



# THE AL LAW GROUP

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Partner  
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July 25, 2024

**Via electronic delivery**

Ms. Mary Smith  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**VIA ELECTRONIC TRANSMISSION  
AND FIRST-CLASS MAIL**

Reviewed By GCEW

JUL 30 2024

AMENDED  
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RFR

Ms. Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: First Amended Request for Hearing and Request for Reconsideration on the Major  
Amendment Application for Permit No. WQ0015850001—Prairie Crossing Wastewater  
Treatment Facility

Dear Ms. Smith and Ms. Gharis:

On March 1, 2024 the undersigned submitted a Request for Hearing and Request for Reconsideration and named as the requester 05 Ranch Investments LLC. This was clearly an error that the undersigned can only ascribe to a computer typographical error that was not caught before the Request was submitted. The requester should have been identified as Taylor Meadows 712, LP. The undersigned apologizes to both the Commission and to 05 Ranch Investments LLC as it was unintentional. This First Amended Request for Hearing and Request for Reconsideration Amends that original filing to include to correct party. The text of the original pleading did identify the requester as the person upon whose land the Cielo Ranch WWTP will be constructed which is Taylor Meadows 712, LP.

Sincerely,

David Tuckfield  
The AL Law Group, PLLC  
12400 West Highway 71, Suite 350-150  
Austin, TX 78738  
(512) 576-2481; [david@allawgp.com](mailto:david@allawgp.com)

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
JUL 29 AM 10:10  
CLERKS OFFICE

**TPDES PERMIT WQ0015850001**

**APPLICATION BY  
PRAIRIE CROSSING  
WASTEWATER LLC  
FOR TPDES PERMIT  
NO. WQ0015850001**

§  
§  
§  
§  
§

**BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY**

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2024 JUL 29 AM 10:10  
CHIEF CLERKS OFFICE

**FIRST AMENDED  
REQUEST FOR HEARING  
AND  
REQUEST FOR RECONSIDERATION**

TO THE HONORABLE COMMISSIONERS:

COMES NOW, the Taylor Meadows 712, LP (“Landowner”) and files this First Amended Request for Hearing and Request for Reconsideration in the above-referenced matter, and would respectfully show as follows:

1. On March 1, 2024 the undersigned submitted a Request for Hearing and Request for Reconsideration and named as the requester 05 Ranch Investments LLC. This was clearly an error that the undersigned can only ascribe to a computer typographical error that was not caught before the Request was submitted. The requester should have been identified as Taylor Meadows 712, LP. The undersigned apologizes to both the Commission and to 05 Ranch Investments LLC as it was unintentional. This First Amended Request for Hearing and Request for Reconsideration Amends that original filing to include to correct party. The text of the original pleading did identify the requester as the person upon whose land the Cielo Ranch WWTP will be constructed – which is Taylor Meadows 712, LP.
2. The Applicant in this case, Prairie Crossing Wastewater, LLC (“Applicant”) is proposing to build a TPDES wastewater treatment plant on property to serve property under the jurisdiction of Prairie Crossing Municipal Utility Districts 1 & 2 (“Prairie Crossing MUDs”).

3. The Prairie Crossing MUDs have submitted a request for a Contested Case Hearing in the matter of the Cielo Ranch WWTP (TPDES Permit No. WQ0016146001). The Cielo Ranch WWTP will be constructed on land owned by the Landowner. A copy of the Hearing Request is attached at Exhibit A.
4. In their request for a contested case hearing for the Cielo Ranch permit, the Prairie Crossing MUDs assert that “the appropriate antidegradation analysis to determine [that there will not be an impairment of water quality greater than a de minimis amount] has not been included in the permit application.” See Exhibit A at page 4. For applications for new/amended discharges, the TCEQ Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ’s IPs, an antidegradation review of the receiving waters is performed that includes nutrient screenings. The antidegradation analysis is conducted by the Agency. It is not part of the application. If the Prairie Crossing MUDs are correct, however, that the application must include this analysis, then this application (which applies to the service area for the Prairie Crossing MUDs is also found wanting and the permit should not be granted without a contested case hearing. The question of whether this permit complies with TCEQ’s antidegradation policy was raised during the comment period and addressed in the Response to Comments (Response No. 6). The Executive Director, however, did not address the issue of whether, as alleged by the Prairie Crossing MUDs, that the antidegradation review must be included in the application. In this case, the antidegradation review was not included in the application. The permit, therefore, should be referred for a contested case hearing or the Agency should reconsider its decision and reject the permit.

5. In their request for a contested case hearing for the Cielo Ranch permit, the Prairie Crossing MUDs assert that the failure to include a noise and odor abatement plan in the application should result in the denial of the permit. Exhibit A at 4. In this case, no noise and odor abatement plan was included in the application. The permit, therefore, should be referred for a contested case hearing or the Agency should reconsider its decision and reject the permit.
6. Landowner is an affected person in this case. Landowner owns land that is immediately adjacent to the development that will be built under the jurisdiction of Prairie Crossing Municipal Utility Districts. Landowner's property is less than one mile west of the wastewater plant and the discharge point. To the extent that Applicant has not adequately addressed a noise and odor abatement plan, Landowner is affected differently from members of the general public because it will affect the use of enjoyment of the Landowner's property. Furthermore, the receiving stream for the discharge (Boggy Creek) runs through Landowner's land. To the extent that this Applicant fails to comply with antidegradation requirements for Boggy Creek, Landowner will be prevented from utilizing the stream for its own uses. This also is an interest protected under the law the is different from members of the general public.
7. Landowner asked to be placed on the mailing list for the Applicant's permit by having through its representatives David Tuckfield, Kamalakar Poonuru, and Vijay Kasireddy placed on the mailing list, yet these individuals did not receive any correspondence regarding the Applicant's permit after having asked to be placed on the mailing list.
8. Landowner should not be penalized for Applicant's business settlement with other hearing requesters (resulting in their withdrawal of their hearing requests), thus depriving

Applicant the opportunity to intervene in a contested case hearing, so Landowner seeks its own contested case hearing.

Respectfully submitted,

THE AL LAW GROUP, PLLC

*/s/ David J. Tuckfield*

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DAVID J. TUCKFIELD  
State Bar Number: 00795996  
12400 Highway 71 West  
Suite 350-150  
Austin, TX 78738  
(512) 576-2481  
(512) 366-9949 Facsimile  
david@allawgp.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of July 25, 2024 a true and correct copy of the foregoing document was filed with the Office of the Chief Clerk at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) and was served on the following by email (where indicated) and first-class mail (where indicated) as follows:

FOR THE APPLICANT via electronic mail and first class mail:

Nathan Vassar  
Lloyd Gosselink  
816 Congress Ave., Suite 1900  
Austin, TX 78701  
[nvassar@lglawfirm.com](mailto:nvassar@lglawfirm.com)

FOR THE EXECUTIVE DIRECTOR via electronic mail and first class mail:

Allie Soileau, Staff Attorney  
Environmental Law Division  
State Bar No. 24137200  
P.O. Box 13087, MC 173  
Austin, Texas 78711 3087  
Telephone No. 512-239-6033  
Facsimile No. 512-239-0626  
[Allie.soileau@tceq.texas.gov](mailto:Allie.soileau@tceq.texas.gov)

FOR PUBLIC INTEREST COUNSEL via electronic mail and first class mail:

Garrett T. Arthur  
Public Interest Counsel  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087 Austin, Texas 78711  
Tel: (512) 239-6363  
Fax: (512) 239-6377  
[garrett.arthur@tceq.texas.gov](mailto:garrett.arthur@tceq.texas.gov)

FOR ALTERNATIVE DISPUTE RESOLUTION via electronic mail:

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

/s/ David J. Tuckfield

The AL Law Group, PLLC  
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Bee Cave, TX 78738

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JUL 29 2024

TCEQ MAIL CENTER  
WV

Ms. Laurie Gharis  
Chief Clerk, TCEQ  
P.O. Box 13087  
Austin, Texas 78711-3087

**Jennifer Cox**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 2, 2024 3:21 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0015850001  
**Attachments:** 20240725 Letter for First Amended Request.pdf

H  
RFR

**From:** david@allawgp.com <david@allawgp.com>  
**Sent:** Thursday, July 25, 2024 4:28 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015850001

**REGULATED ENTY NAME** PRARIE CROSSING WWTP

**RN NUMBER:** RN110939188

**PERMIT NUMBER:** WQ0015850001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** PRAIRIE CROSSING WASTEWATER LLC

**CN NUMBER:** CN605742261

**NAME:** David J Tuckfield

**EMAIL:** [david@allawgp.com](mailto:david@allawgp.com)

**COMPANY:** The AL Law Group, PLLC

**ADDRESS:** 12400 W HIGHWAY 71 Suite 350-150  
BEE CAVE TX 78738-6517

**PHONE:** 5125762481

**FAX:**

**COMMENTS:** Please find Attached a First Amended Request for Hearing and Request for Reconsideration. Thank you.





## THE AL LAW GROUP

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David J. Tuckfield  
12400 W. Highway 71, Suite 350-150  
Austin, Texas 78738

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Partner  
(512) 576-2481  
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**TPDES PERMIT WQ0015850001**

<b>APPLICATION BY</b>	<b>§</b>	
<b>PRAIRIE CROSSING</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>WASTEWATER LLC</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>FOR TPDES PERMIT</b>	<b>§</b>	<b>ENVIRONMENTAL</b>
<b>NO. WQ0015850001</b>	<b>§</b>	<b>QUALITY</b>

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**REQUEST FOR HEARING**  
**AND**  
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Allie Soileau, Staff Attorney  
Environmental Law Division  
State Bar No. 24137200  
P.O. Box 13087, MC 173  
Austin, Texas 78711 3087  
Telephone No. 512-239-6033  
Facsimile No. 512-239-0626  
[Allie.soileau@tceq.texas.gov](mailto:Allie.soileau@tceq.texas.gov)

FOR PUBLIC INTEREST COUNSEL via electronic mail and first class mail:

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Public Interest Counsel  
Texas Commission on Environmental Quality  
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