

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



Garrett T. Arthur, *Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 8, 2024

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

RE: **IN THE MATTER OF THE APPLICATION BY BAYOU SIDE  
PARTNERS SANTA FE, LTD. FOR PERMIT NO. WQ0015944001  
TCEQ DOCKET NO. 2024-00673-MWD**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing and Requests for Reconsideration in the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheldon P. Wayne".

Sheldon P. Wayne, Attorney  
Assistant Public Interest Counsel

A handwritten signature in black ink, appearing to read "Josiah T. Mercer".

Josiah T. Mercer, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2024-0673-MWD

APPLICATION BY	§	BEFORE THE
BAYOU SIDE PARTNERS	§	
SANTA FE, LTD.	§	TEXAS COMMISSION ON
FOR TPDES PERMIT	§	
NO. WQ0015944001	§	ENVIRONMENTAL QUALITY

**OFFICE OF PUBLIC INTEREST COUNSEL’S RESPONSE TO  
REQUESTS FOR HEARING AND REQUESTS FOR RECONSIDERATION**

**To the Members of the Texas Commission on Environmental Quality:**

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this response to requests for hearing and requests for reconsideration received in the above-captioned matter.

**I. Introduction**

**A. Summary of Position**

Before the Commission is the application of Bayou Side Partners Santa Fe, Ltd. for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015944001. The TCEQ Chief Clerk’s office received timely hearing requests from 19 requestors. As discussed herein, OPIC respectfully recommends granting the hearing requests of Glen Elliott, Mitchell Gladney, Christopher and Shiloh Green, Edward Haran, Emily Harman, Melissa Jared, Jane Layman, Terry Martin, Katherine and Robert Martinez, Roger McCrary, Shane Mcnamara, and Dana Salter, and referring this application to the State Office of Administrative Hearings (“SOAH”) on Issue nos. 1-7 contained in Section III.C of this brief for a hearing with a maximum duration of 180 days. OPIC further recommends the

Commission deny all remaining hearing requests and the pending requests for reconsideration.

**B. Description of Application and Facility**

On October 22, 2020, Bayou Side Partners Santa Fe, Ltd. (Applicant) applied to TCEQ for new TPDES Permit No. WQ015944001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 75,000 gallons per day. The Bayou Side Partners Santa Fe Wastewater Treatment Facility (the Facility) will be an activated sludge process plant operated in the extended aeration mode. Treatment units include a bar screen, two aeration basins, a final clarifier, two aerobic sludge digesters, and a chlorine contact chamber.

If constructed, the Facility will be located at 13920 Country Side Street, Santa Fe, in Galveston County. The treated effluent will be discharged to constructed pond 1, then to constructed pond 2, then to a ditch, then to an unnamed tributary, then to Dickinson Bayou Tidal in Segment No. 1103 of the San Jacinto-Brazos Coastal Basin. The unclassified receiving water uses are minimal aquatic life use for constructed ponds 1 and 2 and the ditch, and high aquatic life use for the unnamed tributary. The designated uses for Segment No. 1103 are primary contact recreation and high aquatic life use.

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed an annual average flow of 75,000 GPD. The effluent limitations in the draft permit, based on a 30-day average, are 7 mg/l five-day carbonaceous biochemical oxygen demand, 12 mg/l total suspended solids, 2 mg/l ammonia-nitrogen, 63 CFU or MPN of E. coli per 100 ml, and 6.0 mg/l

minimum dissolved oxygen. The effluent is also required to contain a total chlorine residual of at least 1.0 mg/l and must not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

### **C. Procedural Background**

TCEQ received the application on October 22, 2020. On March 5, 2021, the Executive Director (ED) declared the application administratively complete. The Notice of Receipt and Intent to Obtain a Water Quality Permit was published in the *Galveston County Daily News* on March 17, 2021. The technical review of the application was completed on September 15, 2021. The Notice of Application and Preliminary Decision was published in the *Galveston County Daily News* on October 29, 2021. A virtual public meeting was held on this permit application on April 4, 2022, and the public comment period closed that same day. The Chief Clerk mailed the ED's Decision and Response to Comments (RTC) on February 8, 2024. The deadline for filing requests for a contested case hearing was March 11, 2024.

## **II. Applicable Law**

### **A. Hearing Request**

This application was filed on or after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015) (SB 709). Under Title 30, Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment

which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the person's personal 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 proposed 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 proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) 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, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Under 30 TAC § 55.203(a), 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 general public does not qualify as a personal justiciable interest.

Section 55.203(c) provides relevant factors to be considered in determining whether a person is affected. These factors include:

- (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;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the 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.

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission shall grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application.

Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

#### **B. Request for Reconsideration**

Any person may file a request for reconsideration (RFR) of the ED's decision under Title 30, Texas Administrative Code (TAC) § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision and RTC. The request must expressly state that the person is requesting reconsideration of the ED's decision and give reasons why the decision should be reconsidered.

### **III. Discussion**

#### **A. Whether the Requestors Qualify as Affected Persons**

##### Requestors Downstream From the Proposed Facility

The Commission received timely requests and comments from the following requestors who reside downstream from the proposed facility: Mitchell

Gladney (0.09 miles), Christopher Green (0.29 miles), Shiloh Green (0.29 miles), Emily Harman (0.2 miles), Jane Layman (0.53 miles), and Terry Martin (0.09 miles). All of these requestors' properties are in close proximity with the proposed discharge route. Some of their properties are bifurcated by the ditch that forms part of the discharge route, and many claim that parts of their properties are inundated with water from the ditch when it rains.

To be granted a contested case hearing, the Requestors must demonstrate that they are "affected persons" who have personal justiciable interests related to a legal right, duty, privilege, power, or economic interest affected by the application. These interests must be distinguishable from interests that are common to the general public. *See* 30 TAC § 55.203(a). Each of the requestors identified in this subsection have raised concerns related to water quality, human health, and use of property. These interests are protected by the law under which this application will be considered. *See* 30 TAC § 55.203(c)(1). Further, as their property is near and downstream from the proposed location of the Facility, a reasonable relationship exists between those interests and the Applicant's regulated activity—a relevant factor under 30 TAC § 55.201(c)(3).

The Requestors' location downstream and proximate to the discharge route, in combination with their stated interests, demonstrates that they are likely to be affected in a way not common to members of the general public, and thus possess personal justiciable interests in this matter. Therefore, OPIC concludes that Mitchell Gladney, Christopher Green, Shiloh Green, Emily Harman,



Jane Layman, and Terry Martin have demonstrated that they possess a personal justiciable interest in this matter and qualify as affected persons.

Requestors Upstream from the Proposed Facility or Otherwise Not Directly Adjacent to its Discharge Route

The Commission received timely requests and comments from the following requestors, who are upstream from the proposed facility or otherwise not directly adjacent to the proposed discharge route: Glen Elliott (0.28 miles), Edward Haran (0.27 miles), Katherine and Robert Martinez (0.2 miles), Roger McCrary (0.28 miles), Shane Mcnamara (0.28 miles), and Dana Salter (0.22 miles). Although these requestors live upstream from the proposed facility, many of them claim that their properties would still be affected by the proposed discharge.

These requestors raise issues concerning odor; contamination of water, including well water; and how the Facility will be maintained. Multiple requestors claim that the ditch that is proposed as part of the discharge route frequently backs up and can flow in either direction depending on conditions. They are concerned that the proposed discharge would not always flow as represented in the application and may flow onto their properties—affecting their water quality, human health, and use of property. Additionally, Shane Mcnamara explains that he is president of Bellum K9, Inc., a dog training and equipment provider to the government and police agencies. He raises issues concerning water quality, odor, flooding, and potential negative effects on his ability to train dogs on his property.

These requestors' concerns about the discharge route, water quality, use of property, and the accuracy of the application are interests which are protected by the law under which this application will be considered. *See* 30 TAC § 55.203(c)(1). Further, based on their proximity to the proposed Facility and their claims that discharge could end up on their property under common flow conditions, a reasonable relationship exists between those interests and the Applicant's regulated activity—a relevant factor under 30 TAC § 55.201(c)(3). Furthermore, these requestors' proximity and stated interests demonstrate that they are likely to be affected in a way not common to members of the general public, and thus possess personal justiciable interests in this matter. Therefore, OPIC concludes that Glen Elliott, Edward Haran, Katherine and Robert Martinez, Roger McCrary, Shane Mcnamara, and Dana Salter qualify as affected persons.

#### Requestors that Do Not Demonstrate a Personal Justiciable Interest

Jeremy Mayfield, Edward Rorer, and Shane Harman also submitted timely hearing requests. Mr. Mayfield's request does not raise any substantive issues under the law that could be addressed at a contested case hearing. OPIC notes that this request references an attachment, however, that attachment was not included with his request. Mr. Rorer and Mr. Harman's requests raise general concerns, but do not explain how the requestors themselves would be affected. These requests therefore lack the specificity needed to articulate a personal justiciable interest under 30 TAC § 55.203(a). The lack of stated interests prohibits any assessment of whether a reasonable relationship exists between these requestors' interests and the regulated activity or whether their interests

are protected by the law under which this application will be considered. *See* 30 TAC § 55.203(c)(1), (3). OPIC cannot find that these requestors interests are distinguishable from those of the general public. Therefore, OPIC finds that these requestors have not demonstrated that they qualify as affected persons.

**B. Which Issues Raised in the Hearing Requests Are Disputed**

The affected persons' hearing requests raise the following disputed issues:

1. Whether the Facility and draft permit comply with Texas Surface Water Quality Standards and are adequately protective of water quality, including surface water and groundwater;

Raised by: Mitchell Gladney, Christopher Green, Emily Harman, Jane Layman, Terry Martin, Katherine and Robert Martinez, Roger McCrary, Shane Mcnamara, and Dana Salter

2. Whether the Facility and draft permit are adequately protective of human health and safety, and animal life;

Raised by: Glen Elliott, Mitchell Gladney, Christopher Green, Shiloh Green, Edward Haran, Emily Harman, Melissa Jared, Terry Martin, Shane Mcnamara, and Dana Salter

3. Whether the proposed facility and draft permit comply with TCEQ's regionalization policy, including demonstration of need;

Raised by: Roger McCrary

4. Whether the application contains adequate safeguards for the Facility in the event of a malfunction or power failure;

Raised by: Roger McCrary

5. Whether the draft permit contains sufficient provisions to prevent the creation of nuisance odor conditions;

Raised by: Katherine Martinez, Robert Martinez, and Shane Mcnamara

6. Whether the proposed discharge route is properly characterized in the application, and, as an operational feature of the Facility, will function properly;

Raised by: Glen Elliott, Mitchell Gladney, Edward Haran, Terry Martin, Katherine and Robert Martinez, and Roger McCrary

7. Whether the Facility will be sufficiently maintained;

Raised by: Katherine and Robert Martinez

8. Whether operation of the Facility will cause flooding, erosion, or other drainage issues;

Raised by: Mitchell Gladney, Jane Layman, Roger McCrary, Terry Martin, Shane Mcnamara, Edward Rorer, and Dana Salter

9. Whether construction and operation of the Facility will decrease nearby property values; and

Raised by: Dana Salter

10. Whether operation of the Facility will cause excessive noise.

Raised by: Katherine and Robert Martinez

**C. Whether the Dispute Involves Questions of Fact or of Law**

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. 30 TAC § 55.211(c)(2)(A). The issues listed above are issues of fact.

**D. Whether the Issues Were Raised During the Public Comment Period**

Issue nos. 1-9 in Section III.B were raised by the Requestors during the public comment period. Issue no. 10 was raised for the first time in a hearing request submitted to the Commission after the close of the public comment period. A request must be based on the requestor's timely comments. 30 TAC § 55.201(c). Thus, because Issue no. 10 was not raised in timely public comment, it is not appropriate for referral to SOAH for a hearing.

**E. Whether the Hearing Requests are Based on Issues Raised Solely in a Withdrawn Public Comment**

No public comments were withdrawn in this matter. Therefore, the hearing requests are not based on issues raised in withdrawn comments.

**F. Whether the Issues are Relevant and Material to the Decision on the Application**

The Requestors raise issues that are relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4) and 55.211(c)(2)(A). To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. The Commission can only consider issues within its jurisdiction. Therefore, relevant and material issues include those governed by the substantive law of the permit at issue. *Anderson v. Liberty Mutual, Inc.*, 477 U.S. 242, 248-51 (1986).

Water Quality, Human Health and Safety, and Animal Life

The affected persons in this matter are concerned with adverse effects to water quality—including well water—and its impacts on human health and safety, and animal life. The Commission is responsible for the protection of water quality under TWC Chapter 26 and 30 TAC Chapter 307. The Texas Surface Water Quality Standards (Standards) in Chapter 307 require that the proposed permit “maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state.” 30 TAC § 307.1. According to § 307.6(b)(4) of the Standards, “Water in the state must be

maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three.” Additionally, “[s]urface waters must not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life.” 30 TAC § 307.4(d).

Also, Section 309.10(b) states, in part, that, “[t]he purpose of this chapter is to condition issuance of a permit and/or approval of construction plans and specifications for new domestic wastewater treatment facilities...on selection of a site that minimizes possible contamination of ground and surface waters...” *See also* 30 TAC § 309.12. Therefore, Issue nos. 1 and 2 are relevant and material to the Commission’s decision regarding this application and are appropriate for referral to SOAH.

#### Regionalization

The affected persons in this matter are concerned that the proposed Facility would not comply with Texas’s Regionalization Policy. Under TWC § 26.081(a), it is “state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to prevent pollution and maintain and enhance state water quality.” Further, “in considering the issuance...of a permit to discharge waste, the commission may deny or alter the terms of the proposed permit...based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and

disposal systems not designated as such by commission order pursuant to provisions of this subchapter.” TWC § 26.0282. Therefore, Issue no. 3 is relevant and material to the Commission’s decision on the application.

#### Emergency Power Requirements

The affected persons in this matter are concerned that adequate safeguards for the proposed Facility may not be in place in the event of a malfunction or power failure. Commission rules in Chapter 217 address emergency power requirements and provide that “a wastewater treatment facility must be designed to prevent the discharge of untreated or partially treated wastewater during electrical power outages.” 30 TAC § 217.36(a). This may be accomplished through a combination of alternate power sources, on-site generators, interceptor systems, on-site retention, collection system storage, portable generators, mechanical backup systems, or other similar systems. *See* 30 TAC § 217.36(i). Among other requirements, the Facility must use an audiovisual alarm system and its engineering report must analyze the reliability of existing commercial power service and provide for emergency operation of the wastewater treatment facility. *See* 30 TAC 217.36(b), (e), (j). Therefore, Issue no. 4 is relevant and material to the Commission’s decision on the application.

#### Nuisance Odor

The affected persons in this matter are concerned that the proposed Facility will cause nuisance odor conditions. Odor is specifically addressed by 30 TAC § 309.13(e), which requires that nuisance odor be abated and controlled. Further, § 307.4 delineates general criteria that surface waters must meet,

including aesthetic parameters which work, in part, to prevent nuisance conditions attributable to the proposed Facility. Finally, one of the purposes of Chapter 309 is “to minimize the possibility of exposing the public to nuisance conditions.” 30 TAC § 309.10. Therefore, Issue no. 5 is relevant and material to the Commission’s decision regarding this application and is appropriate for referral to SOAH.

#### Suitability of the Discharge Route

The affected persons in this matter are concerned that the proposed discharge route has been improperly characterized in the application and will not function properly. This concern appears to be based on the suitability and functioning of the discharge route. Proper functioning of a discharge route as an operational feature of a wastewater treatment plant may be addressed under 30 TAC § 309.12. Therefore, Issue no. 6 is relevant and material to the Commission’s decision regarding this application and is appropriate for referral to SOAH.

#### Maintenance

The affected persons in this matter raise concerns about the maintenance of the proposed Facility, questioning the existence and viability of any maintenance plan. Operational Requirement No. 1 of the draft permit requires that the Applicant ensure that the proposed Facility and all its systems of collection, treatment, and disposal are properly operated and maintained at all times. Additionally, Operational Requirement No. 4 of the draft permit states that the Applicant is “responsible for installing, prior to plant start-up, *and subsequently maintaining*, adequate safeguards to prevent the discharge of



untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.” Therefore, Issue no. 7 is relevant and material to the Commission’s decision regarding this application and is appropriate for referral to SOAH.

#### Flooding, Erosion, Drainage, Property Value, and Noise

Finally, the affected persons raised concerns about potential flooding, erosion, drainage issues, and excessive noise resulting from construction and operation of the proposed Facility. They also worry that if the proposed Facility is constructed, it will negatively impact nearby property values. The Texas Legislature, which establishes the jurisdiction of TCEQ, has not given the Commission the authority to consider these types of concerns when deciding whether to issue a TPDES permit. Therefore, Issue nos. 8, 9 and 10 are not relevant and material to the Commission’s decision regarding this Application and are not appropriate for referral to SOAH.

#### **G. Requests for Reconsideration**

The Commission received a timely filed request for reconsideration of the ED’s decision from Jane Layman on the basis that the Facility is not safe for the environment. The Commission also received a timely filed request for reconsideration from Dr. Jacqueline Meyer, which states that numerous drinking water wells are located near the Facility and its discharge route and could become contaminated, potentially affecting many people.

The general concern expressed by Ms. Layman about environmental safety lacks the specificity OPIC would need to evaluate whether the ED's decision should be reconsidered. The issue raised by Dr. Meyer regarding the potential contamination of nearby drinking water wells is relevant and material to the Commission's decision on this application. However, an evidentiary record would be necessary for OPIC to make a recommendation to the Commission as to whether the ED's decision should be reconsidered. At this time, an evidentiary record does not exist, and therefore, OPIC cannot recommend that the request for reconsideration be granted. As previously discussed, OPIC is recommending a contested case hearing in this matter and is recommending that issues encompassing this concern be referred for hearing.

#### **H. Maximum Expected Duration for the Contested Case Hearing**

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. 30 TAC § 50.115(d)(2). To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing

on this application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

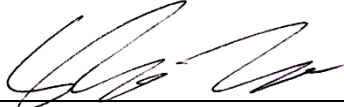
#### **IV. Conclusion**

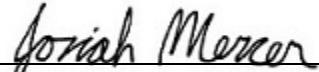
For the reasons discussed above, OPIC finds that Glen Elliott, Mitchell Gladney, Christopher and Shiloh Green, Edward Haran, Emily Harman, Melissa Jared, Jane Layman, Terry Martin, Katherine and Robert Martinez, Roger McCrary, Shane Mcnamara, and Dana Salter have demonstrated that they qualify as affected persons. Therefore, OPIC respectfully recommends that the Commission grant their hearing requests and refer Issue nos. 1-7 specified in Section III.B for a contested case hearing at SOAH with a maximum duration of 180 days. Finally, OPIC recommends the Commission deny the remaining hearing requests and the pending requests for reconsideration.

Respectfully submitted,

[Signatures on Next Page]

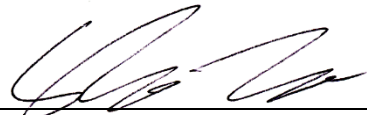
Garrett T. Arthur  
Public Interest Counsel

By:   
Sheldon P. Wayne  
Assistant Public Interest Counsel  
State Bar No. 24098581  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-3144

By:   
Josiah T. Mercer  
Assistant Public Interest Counsel  
State Bar No. 24131506  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-0579

**CERTIFICATE OF SERVICE**

I hereby certify that July 8, 2024, the Office of Public Interest Counsel's Response to Requests for Hearing and Requests for Reconsideration was filed with the Chief Clerk of the TCEQ and a copy was served on all persons listed on the attached mailing list via electronic mail, and/or by deposit in the U.S. Mail.

  
Sheldon P. Wayne

**MAILING LIST**  
**BAYOU SIDE PARTNERS SANTA FE, LTD.**  
**TCEQ DOCKET NO. 2024-0673-MWD**

FOR THE APPLICANT

via electronic mail:

Jeff Mickler, Authorized Representative  
Bayou Side Partners Santa Fe, Ltd.  
2000 West Parkwood Avenue  
Friendswood, Texas 77546  
[jeff.mickler@jacobwhite.com](mailto:jeff.mickler@jacobwhite.com)

Paul Tilly, E.I.T., Project Engineer  
Ward, Getz & Associates  
2500 Tanglewilde Street, Suite 120  
Houston, Texas 77063  
[ptilly@wga-llp.com](mailto:ptilly@wga-llp.com)

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Aubrey Pawelka, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606  
[aubrey.pawelka@tceq.texas.gov](mailto:aubrey.pawelka@tceq.texas.gov)

Sonia Bhuiya, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-1205 Fax: 512/239-4430  
[sonia.bhuiya@tceq.texas.gov](mailto:sonia.bhuiya@tceq.texas.gov)

Ryan Vise, Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

FOR ALTERNATIVE DISPUTE  
RESOLUTION

via electronic mail:

Kyle Lucas, Attorney  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0687 Fax: 512/239-4015  
[kyle.lucas@tceq.texas.gov](mailto:kyle.lucas@tceq.texas.gov)

FOR THE CHIEF CLERK

via eFiling:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300 Fax: 512/239-3311  
<https://www14.tceq.texas.gov/epic/eFiling/>

REQUESTER(S):

See attached list.

**PUBLIC OFFICIALS - REQUESTER(S)**

The Honorable Mayes Middleton  
State Senator, The Senate Of Texas District 11  
Po Box 12068  
Austin, TX 78711-2068

The Honorable Larry Taylor  
State Senator, The Senate Of Texas District 11  
Po Box 12068  
Austin, TX 78711-2068

**REQUESTER(S)**

Mr Glen E Elliott  
13931 Country Side St  
Santa Fe, TX 77517-3701

Mitchell Gladney  
1207 Ginger St  
Santa Fe, TX 77517-3815

Christopher E Green  
13932 Doris St  
Santa Fe, TX 77517-3832

Shiloh Green  
13932 Doris St  
Santa Fe, TX 77517-3832

Edward Haran  
1306 Ginger St  
Santa Fe, TX 77517-3769

Emily Diane Harman  
13924 Country Side St  
Santa Fe, TX 77517-3794

Shane Harman  
13924 Country Side St  
Santa Fe, TX 77517-3794

Melissa Jared  
Allsource  
1203 Ginger St  
Santa Fe, TX 77517-3815

Jane Layman  
8203 Oak Ln  
Santa Fe, TX 77517-3816

Mr Robert F Martinez Jr  
1100 Veronica St  
Santa Fe, TX 77517-3798

Katherine Martinez  
1100 Veronica St  
Santa Fe, TX 77517-3798

Mr Robert Martinez  
1100 Veronica St  
Santa Fe, TX 77517-3798

Jeremy Mayfield  
13731 Country Side St  
Santa Fe, TX 77517-3793

Roger D Mccrary  
13913 Country Side St  
Santa Fe, TX 77517-3701

Shane Robert Mcnamara  
Bellum K9 Inc  
13820 Country Side St  
Santa Fe, TX 77517-3700

Dr. Jacqueline Meyer  
1309 Ginger St  
Santa Fe, TX 77517-3770

Edgar Martin Rorer  
13907 Larou Ln  
Santa Fe, TX 77517-3836

Dana Salter  
13928 Country Side St  
Santa Fe, TX 77517-3794