

**From:** [Dennise Braeutigam](#)  
**To:** [Laurie Gharis](#)  
**Cc:** [Deornette Monteleone](#)  
**Subject:** EXEC 49581 FAX  
**Date:** Friday, July 26, 2024 3:48:31 PM  
**Attachments:** [EXEC 49581 FAX 20240726 1722019591 258 \(003\).pdf](#)

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Good afternoon,  
We received the attached fax this afternoon. Is this something your office would handle or do I need to assign it to someone else? This is a new one for me.  
Thank you,  
Dennise

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**From:** eFax Corporate <message@inbound.efax.com>  
**Sent:** Friday, July 26, 2024 1:47 PM  
**To:** FAX3939 <FAX3939@tceq.texas.gov>  
**Subject:** Corporate eFax message from "2106871185" - 7 page(s)

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## FAX ORDER/COVER SHEET

PLEASE SEND THIS FAX MESSAGE TO:

- NAME: MS. KELLY KEEL, EXEC DIR.
- ORGANIZATION: TECO
- FAX NUMBER: 512-239-3939
- TOTAL NUMBER OF PAGES SEND 7 INCLUDING COVER PAGE
- DATE: 7/26/24

This facsimile is sent on behalf of MICHAEL SCHICK & JUSTIN M. (CORP) and is  
(Customer's Name)

Intended for the above recipient. If you have received this facsimile in error, please notify the sender immediately at 571-296-9601 and destroy all documents. This facsimile  
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Customer's Initials

**JUSTIN McCORD**  
12113 Old Cottonwood Lane  
Huntersville, North Carolina 28078  
408-223-5776

July 26, 2024

Ms. Kelly Keel, Executive Director  
Texas Commission on Environmental Quality  
MC 109  
P.O. Box 13087  
Austin, Texas 78711-3087

Also via FAX: 512-239-3939

Dear Ms. Keel:

I received a notice that you have granted me status as an affected party in the matter involving Municipal Operations LLC's request to build a wastewater treatment plant on the Guajolote Ranch in Northwest Bexar County.

While I am grateful for this designation, I must inform you that I no longer live on Edens Canyon in San Antonio, but have moved my family to the Charlotte, NC area.

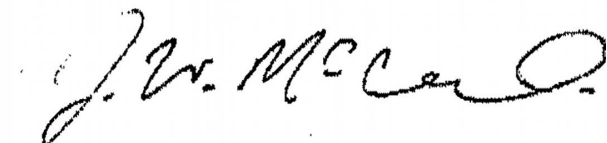
However, I respectfully request that you substitute Mr. Michael Schick for me, as his property at 23007 Linwood Ridge, San Antonio, TX 78255 (just a few houses down), also abuts the Guajolote Ranch. His home is located a similar distance from the proposed discharge site, and his letters to the TCEQ were filed in a timely manner and mirrored many of the same arguments I made in my letter to TCEQ.

See attached two letters -- one by Mr. Schick to Governor Abbott and cc'd to all three commissioners, and one from many of the people whose property, like mine, abuts the Guajolote Ranch, and qualify as affected parties due to their proximity to the discharge site.

Therefore, I believe Mr. Schick, in particular, qualifies as an affected person and should replace me as a faithful representative for other abutting properties in The Canyons at Scenic Loop neighborhood. Mr. Schick may be reached at 512-296-9601 if you or your staff have any questions.

Thank you for giving this request your fair and careful attention.

Very respectfully,



Justin McCord

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.

## MICHAEL W. M. SCHICK

February 9, 2024

The Honorable Greg Abbott  
Governor  
State of Texas  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Abbott:

In the coming weeks, the Texas Commission on Environmental Quality (TCEQ) will be deciding the fate of the health of millions of citizens living in and around San Antonio. I am writing to urge you to use the powers of your office to ensure that the three TCEQ commissioners you appointed fulfill their solemn duty to protect the public from a very real threat.

At issue is a plan by Lennar Homes and its partner, Municipal Operations, to place a wastewater treatment plant (WWTP) in a neighborhood on the Guajolote Ranch in northwest Bexar County. This plant would dump one million gallons of treated sewage each day directly into the Helotes Creek, a mere 300-yards from my backyard. This effluent would flow on top of the land through the neighborhood where children play and find its way in a matter of days into the Edwards Aquifer, the main drinking water source for two million people in the area. This issue isn't about "not in my backyard," but "not in my – and everyone's – water faucet."

The TCEQ executive director has indicated the agency's willingness to grant the permit for this sewage treatment facility, and efforts are underway to formally ask TCEQ for a contested hearing before all three commissioners.

There are many environmental and health organization opposing the Lennar development; yet not all concerned parties are aligned with the political left. I, myself, am a conservative Republican who served as a former press spokesman for U.S. Senator Strom Thurmond (R-SC) when he was Chairman of the Senate Judiciary Committee and President Pro Tempore of the U.S. Senate. I am not against development; I do, however, oppose foolish, careless and dangerous development.

My greatest concern is that most wastewater treatment facilities, including the proposed Lennar facility, are unable to completely remove "forever chemicals" or "emerging contaminants" like powerful pharmaceuticals, personal care products and other chemicals. As of this writing – as the TCEQ executive director has publicly admitted – neither the TCEQ nor the U.S. Environmental Protection Agency have completed studies on the potential impacts of emerging contaminants on human health. In short, the government agencies charged with protecting the public health are willing to allow these toxins to poison our drinking water sources, whether from the San Antonio Water System (SAWS) or from private wells.

Imagine government regulators naively saying that suspicious products like asbestos and lead paint are okay to put in and on your house until studies confirmed their adverse effects. By that time it would be too late, for the damage would already be done. How do we know beyond a reasonable doubt that emerging contaminants won't be the next creosote that poisons groundwaters and produces toxic vapors that move through the soil into the air? Citizens would be drinking and smelling substances that could harm or even kill them. How many people have to get sick or die to get our leaders' attention?

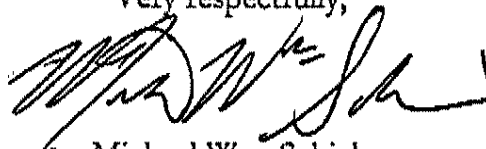
The Guajolote Ranch could very well become the next state cancer cluster. If TCEQ grants the Lennar permit, no one can say with 100% certainty it won't happen.

And the blame will fall on every public office holder who failed to protect the people by either approving the sewage plant permit or doing nothing to stop it. That's not the kind of legacy public officials want to be remembered for.

So, what is the best solution? The owners of the Guajolote Ranch have the right to sell their property, and I believe the Texas government should buy it. When voters approved the Centennial Park Conservation Fund in November 2023, it was for such a time as this. That fund should be used to purchase the Guajolote Ranch and turn it into a park or preserve for all time. Stewardship of the land requires this wise investment, not just to protect the Edwards Aquifer, but ultimately to save human lives. Our children, especially, deserve better.

Thank you for giving my thoughts your careful consideration. For the sake of two million Texans, I pray you will urge the TCEQ commissioners to disapprove the Lennar permit to build a sewage treatment plant on the Guajolote Ranch.

Very respectfully,



Michael Wm. Schick

23007 Linwood Ridge  
San Antonio, Texas 78255  
mschick@aol.com  
571-296-9601

cc: Jon Niermann, TCEQ Chairman ✓  
Emily Lindley, TCEQ Commissioner ✓  
Bobby Janecka, TCEQ Commissioner ✓  
Mark Dorazio, Texas State House of Representatives, District 122  
Donna Campbell, MD, Texas State Senate, District 25  
Ron Nirenberg, Mayor, City of San Antonio  
Peter Sakai, Bexar County Judge  
Grant Moody, Bexar County Commissioner, Precinct 3

## RESIDENTS OF THE CANYONS AT SCENIC LOOP

May 5, 2023

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC105  
P.O. Box 13087  
Austin, Texas 78711-3087

WQ NUMBER: WQ0016171001

Dear Commissioners:

We, the residents of The Canyons at Scenic Loop in San Antonio and Bexar County, Texas, whose properties abut the Guajolote Ranch, are writing as affected parties to respectfully express our strong opposition to the request by Municipal Operations LLC and its partner Lennar Homes to discharge an average of one million gallons (and up to four million gallons) of sewage effluent each day, just a stone's throw from our backyards.

We understand that this sewage effluent will travel from the treatment facility and be pumped through a six-inch diameter pipe at a pressure level of approximately 700+ gallons per minute. That is more than twice the pressure of a water hose used by firemen (300 gallons per minute on average), and even stronger than the water cannons some countries use for crowd control (500 gallons per minute).

Most of our homes can easily see the discharge site at the headwaters of the Helotes Creek. At the flow rate noted above, we are concerned that spray from this treated sewage will blow towards our yards where our young children and pets regularly play and our houseguests congregate for social interaction. Furthermore, we have no assurance the wastewater that supposedly will be confined to the boundaries of the Helotes Creek will not find its way into our properties underground. The exposure to airborne or underground toxic residues introduces a health risk that far outweighs the development benefits.

This very real risk violates the TCEQ's core mission statement, which bears repeating: "The Texas Commission on Environmental Quality *strives to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.*" (Italics ours)

While promoters of the treatment facility might claim the risk to us and our family and friends is highly unlikely, that risk cannot be ignored. To test the proposition by going ahead and approving the permit puts us in a Catch 22, as once the treatment facility and homes are built, any subsequent damage done to us as a consequence will be too late.

And where can we, as affected parties, go for justice, if we or our loved ones are injured? By law, we can't sue TCEQ, or the San Antonio City Council, or the Bexar County Commissioners Court, or the Texas Legislature. Lennar will have turned over the keys to the treatment facility to the homeowners association, so the ones who created this mess will have walked away scot-free. And even if we could sue anyone, it couldn't adequately compensate us for the harm.

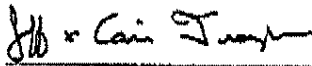


But this risk goes far beyond our backyards. This tainted water will end up in the Edwards Aquifer that provides drinking water for 2 million citizens in the San Antonio area. The damage to this precious resource will be irreversible. Should TCEQ roll the dice and gamble with the health of the very people it is charged to protect? Can TCEQ really guarantee that the sewage effluent that comes from the Municipal Operations' facility will always be safe? If not, why would it ever grant a permit to them? Does TCEQ really want to have that blood on their hands?

It would be foolish, dangerous, careless, irresponsible and immoral for TCEQ to grant a wastewater treatment facility permit. For the sake of our families, and indeed millions of men, women and children, we, the undersigned affected parties, implore you to fulfill your sacred mission by doing the right thing: **DENY THE PERMIT REQUEST OF MUNICIPAL OPERATIONS LLC AND LENNAR HOMES.**

Thank you for giving our concerns your utmost consideration.

Very respectfully,



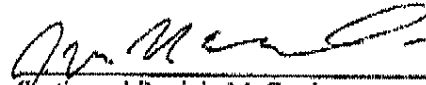
Jeff and Cari Traylor  
23007 Daniel Ridge  
San Antonio, Texas 78255




George and Samantha Hill  
23111 Edens Canyon  
San Antonio, Texas 78255



Michael and Diana Schick  
23007 Linwood Ridge  
San Antonio, Texas 78255



Justin and Patricia McCord  
23205 Edens Canyon  
San Antonio, Texas 78255



Tom and Mary Briggs  
23107 Edens Canyon  
San Antonio, Texas 78255



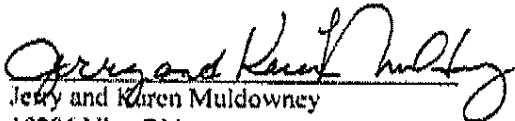
Randy and Kelley Kelch  
23115 Edens Canyon  
San Antonio, Texas 78255



Jorge and Iliana Arango  
22835 Linwood Ridge  
San Antonio, Texas 78255



Zach and Marianna Castillo  
23003 Linwood Ridge  
San Antonio, Texas 78255



Jerry and Karen Muldowney  
10206 Nina Ridge  
San Antonio, Texas 78255



Jim and Sandy Burris  
22607 Tess Valley  
San Antonio, Texas 78255