL	126	N/A	N/A	399

The Applicant must utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH must not be less than 6.0 standard units (SU) nor greater than 9.0 SU and must be monitored once per month by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent must contain a minimum dissolved oxygen of 4.0 mg/L and must be monitored once per week by grab sample.

FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent must not exceed 1.0 MGD, nor must the average discharge during any two-hour period (2-hour peak) exceed 2,778 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
CBOD ₅	5 (42)	10	20	30
TSS	5 (42)	10	20	30
NH ₃ -N	2 (17)	5	10	15
TP	0.15 (1.25)	0.3	0.6	0.9
<i>E. coli</i> , CFU or MPN per 100 mL	126	N/A	N/A	399

The Applicant must utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the ED.

The pH must not be less than 6.0 SU nor greater than 9.0 SU and must be monitored once per month by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent must contain a minimum dissolved oxygen of 4.0 mg/L and must be monitored twice per week by grab sample.

The proposed WWTF site will be located approximately 1.75 miles west-southwest of the intersection of Babcock Road and Scenic Loop Road, in Bexar County, Texas 78023. The treated effluent will be discharged via pipe to Helotes Creek, thence to a pond, thence to Helotes Creek, thence to Culebra Creek, thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin. The unclassified receiving water uses are minimal aquatic life use for Helotes Creek (upstream of the pond), and limited aquatic life use for the pond and for Helotes Creek (downstream of the pond). The designated uses for Segment No. 1906 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code § 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

IV. PROCEDURAL HISTORY

The TCEQ received the application on May 23, 2022, and declared it administratively complete on January 19, 2023. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English in *San Antonio Express-News* on September 22, 2022, and in Spanish in *Conexion* on September 28, 2022. The ED completed the technical review of the application on November 16, 2022, and prepared the draft permit, which if approved, would establish the conditions under which the WWTF must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in English in *San Antonio Express-News* on April 5, 2023, and in Spanish in *Conexion* on April 5, 2023. A public meeting was held on May 9, 2023, at DoubleTree by Hilton, 6809 N Loop 1604 W, San Antonio, Texas, 78249. The public comment period ended on May 9, 2023, at the close of the public meeting. The ED's Response to Public Comment (RTC) was filed on January 5, 2024, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on February 12, 2024. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84th Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

V. ACCESS TO RULES, LAWS, AND RECORDS

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select TAC Viewer on the right, then Title 30 Environmental Quality)

- Texas statutes: www.statutes.capitol.texas.gov
- TCEQ website: www.tceq.texas.gov (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- Environmental or citizen complaints may be filed electronically at:
<https://www.tceq.texas.gov/compliance/complaints> (select “use our online form”) or by sending an email to the following address:
complaint@TCEQ.texas.gov

Commission records for the WWTF are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners’ Integrated Database at www.tceq.texas.gov/goto/cid. The permit application has been available for viewing and copying at Igo Library at 13330 Kyle Seale Parkway, San Antonio, Texas, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED’s preliminary decision are available for viewing and copying at Igo Library, 13330 Kyle Seale Parkway, San Antonio, Texas.

If you would like to file a complaint about the WWTF concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 13) in San Antonio, TX at (210) 490-3096 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the seventh bullet point in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, then enforcement actions may arise.

VI. EVALUATION OF HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission’s consideration of hearing requests (Requests). The Commission implemented HB 801 by adopting procedural rules in 30 TAC chapters 39, 50, and 55. Senate Bill 709 revised the requirements for submitting public comment and the commission’s consideration of Requests. This application was declared administratively complete on August 30, 2022; therefore, it is subject to the procedural requirements adopted pursuant to both HB 801 and SB 709.

A. Legal Authority to Respond to Hearing Requests

“The executive director, the public interest counsel, and applicant may submit written responses to [hearing] requests”¹

1. whether the requestor is an affected person;
2. whether issues raised in the hearing request are disputed;

¹ 30 TEX. ADMIN CODE § 55.209(d).

3. whether the dispute involves questions of fact or law;
4. whether the issues were raised during the public comment period;
5. whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
6. whether the issues are relevant and material to the decision on the application; and
7. a maximum expected duration for the contested case hearing.²

B. Hearing Request Requirements

To consider a Request, the Commission must first conclude that the requirements in 30 TAC §§ 55.201 and 55.203, are met as follows.

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . ., based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.³

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who is responsible for receiving all official communications and documents for the group;
- (2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed;
 - (B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.⁴

² *Id.* at § 55.209(e).

³ 30 TEX. ADMIN CODE § 55.201(c).

⁴ *Id.* at § 55.201(d).

C. Requirement that Requestor be an Affected Person

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.203, that a requestor is an affected person.

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - (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 and safety of the person, and on the 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) whether the requester timely submitted comments on the application which were not withdrawn; and
 - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.⁵
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:
 - (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
 - (2) the analysis and opinions of the ED; and
 - (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.⁶

D. Requirements for Requests from a group or association

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.205, that the request of a group or association meets certain requirements.

⁵ 30 TEX. ADMIN CODE § 55.203(a)-(c).

⁶ *Id.* at § 55.203(d).

- (a) A group or association may request a contested case hearing only if the group or association meets all of the following requirements:
 - (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
 - (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
 - (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.
- (b) For applications filed on or after September 1, 2015, a request by a group or association for a contested case may not be granted unless all of the following requirements are met:
 - (1) comments on the application are timely submitted by the group or association;
 - (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
 - (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
 - (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.⁷

E. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing."⁸ "The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application."⁹

VII. ANALYSIS OF THE HEARING REQUESTS

For this permit application the relevant public comment period ended on May 9, 2023, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on February 12, 2024. The ED's analyses determined whether the Requests followed TCEQ rules, if the requestors qualify as affected persons, what issues may be referred for a possible hearing, and the length of that hearing.

A. Parties the ED recommends the Commission find to be Affected Persons

Greater Edwards Aquifer Alliance (GEAA)

GEAA submitted three timely, written hearing requests that provided the requisite contact information and requested a hearing. 30 TAC § 55.205(b)(2)

⁷ 30 TEX. ADMIN CODE § 55.205(a)-(b).

⁸ 30 TEX. ADMIN CODE § 50.115(b).

⁹ *Id.* at § 55.203(d).

requires that a hearing request made by a group or association must include the name and address of at least one group or association member that would have standing in their own right.

Under 30 TAC § 55.201(d)(4)(B), requests for contested case hearings must list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period. In its requests, GEAA raised issues relating to proper notice to adjacent landowners, water quality, impacts to wildlife and endangered species, compliance with odor control and abatement requirements, compliance with applicable siting requirements under 30 TAC Chapter 309, adequate identification of the proposed facility's operator in the application, and compliance with the state's regionalization policy. These issues raised in GEAA's request are relevant and material to the application in accordance with 30 TAC § 55.201(d)(4)(B).

In addition to the basic requirements of 30 TAC § 55.201, groups and associations requesting a contested case hearing must also meet all of the requirements set forth in 30 TAC § 55.205(b). As described above, 30 TAC § 55.205(b)(2) requires that the group identify one or more members that would otherwise have standing in their own right. In its requests, GEAA identified the following individuals as its members: Shawn and Sam Galm; Wade and Ward Saathoff; Jane Sams; and Chrystal Galm Woodcock. GEAA states that these individuals are concerned with odors from the proposed facility, contamination of their water wells, and impacts to the use and enjoyment of their property. Additionally, 30 TAC § 55.205(b)(3) requires that the interests the group seeks to protect are germane to the group's purpose. In its request, GEAA stated that its purposes include seeking to protect and preserve the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains the Aquifer. The issues GEAA raised in its hearing request are germane to GEAA's purpose.

According to the GIS Map prepared by the ED's staff, Shawn and Sam Galm are 1.35 miles away from the proposed outfall; Wade and Ward Saathoff are 1.68 miles away from the proposed outfall; Jane Sams is 1.13 miles away from the proposed outfall; and Chrystal Galm Woodcock is 1.15 miles away from the proposed outfall.

In conjunction with the issues and interests raised in his request and the proximity of the members to the proposed discharge point, the ED has determined that GEAA has members with personal justiciable interests related to a legal right or duty affected by the application that are not common to the general public.

Therefore, the ED recommends that the Commission find that GEAA has satisfied the requirements under 30 TAC § 55.205 for a group or association with standing and further recommends the Commission finds that GEAA is an affected person under 30 TAC § 55.203 and grant its request.

The City of Grey Forest

The City of Grey Forest filed timely, written hearing requests that provided the requisite contact information, raised issues that form the basis of its hearing requests in timely comments not withdrawn before the RTC was filed, and requested a hearing. The hearing requests raised concerns regarding surface water quality, groundwater, water-based recreation, wildlife including endangered and threatened species, notice, odor, the proposed site location, the

operator, and regionalization. The May 9, 2023, request mentioned all of these issues and functions as the comment on which the City of Grey Forest's request is based. Thus, The City of Grey Forest has submitted a proper hearing request.

Under 30 TAC § 55.203(b), a governmental entity with legal authority over issues raised by the application may be considered an affected person. Texas Local Government Code § 217.002 grants municipal government the authority to define and declare what constitutes a nuisance and abate any nuisance which may injure or affect the public health or comfort. The issues raised in the hearing request, then, could affect the public health or the City's ability to abate nuisances to public health.

Therefore, the ED recommends the Commission find that the City of Grey Forest is an affected person under 30 TAC § 55.203 and grants its hearing request.

Justin McCord

Justin McCord submitted timely comments and a hearing request that provided the requisite contact information, raised issues that form the basis of his hearing request in timely comments not withdrawn before the RTC was filed, and requested a hearing as required by 30 TAC § 55.201(c) and (d).

In his request, Mr. McCord raised issues relating to groundwater and surface water quality, odors, noise, pests, and flooding. Issues relating to water quality, odors, and vector control are relevant and material to the application. Mr. McCord stated that he owns property close to the proposed discharge point. According to the GIS map prepared by the ED's staff, Mr. McCord's property is 0.38 miles away from the proposed discharge point. The issues and interests raised in his request in conjunction with the proximity of Mr. McCord's property to the proposed discharge point has led the ED to determine that Mr. McCord has personal justiciable interests related to a legal right or duty affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. McCord is an affected person under 30 TAC § 55.203 and grant his hearing request.

Elizabeth Ann Toepperwein

Elizabeth Ann Toepperwein submitted timely comments and a hearing request that provided the requisite contact information, raised issues that form the basis of her hearing request in timely comments not withdrawn before the RTC was filed, and requested a hearing as required by 30 TAC § 55.201(c) and (d).

In her request, Ms. Toepperwein raised issues relating to odor and impacts to wildlife. Ms. Toepperwein stated that she owns property close to the proposed discharge point and that the discharge path bisects her property. According to the GIS map prepared by the ED's staff, Ms. Toepperwein's property is 1.17 miles away from the proposed discharge point. The issues and interest raised in her request in conjunction with the proximity of Ms. Toepperwein's property to the proposed discharge point has led the ED to determine that Ms. Toepperwein has personal, justiciable interests related to a legal right or duty affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Toepperwein is an affected person under 30 TAC § 55.203 and grant her hearing request.

B. Parties the ED recommends the Commission not find to be Affected Persons
San Antonio Metropolitan Health District (SAMHD)

On behalf of SAMHD, the San Antonio Water System submitted a timely hearing request through its attorney, Mr. Joe Freeland. Its request raised concerns about groundwater, endangered species, and operational requirements. SAMHD claims it is an affected person under 30 TAC § 55.203(b) and references the San Antonio Charter as its source of authority over issues raised by the application. However, 30 TAC § 55.203(b) requires that a governmental entity's authority is granted under state law, and the San Antonio Charter is not state law.

Therefore, the ED recommends that the Commission find that SAMHD is not an affected person and deny its hearing request.

San Antonio Water System (SAWS)

SAWS submitted a timely hearing request for this application and raised concerns about groundwater, endangered species, and operational requirements. While SAWS's request contained the requisite identifying information required under 30 TAC § 55.201, SAWS did not provide any comments prior to the close of the public comment period, as required by 30 TAC § 55.201(d)(4)(B). SAWS did not file a hearing request that substantially complied with the requirements of 30 TAC § 55.201(d).

Therefore, the ED recommends that the Commission find that SAWS is not an affected person and deny its hearing request.

Jane Armstrong

Jane Armstrong submitted a timely, written hearing request, and she raised concerns about air quality, surface water quality, flooding, wildlife, trees, and property value. Ms. Armstrong stated that her dwelling is about 100 feet from Helotes Creek. However, upon review of the property described in her request, the ED found that Ms. Armstrong's property interest is over 2 miles from the proposed discharge location. Thus, Ms. Armstrong's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Armstrong has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Armstrong is not an affected person under 30 TAC § 55.203 and deny her hearing request.

John P. Ayraud

Mr. Ayraud submitted a timely, written hearing request for this application. 30 TAC § 55.201(d)(2) states that a hearing request must identify a person's personal justiciable interest affected by the application. In his request, though, Mr. Ayraud only requested a contested case hearing without providing any personal justiciable interests on which to base the hearing.

The ED finds that Mr. Ayraud has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public, and therefore, is not an affected person as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that Mr. Ayraud is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Candy Rowan Berkley

Ms. Berkley submitted a timely, written hearing request, and she raised concerns about groundwater, surface water quality, drinking water, water-based recreation, and wildlife. Her request claims that her property interest is 0.7 miles downstream of the proposed discharge. However, upon review of the property interest described in Ms. Berkley's request, the Executive Director determined that her property was located over 1.5 miles from the proposed discharge location, and so Ms. Berkley's property was not in close proximity to the proposed discharge location.

The ED finds that Ms. Berkley has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Berkley is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Natalie T. Bowman

Natalie T. Bowman submitted a timely, written hearing request, and she raised concerns about surface water quality, water-based recreation, wildlife, and groundwater. While her request contained the requisite identifying information required under 30 TAC § 55.201, Ms. Bowman did not provide any comments prior to the close of the public comment period, as required by 30 TAC § 55.201(d)(4)(B).

The ED finds that Ms. Bowman has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Bowman is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Luis Carriles

Mr. Carriles submitted a timely, written hearing request, and he raised concerns about groundwater. According to the GIS map prepared by the ED's staff, Mr. Carriles's property interest is over a mile away from the proposed discharge location. Additionally, Mr. Carriles's property interest is not located along the discharge route. Due to the distance between Mr. Carriles's property interest and the proposed discharge location, Mr. Carriles interest is not distinguishable from those of the general public.

The ED finds that Mr. Carriles has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the

general public, and therefore, is not an affected person as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that Mr. Carriles is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Elizabeth Anne Comeaux

Elizabeth Anne Comeaux submitted a timely, written hearing request, and she raised concerns about groundwater, drinking water, and surface water quality. Ms. Comeaux stated that she lives in San Antonio, and upon review of the property described in her request, the ED found that Ms. Comeaux's property interest is over 11 miles from the proposed discharge location. Thus, Ms. Comeaux's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Comeaux has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Comeaux is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Patricia Kyle Cunningham

Patricia Kyle Cunningham submitted a timely, written hearing request, and she raised concerns about infrastructure, property value, human health, enjoyment of private property, endangered species, and drinking water. Upon review of the property interest described in her request, the ED found that Ms. Cunningham's property interest is over 3 miles from the proposed discharge location. Thus, Ms. Cunningham's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Cunningham has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Cunningham is not an affected person under 30 TAC § 55.203 and deny her hearing request.

John Russell Feist

John Russell Feist submitted a timely, written hearing request, and he raised concerns about water-based recreation, surface water quality, property values, flooding, and traffic. Mr. Feist stated that his dwelling is a few yards from Helotes Creek. However, upon review of the property interest described in his request, the ED found that Mr. Feist's property interest is over 2 miles from the proposed discharge location. Thus, Mr. Feist's property is not within close proximity of the proposed discharge location.

The ED finds that Mr. Feist has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Feist is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Kelley Ferguson

Kelley Ferguson submitted a timely, written hearing request, and she raised concerns about surface water quality, groundwater, drinking water, and human health. Ms. Ferguson stated that she lives in San Antonio, and upon review of the property interest described in her request, the ED found that Ms. Ferguson's property interest is over 13 miles from the proposed discharge location. Thus, Ms. Ferguson's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Ferguson has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Ferguson is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Samuel Galm

Mr. Galm submitted a timely, written hearing request, and he raised concerns about flooding, groundwater, drinking water, surface water quality, odor, and wildlife. While his request contained the requisite identifying information required under 30 TAC § 55.201, he did not provide any comments prior to the close of the public comment period. The ED finds that Mr. Galm has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Galm is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Kelli Golobek

Kelli Golobek submitted a timely, written hearing request, and she raised concerns about flooding, traffic, and infrastructure. While her request contained the requisite identifying information required under 30 TAC § 55.201, Ms. Golobek did not provide any comments prior to the close of the public comment period, as required by 30 TAC § 55.201(d)(4)(B).

The ED finds that Ms. Golobek has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Golobek is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Donna Gottwald

Donna Gottwald submitted a timely, written hearing request, and she raised concerns about surface water quality, groundwater, wildlife, water-based recreation, and drinking water. Ms. Gottwald stated that her dwelling is within 30 feet of Helotes Creek. However, upon review of the property interest described in Ms. Gottwald's request, the Executive Director found that Ms. Gottwald's property interest is over 2 miles from the proposed discharge location. Thus, Ms. Gottwald's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Gottwald has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Gottwald is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Martha Ann Hanes

Martha Ann Hanes submitted a timely, written hearing request, and she raised concerns about flooding, wildlife, traffic, and infrastructure. Ms. Hanes stated that Helotes Creek runs through her property. However, upon review of the property interest described in her request, the ED found that Ms. Hanes's property interest is over 3 miles from the proposed discharge location. Thus, Ms. Hanes's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Hanes has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Hanes is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Jeff Hanson

Jeff Hanson submitted a timely, written hearing request, and he raised concerns about surface water quality, groundwater, water-based recreation, odor, infrastructure, flooding, and wildlife. Mr. Hanson stated that his dwelling is within 150 feet of Helotes Creek. However, upon review of the location of the property described in Mr. Hanson's request, the Executive Director found that Mr. Hanson's property interest is over 2 miles from the proposed discharge location. Thus, Mr. Hanson's property is not within close proximity of the proposed discharge location.

The ED finds that Mr. Hanson has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Hanson is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Timothy Patrick Hough

Timothy Patrick Hough submitted a timely, written hearing request, and he raised concerns about drinking water and groundwater. Upon review of the property interest described in his request, the ED found that Mr. Hough's property interest is over 3 miles from the proposed discharge location. Thus, Mr. Hough's property is not within close proximity of the proposed discharge location.

The ED finds that Mr. Hough has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Hough is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Karen Leidner

Ms. Leidner submitted a timely, written hearing request, and she raised concerns about flooding, traffic, and groundwater. While her request contained the requisite identifying information required under 30 TAC § 55.201, she did not provide any comments prior to the close of the public comment period. The ED finds that Ms. Leidner has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Leidner is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Kelly D. Luckett

Kelly D. Luckett submitted a timely, written hearing request, and she raised concerns about surface water quality, groundwater, and drinking water. Ms. Luckett stated that she has a private well within 150 feet of Helotes Creek. While her request contained the requisite identifying information required under 30 TAC § 55.201, Ms. Luckett did not provide any comments prior to the close of the public comment period.

The ED finds that Ms. Luckett has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Luckett is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Cynthia Massey

Cynthia Massey submitted a timely, written hearing request, and she raised concerns about flooding, drinking water, and groundwater. Upon review of the property interest described in her request, the ED found that Ms. Massey's property interest is over 5 miles from the proposed discharge location. Thus, Ms. Massey's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Massey has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Massey is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Annie McEntire

Annie McEntire submitted a timely, written hearing request, and she raised concerns about water-based recreation. Upon review of the property interest described in her request, the ED found that Ms. McEntire's property interest is over 2 miles from the proposed discharge location. Thus, Ms. McEntire's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. McEntire has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. McEntire is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Brooke B. & Brian J. Minihan

Brooke B. and Brian J. Minihan submitted a timely, written hearing request for this application. Their request raised concerns about groundwater, surface water quality, drinking water, wildlife, and endangered species. While their request contained the requisite identifying information required under 30 TAC § 55.201, they did not provide any comments prior to the close of the public comment period which described their concerns or identified any justiciable interest that they believe could be affected by this application.

The ED finds that Brooke & Brian Minihan have not demonstrated that they have personal justiciable interests related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public, and therefore, are not affected persons as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that Brooke & Brian Minihan are not affected persons under 30 TAC § 55.203 and deny their hearing requests.

Joseph & Sharon Minihan

Joseph and Sharon Minihan submitted a timely, written hearing request, and they raised concerns about groundwater, surface water quality, drinking water, wildlife, and endangered species. While their request contained the requisite identifying information required under 30 TAC § 55.201, they did not provide any comments prior to the close of the public comment period which described their concerns or identified any justiciable interest that they believe could be affected by this application.

The ED finds that Joseph & Sharon Minihan have not demonstrated that they have personal justiciable interests related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public, and therefore, are not affected persons as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that Joseph & Sharon Minihan are not affected persons under 30 TAC § 55.203 and deny their hearing requests.

Merrie Lynette Munson

Ms. Munson submitted a timely, written hearing request for this application. While her hearing request contained the requisite identifying information required under 30 TAC § 55.201, she did not provide any comments describing her concerns during the public comment period to form the basis of her request, as required by 30 TAC § 55.201(d)(4), or any statement that identified any justiciable interest that she believes could be affected by the application as required by 30 TAC § 55.201(d)(2).

Therefore, the ED has determined that Ms. Munson's hearing request has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public under 30 TAC § 55.201(d).

Therefore, the ED recommends the Commission find that Ms. Munson is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Jennifer Nottingham

Jennifer Nottingham submitted a timely, written hearing request, and she raised concerns about surface water quality, groundwater, odor, and air quality. Upon review of the property interest described in her request, the ED found that Ms. Nottingham's property interest is over 3 miles from the proposed discharge location. Thus, Ms. Nottingham's property is not within close proximity of the proposed discharge location.

The ED finds that Ms. Nottingham has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Nottingham is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Lisa Muyres Pack

Lisa Muyres Pack submitted a timely, written hearing request for this application. 30 TAC § 55.201(d)(2) requires a hearing request to identify the requestor's personal justiciable interest affected by the application. Ms. Pack's request, however, contains no reference to her justiciable interests. Thus, Ms. Pack's request does not substantially comply with 30 TAC 55.201(d).

The ED finds that Ms. Pack has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Ms. Pack is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Michael Phillips

Michael Phillips submitted a timely, written hearing request, and he raised concerns about surface water quality, water-based recreation, human health, air quality, groundwater, and livestock. Mr. Phillips stated that Helotes Creek runs through his property. However, upon review of the property interest described in his request, the ED found that Mr. Phillips's property interest is over 2 miles from the proposed discharge location. Thus, Mr. Phillips's property is not within close proximity of the proposed discharge location.

The ED finds that Mr. Phillips has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Phillips is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Avery, Casey, Christine, Harrison, and Sydney Roan

The above-mentioned individuals (the Roans) each submitted a timely, written hearing request which used form language. The identical form language expressed concerns about surface water quality, groundwater, wildlife, drinking water, endangered species, flooding, light pollution, noise, traffic, and water-

based recreation in the receiving waters. However, none of the Roans provided a comment prior to the close of the public comment period which described their concerns or identified any justiciable interest that they believe could be affected by this application.

The ED finds that the Roans have not demonstrated that they have personal justiciable interests related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public, and therefore, are not affected persons as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that the Roans are not affected persons under 30 TAC § 55.203 and deny their hearing requests.

Daniel Rosen

Daniel Rosen submitted a timely, written hearing request, and he raised concerns about flooding, traffic, groundwater, drinking water, water-based recreation, monitoring, and surface water quality. Mr. Rosen stated that he is less than a mile from the entrance to the proposed development that will house the proposed facility. However, upon review of the property interest described in Mr. Rosen's request, the ED found that Mr. Rosen's property interest is over 2 miles from the proposed discharge location. Thus, Mr. Rosen's property is not within close proximity of the proposed discharge location.

The ED finds that Mr. Rosen has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Rosen is not an affected person under 30 TAC § 55.203 and deny his hearing request.

Jane Sams

Ms. Sams submitted a timely, written hearing request for this application. While her hearing request contained the requisite identifying information required under 30 TAC § 55.201, she did not provide any comments prior to the close of the public comment period which described her concerns or identified any justiciable interest that she believes could be affected by this application.

The ED finds that Ms. Sams has not demonstrated that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to the members of the general public, and therefore, is not an affected person as set out in 30 TAC § 55.203.

Therefore, the ED recommends the Commission find that Ms. Sams is not an affected person under 30 TAC § 55.203 and deny her hearing request.

Steven Soukup

Mr. Soukup submitted a timely, written hearing request, and he raised concerns about surface water quality, odor, groundwater, and property value. While his request contained the requisite identifying information required under 30 TAC § 55.201, he did not provide any comments prior to the close of the public comment period. The ED finds that Mr. Soukup has not demonstrated that he has a personal justiciable interest related to a legal right, duty, privilege,

power, or economic interest affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Mr. Soukup is not an affected person under 30 TAC § 55.203 and deny his hearing request.

VIII. ISSUES RAISED IN THE HEARING REQUESTS:

The ED has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addresses in the Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred. The issues raised for this application and the ED's analysis and recommendations follow:

Issue 1. Whether the Draft Permit complies with the Texas Surface Water Quality Standards and is protective of surface water and groundwater quality.

(RTC Response 47) This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer this issue to SOAH.

Issue 2. Whether the antidegradation review complies with applicable regulations and the Draft Permit includes adequate nutrient limits.

(RTC Response 32) This issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer this issue to SOAH.

Issue 3. Whether the Draft Permit complies with applicable siting requirements in 30 Texas Administrative Code Chapter 309, including adequate prevention of nuisance odors.

(RTC Response 94) This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer this issue to SOAH.

Issue 4. Whether the Draft Permit is protective of livestock, wildlife, and wildlife habitats, including any endangered species.

(RTC Response 90) This issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

Issue 5. Whether the Applicant provided a list of adjacent landowners that complies with 30 Texas Administrative Code § 305.48(a)(2).

(RTC Responses 12 and 72) This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

Issue 6. Whether the Applicant properly identified the facility operator as required in 30 Texas Administrative Code § 305.48(a)(3)(A).

(RTC Response 87) This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

Issue 7. Whether the Applicant complied with the Regionalization policy pursuant to Texas Water Code §§ 26.0282 and 26.081.

(RTC Response 56) This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

Issue 8. Whether the Draft Permit adequately controls noise.

(RTC Response 104) This issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

Issue 9. Whether the Draft Permit includes adequate provisions to control vectors.

(RTC Response 92) This issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

Issue 10. Whether the proposed facility will cause flooding.

(RTC Responses 19 and 54) This issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

IX. CONTESTED CASE HEARING DURATION

If the Commission grants a hearing on this application, the ED recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.

X. REQUESTS FOR RECONSIDERATION

The TCEQ received timely Requests for Reconsideration from Katlyn Butler, Brittney Clay, Shelli Renee Dutta, Frank David Grammens, Tany Granados, Jeff Hanson, Arnulfo V. Leija, Hannah Nesbitt, Rob Nirenberg, Marlo Ondrej, Jane Sams, Jimmy Santiago, Rakesh Sehgal, Belinda Stanley, Rob Swanson, and Debbie Swisher. No requestor disputed any specific responses in the ED's Response to Comment, but Ron Nirenberg submitted a 127-page research paper, which the Water Quality Division has reviewed. The contents of the research paper did not provide reason for the ED to alter the draft permit.

After reviewing the Requests for Reconsideration, the ED did not see any cause for altering the draft permit. Even if the Commission disagrees, the requests will become moot if the Commission grants any of the hearing requests. Because the ED recommends granting several of the hearing requests and continues to support the Draft Permit, the ED recommends denying all Requests for Reconsideration.

XI. EXECUTIVE DIRECTOR'S RECOMMENDATION

The ED recommends the following actions by the Commission:


1. The ED recommends that the Commission deny all Requests for Reconsideration.
2. The ED recommends that the Commission find that the City of Grey Forest, Greater Edwards Aquifer Alliance, Justin McCord, and Elizabeth Ann Toepperwein are affected persons and grant their Hearing Requests.
3. The ED recommends that the Commission find that all other requestors are not affected persons and deny their hearing requests.
4. Should the Commission decide to refer this case to SOAH:
 - a. refer the case to Alternative Dispute Resolution for a reasonable time; and
 - b. refer issues 1, 2, 3, 4, 5, 6, and 7, identified above in section VIII., to SOAH for a contested case hearing.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, *Executive Director*

Charmaine Backens, *Deputy Director*
Environmental Law Division,



Bradford Eckhart, Staff Attorney
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Facsimile No. 512-239-0626

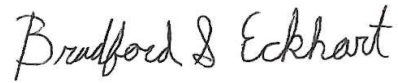


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Telephone No. 512-239-3356
Facsimile No. 512-239-0626

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

XII. CERTIFICATE OF SERVICE

I certify that on July 22, 2024, the ED's Response to Hearing Requests for TPDES Permit No. WQ0016171001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



Bradford Eckhart, *Staff Attorney*
State Bar No. 24137368



Michael T. Parr II, *Staff Attorney*
State Bar No. 24062936



Fernando Salazar Martinez, *Staff Attorney*
State Bar No. 24136087

Attachment A

Municipal Operations LLC

Map 1

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 6/25/2024
CRF 0102433Map1
Cartographer: jstalsby



Guajolote Ranch WWTF

Outfall

Discharge Route

0.5 Mile Radius

1 Mile Radius

1.5 Mile Radius

Requestor

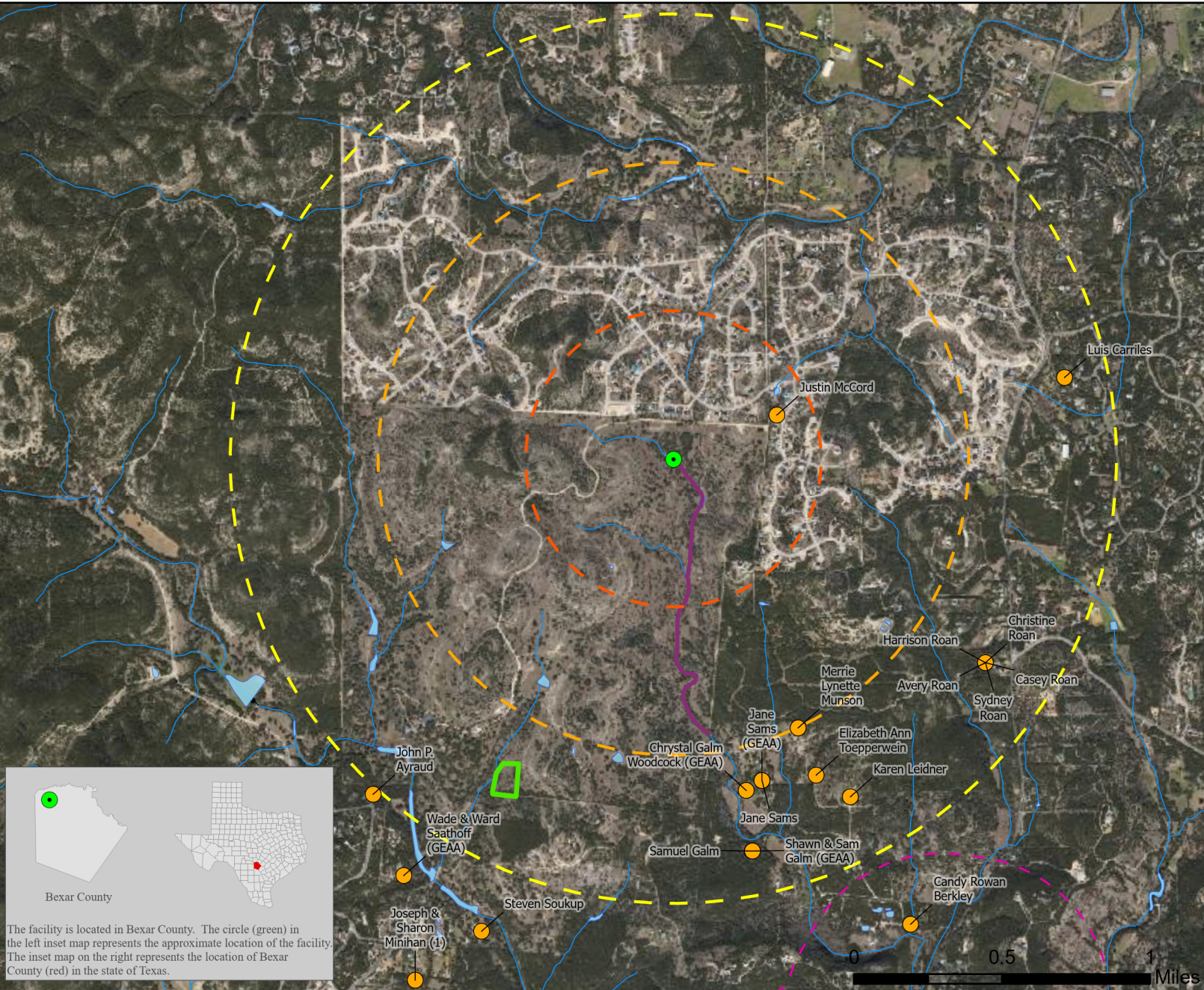
City of Grey Forrest ETJ

City of Grey Forrest

* Distance from Requestor address
to outfall see Appendix A



The facility is located in Bexar County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Bexar County (red) in the state of Texas.



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

Municipal Operations LLC

Map 2

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 6/25/2024
CRF 0102433Map2
Cartographer: jstalsby



Guajolote Ranch WWTF

Outfall

Discharge Route

0.5 Mile Radius

1 Mile Radius

1.5 Mile Radius

Requestor

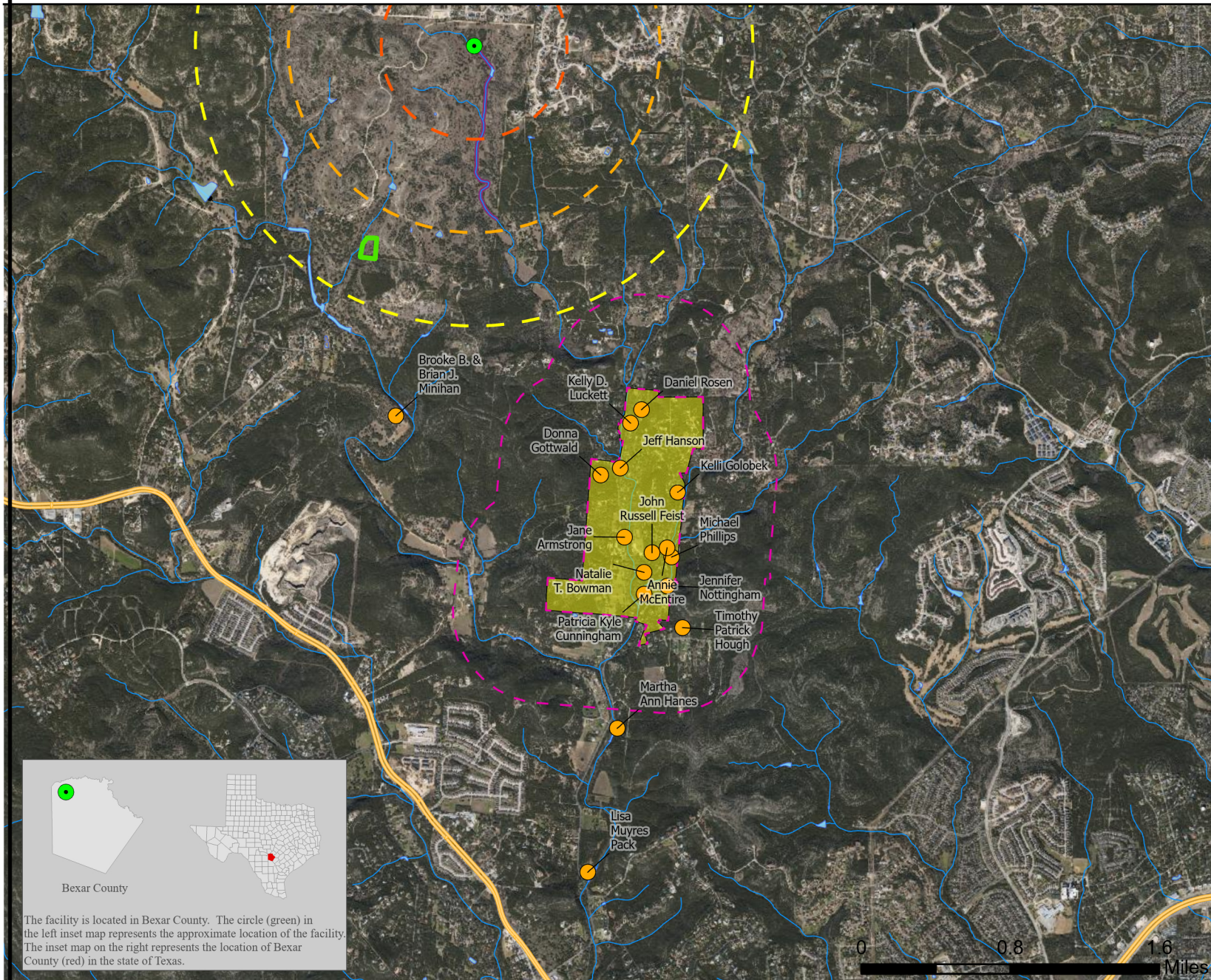
City of Grey Forrest

City of Grey Forrest ETJ

* Distance from Requestor address
to outfall see Appendix A

Source: The location of the facility was provided
by the TCEQ Office of Legal Services (OLS).
OLS obtained the site location information from the
applicant and the requestor information from the
requestor.

This map was generated by the Information Resources
Division of the Texas Commission on Environmental
Quality. This product is for informational purposes and
may not have been prepared for or be suitable for legal,
engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the
approximate relative location of property boundaries.
For more information concerning this map, contact the
Information Resource Division at (512) 239-0800.



The facility is located in Bexar County. The circle (green) in
the left inset map represents the approximate location of the facility.
The inset map on the right represents the location of Bexar
County (red) in the state of Texas.

Municipal Operations LLC

Map 3

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 6/25/2024
CRF 0102433Map3
Cartographer: jstalsby

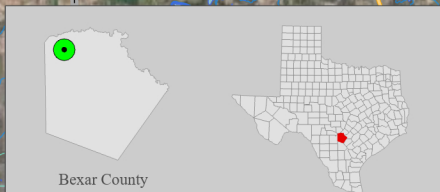
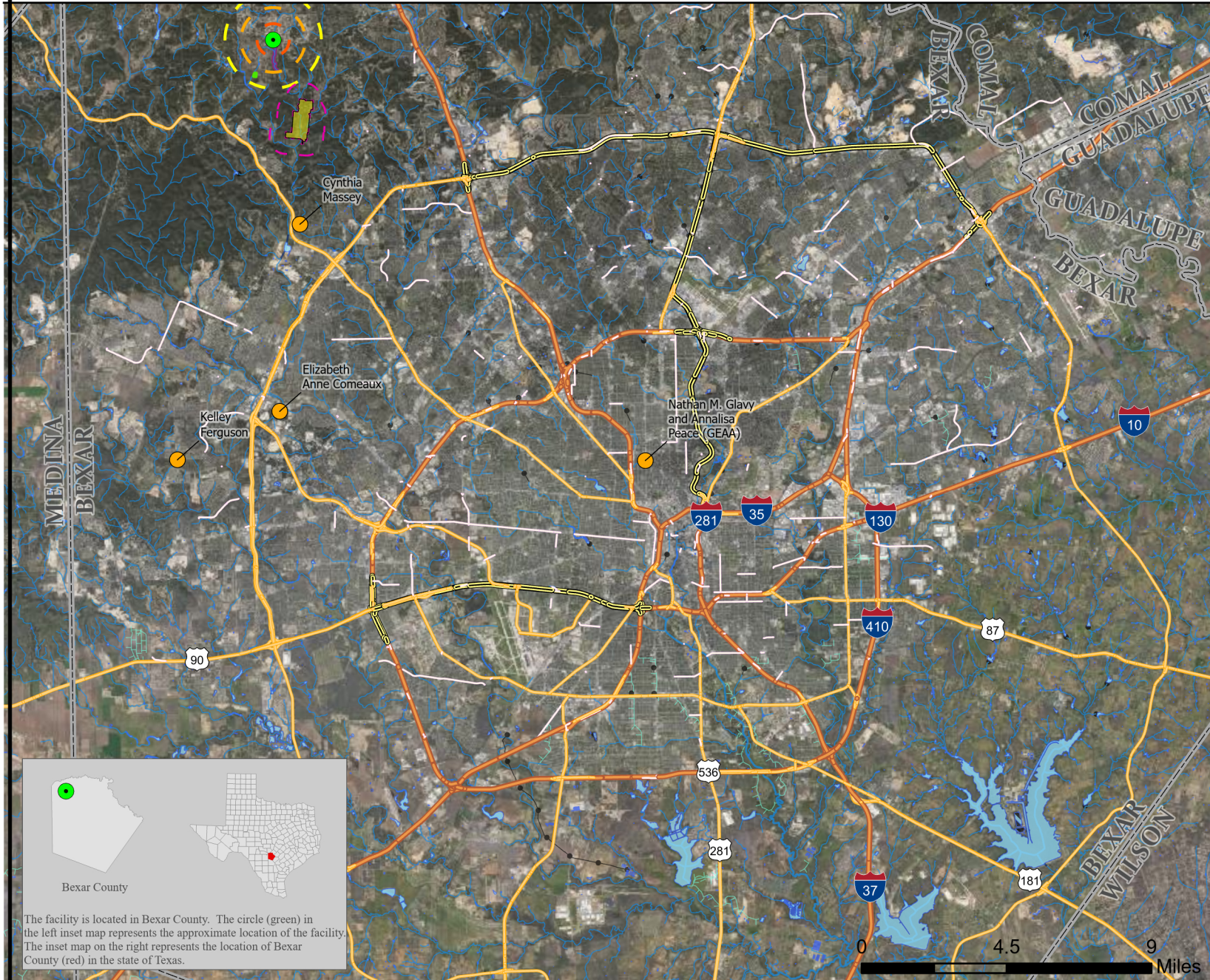


- Guajolote Ranch WWTF
- Outfall
- Discharge Route
- 0.5 Mile Radius
- 1 Mile Radius
- 1.5 Mile Radius
- Requestor
- City of Grey Forrest
- City of Grey Forrest ETJ

* Distance from Requestor address
to outfall see Appendix A

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in Bexar County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Bexar County (red) in the state of Texas.

Appendix A

NAME	ADDRESS	CITY	STATE	ZIP	ZIP_4	Distance in miles	Map
Justin McCord	23205 Edens C	San Antoni	TX	78255	4431	0.38	Map 1
Merrie Lynette Munson	21285 Sams R	Helotes	TX	78023	3334	1	Map 1
Jane Sams (GEAA)	21035 Sams R	Helotes	TX	78023		1.13	Map 1
Jane Sams	21035 Sams R	Helotes	TX	78023	3325	1.13	Map 1
Chrystal Galm Woodcock (GEAA)	20915 Sams R	Helotes	TX	78023	3324	1.15	Map 1
Elizabeth Ann Toepperwein	21082 Sams R	Helotes	TX	78023	3325	1.17	Map 1
Avery Roan	21705 Scenic	San Antoni	TX	78255	3463	1.26	Map 1
Casey Roan	21705 Scenic	San Antoni	TX	78255	3463	1.26	Map 1
Christine Roan	21705 Scenic	San Antoni	TX	78255	3463	1.26	Map 1
Harrison Roan	21705 Scenic	San Antoni	TX	78255	3463	1.26	Map 1
Sydney Roan	21705 Scenic	San Antoni	TX	78255	3463	1.26	Map 1
Karen Leidner	20924 Sams R	Helotes	TX	78023	3324	1.29	Map 1
Luis Carriles	23208 Eagle G	San Antoni	TX	78255	2101	1.35	Map 1
Samuel Galm	20851 Sams R	Helotes	TX	78023	3323	1.35	Map 1
Shawn & Sam Galm (GEAA)	20851 Sams R	Helotes	TX	78023	3323	1.35	Map 1
John P. Ayraud	20627 Helotes	Helotes	TX	78023	2907	1.52	Map 1
Wade & Ward Saathoff (GEAA)	20654 Low Bl	Helotes	TX	78023	2955	1.68	Map 1
Steven Soukup	20124 High Bl	Helotes	TX	78023	2958	1.72	Map 1
Candy Rowan Berkley	9888 Escondido	Helotes	TX	78023		1.77	Map 1
Joseph & Sharon Minihan(1)	19924 High Bl	Helotes	TX	78023	2908	1.97	Map 1
Joseph & Sharon Minihan(2)	19904 High Bluff Road		TX	78023	2908	2.00	Map 1
Brooke B. & Brian J. Minihan	19914 High Bl	Helotes	TX	78023	2908	2.03	Map 2
Daniel Rosen	19706 Grey Fc	Helotes	TX	78023	3236	2.15	Map 2
Kelly D. Luckett	19516 Scenic	Helotes	TX	78023	9222	2.19	Map 2
Jeff Hanson	19226 Scenic	Helotes	TX	78023	9268	2.4	Map 2
Donna Gottwald	19203 Scenic	Helotes	TX	78023	9211	2.4	Map 2
Kelly Golobek	18922 Sherwood	Helotes	TX	78023	3252	2.63	Map 2
Jane Armstrong	18610 Scenic	Helotes	TX	78023	9243	2.76	Map 2
John Russell Feist	18419 Sherwood	Helotes	TX	78023	3131	2.89	Map 2
Annie McEntire	18510 Sherwood	Helotes	TX	78023	3104	2.89	Map 2
Michael Phillips	18418 Hilltop	Helotes	TX	78023	3114	2.94	Map 2
Natalie T. Bowman	18207 Lake St	Helotes	TX	78023	3139	2.97	Map 2
Jennifer Nottingham	18134 Hilltop	Helotes	TX	78023	3141	3.08	Map 2
Patricia Kyle Cunningham	18107 Hilltop	Helotes	TX	78023	3141	3.08	Map 2
Timothy Patrick Hough	9757 Menchaca	Helotes	TX	78023	9235	3.32	Map 2
Martha Ann Hanes	16803 Camino	Helotes	TX	78023	8000	3.75	Map 2
Lisa Muyres Pack	15760 Scenic	Helotes	TX	78023	3729	4.48	Map 2
Cynthia Massey	10547 Rocking	Helotes	TX	78023	4031	5.78	Map 3
Elizabeth Anne Comeaux	5545 Mount M	San Antoni	TX	78251	3626	11.51	Map 3
Kelley Ferguson	3219 River Front	San Antoni	TX	78253	4574	13.35	Map 3
Nathan M. Glavy and Annalisa Peace	1809 Blanco R	San Antoni	TX	78212	2616	17.42	Map 3
San Antonio Water System							
San Antonio Metropolitan Health District							
City of Grey Forest							

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Permit No./Permiso N.º WQ0016171001

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