

DOCKET NO. 2024-1985-MWD

APPLICATION BY
THE VILLAGE AT GRAPE CREEK
FOR TPDES PERMIT
NO. WQ0016363001

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application by The Village at Grape Creek (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0016363001 and the Executive Director's preliminary decision. The Office of the Chief Clerk received contested case hearing requests from the Pedernales River Alliance (PRA), Greater Edwards Aquifer Alliance (GEAA), Kris Weidenfeller, Donny P. Clark, Gabriel and Litsa Folse, Katherine Peake, Chris Perrenoud, Becker Vineyards, Hill Country Underground Water Conservation District (HCUWCD), Stonewall Water Control and Improvement District (SWCID), Texas Rivers Protection Association (TRPA), Jay Choquette, Mark Nebgen, Jessica Kramer, Deborah Youngblood, Dirk Jordan, Laura and James Fritz, Reed Bass, Aimee H. Ransleben, Levi Deike, David Hahn, Kim Zuberbueler, Keith Darby and Barbara Wolf, Henry Peake, David Peake, David D. Schafer, and Shelly and James B. Wright.

Attached for Commission consideration is a satellite map of the area.

II. Description of Facility

The Village at Grape Creek, LLC (Applicant) submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016363001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. The Applicant proposes to operate the Village at Grape Creek wastewater treatment facility (WWTF).

The Village at Grape Creek WWTF will be a membrane bioreactor (MBR) system. Treatment units will include three fine screens, an equalization basin, an anoxic tank, an aeration basin, a membranes cell, a sludge belt filter press, and an ultraviolet (UV) light disinfection system. The facility has not been constructed.

In accordance with 30 TAC § 307.5 and the *Implementation Procedures* 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 Pedernales River, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

The facility will be located approximately 0.65 miles southwest of the intersection of Jenschke Lane and U.S. Highway 290, in Gillespie County, Texas 78624. If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to the Pedernales River in Segment No. 1414 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1414 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses.

III. Procedural Background

The permit application was received on July 5, 2023, and declared administratively complete on August 29, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on September 6, 2023, in the *Fredericksburg Standard-Radio Post* and the *La Prensa Comunidad* on September 5, 2023. The combined Notice of Application and Preliminary Decision (NAPD) and Notice of Public Meeting was published on May 15, 2024, in the *Fredericksburg Standard-Radio Post* and the *Tex Mex News* on May 14, 2024. A public meeting was held on June 13, 2024, at the Inn on Barons Creek in Fredericksburg, Texas. The public comment period ended at the close of the meeting on June 13, 2024.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

IV. The Evaluation Process for 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. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- whether the requestor is an affected person;
- which issues raised in the hearing request are disputed;
- whether the dispute involves questions of fact or of law;
- whether the issues were raised during the public comment period;

whether the hearing request is based on issues 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 Executive Director's Response to Comment;

whether the issues are relevant and material to the decision on the application; and

a maximum expected duration for the contested case hearing.

30 TAC § 55.209(c).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- I. give the name, address, daytime 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 shall be responsible for receiving all official communications and documents for the group;
- II. 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;
- III. request a contested case hearing; and
- IV. list all relevant and material disputed issues of fact that were raised 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 Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/“Affected Person” Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an “affected” person. 30 TAC § 55.203 sets out who may be considered an affected person. 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 general public does not qualify as a personal justiciable interest. Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

- whether the interest claimed is one protected by the law under which the application will be considered;

- distance restrictions or other limitations imposed by law on the affected interest;

- whether a reasonable relationship exists between the interest claimed and the activity regulated;

- likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

- likely impact of the regulated activity on use of the impacted natural resource by the person;

- whether the requestor timely submitted comments on the application which were not withdrawn; and

- for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203.

In making affected person determinations, the commission may also consider, to the extent consistent with case law:

- 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;

- the analysis and opinions of the Executive Director; and

- any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

D. 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 SOAH for a hearing.” 30 TAC § 50.115(b). The Commission may not refer an

issue to SOAH for a contested case hearing unless the Commission determines that the issue:

- involves a disputed question of fact or a mixed question of law and fact;
- was raised during the public comment period by an affected person whose hearing request is granted; and
- is relevant and material to the decision on the application.

30 TAC § 50.115(c).

V. Analysis of Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Whether the Hearing Requests Complied with Section 55.201(c) and (d).

Pedernales River Alliance (PRA), Greater Edwards Aquifer Alliance (GEAA), Kris Weidenfeller, Donny P. Clark, Gabriel and Litsa Folse, Katherine Peake, Chris Perrenoud, Becker Vineyards, Hill Country Underground Water Conservation District (HCUWCD), Stonewall Water Control and Improvement District (SWCID), Texas Rivers Protection Association (TRPA), Jay Choquette, Mark Nebgen, Jessica Kramer, Deborah Youngblood, Dirk Jordan, Laura and James Fritz, Reed Bass, Aimee H. Ransleben, Levi Deike, David Hahn, Henry Peake, David Peake, David D. Schafer, Shelly and James D. Wright submitted timely hearing requests. They included their name, address, and telephone number in their hearing requests. Additionally, these Requestors identified personal justiciable interests affected by the application, demonstrating how they believed they were affected in a manner not common to the general public.

The Executive Director concludes that Pedernales River Alliance (PRA), Greater Edwards Aquifer Alliance (GEAA), Kris Weidenfeller, Donny P. Clark, Gabriel and Litsa Folse, Katherine Peake, Chris Perrenoud, Becker Vineyards, Hill Country Underground Water Conservation District (HCUWCD), Stonewall Water Control and Improvement District (SWCID), Texas Rivers Protection Association (TRPA), Jay Choquette, Mark Nebgen, Jessica Kramer, Deborah Youngblood, Dirk Jordan, Laura and James Fritz, Reed Bass, Aimee H. Ransleben, Levi Deike, David Hahn, Henry Peake, David Peake, David D. Schafer, Shelly and James D. Wright submitted hearing requests that comply with 30 TAC § 55.201(c) and (d).

Kim Zuberbueler, and Keith Darby and Barabra Wolf submitted timely hearing requests. However, they did not provide the address of their property; thus, they did not demonstrate how they were affected in a manner not common to the general public.

The Executive Director concludes that Kim Zuberbueler, and Keith Darby and Barabra Wolf did not submit hearing requests that comply with 30 TAC § 55.201(c) and (d).

B. Whether the Requestors Meets the Affected Person Requirements.

Pedernales River Alliance (PRA)¹

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). 30 TAC § 55.205(b) requires that the organization identify one or more members of the group or association who would otherwise have standing to request a hearing in their own right; the interests the group seeks to protect are germane to the organization's purpose; and neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

Lauren Ice on behalf of PRA submitted a timely hearing request and provided the correct contact information. PRA states that it is a non-profit community organization based in Gillespie County. PRA's purpose is to protect ground and surface water in the Pedernales River Watershed from the threat of over-development, pollution, and depletion. Thus, the interests the group seeks to protect are germane to the organizations purpose.

The issues raised by PRA include application incompleteness, specifically that Applicant has not demonstrated need and that the application contains inconsistent descriptions of the discharge route; that the permit will not be protective of groundwater and drinking water; that the proposed facility is at risk of flood inundation and damage due to a flood event; that the application does not demonstrate that primary contact recreation use and high aquatic life use will be protected; that the application does not demonstrate that the general criteria of the TSWQS will be met; that the application does not demonstrate that the draft permit will comply with the Commission's antidegradation requirements; and odor.

PRA identified its member, Kris Weidenfeller, who it believes to have personal justiciable interests affected by the application and would have standing in his own right. PRA demonstrated how Kris Weidenfeller is affected in a manner not common to the general public. Kris Weidenfeller is discussed in more detail below. PRA identified Kris Weidenfeller's personal justiciable interests relative to the application and demonstrated that this member resides in close proximity to the proposed facility and discharge route. Therefore, PRA has demonstrated associational standing pursuant to 30 TAC § 55.205(b), and its hearing request should be granted.

The Executive Director recommends the Commission find that PRA is an affected person.

Greater Edward's Aquifer Alliance (GEAA)²

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). 30 TAC § 55.205(b) requires that the organization identify one or more members of the

¹ Lauren Ice submitted a hearing request on behalf of PRA, GEAA, and Kris Weidenfeller.

² A hearing request was also submitted by Annalisa Peace and Nathan Glavy on behalf of GEAA. However, the request did not meet the requirements for associational standing because no member of the organization was identified pursuant to 30 TAC § 55.205(b).

group or association who would otherwise have standing to request a hearing in their own right; the interests the group seeks to protect are germane to the organization's purpose; and neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

Lauren Ice on behalf of GEAA submitted a timely hearing request and provided the correct contact information. GEAA states that it is non-profit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, its springs, watersheds, and the Texas Hill Country lands that sustains them. Thus, the interests the group seeks to protect are germane to the organizations purpose.

The issues raised by GEAA include application completeness, specifically that Applicant has not demonstrated need and that the application contains inconsistent descriptions of the discharge route; that the permit will not be protective of groundwater and drinking water; that the proposed facility is at risk of flood inundation and damage due to a flood event; that the application does not demonstrate that primary contact recreation use and high aquatic life use will be protected; that the application does not demonstrate that the general criteria of the TSWQS will be met; that the application does not demonstrate that the draft permit will comply with the Commission's antidegradation requirements; and odor.

GEAA identified its member, Kris Weidenfeller, who it believes to have personal justiciable interests affected by the application and would have standing in his own right. GEAA demonstrated how Kris Weidenfeller is affected in a manner not common to the general public. Kris Weidenfeller is discussed in more detail below. GEAA identified Kris Weidenfeller's personal justiciable interests relative to the application and demonstrated that this member resides in close proximity to the proposed facility and discharge route. Therefore, GEAA has demonstrated associational standing pursuant to 30 TAC § 55.205(b), and its hearing request should be granted.

The Executive Director recommends the Commission find that GEAA is an affected person.

Kris Weidenfeller

Mr. Weidenfeller is listed at the owner of property Nos. 8 and 9 on the affected landowner list, which are located 0.51 and 0.32 miles from the proposed facility. Mr. Weidenfeller additionally indicated he owns property 3.71 miles from the proposed facility. Mr. Weidenfeller raised concerns during the comment period regarding odor, contaminated stormwater runoff, particularly because of his concern that the proposed facility could be subject to flooding, his groundwater well on his property that he believes might be negatively impacted, surface water quality, and the use of his property. Mr. Weidenfeller's concerns regarding odor and water quality including groundwater are protected by the law under which the application is considered. Due to his proximity to the proposed facility and discharge route, and the issues raised, Kris Weidenfeller has demonstrated that he is affected in a manner not common to the general public and is an affected person.

The Executive Director recommends the Commission find that Kris Weidenfeller is an affected person.

Donny P. Clark

According to the information provided by Donny Clark, his residence is 0.42 miles from the proposed facility. Mr. Clark is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. Mr. Clark raised concerns during the comment period regarding his water well which he claims is within 400 feet of the proposed facility, how the creek bed is normally dry, the impact to groundwater supply, the impact of the wastewater discharge, and wildlife. Mr. Clark's concerns regarding water quality including groundwater and wildlife are protected by the law under which the application is considered. Due to his proximity to the proposed facility and discharge route, and the issues raised, Donny Clark has demonstrated that he is affected in a manner not common to the general public and is an affected person.

The Executive Director recommends the Commission find that Donny P. Clark is an affected person.

Gabriel and Litsa Folse

According to the information provided by Gabriel and Litsa Folse, their residence is 0.35 miles from the proposed facility. Gabriel and Litsa Folse are not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. Gabriel and Litsa Folse raised concerns during the comment period regarding their water well, specifically that their well is used to water crops and for their honey bee colony, human health, the buildup of wastewater during dry periods, water quality of aquifers, the ecosystem, the event of system failure, economic impact to their peach orchard and cut flower operation, harm to their quiet enjoyment of their property including noise and light pollution, and odor. Gabriel and Litsa Folse's concerns regarding water quality including groundwater, human health, and odor are protected by the law under which the application is considered. Due to their proximity to the proposed facility and discharge route, and the issues raised, Gabriel and Litsa Folse have demonstrated that they are affected in a manner not common to the general public and are affected persons.

The Executive Director recommends the Commission find that Gabriel and Litsa Folse are affected persons.

Chris Perrenoud

According to the information provided by Chris Perrenoud, his residence is 0.72 miles from the proposed facility. Mr. Perrenoud is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Perrenoud raised issues during the comment period including the impact of effluent and untreated chemicals that will be directly released into Beckman Branch, a dry creek bed; that the effluent will run through his property; the impact to his water well which he claims is 0.5 miles from the proposed facility; surface water quality; his business along Beckman Branch, where the public, his family, and his pets walk along the river; flooding; impacts to wildlife including whitetail, axis, skunks, birds, wild turkeys, foxes, frogs, and fish. Mr. Perrenoud's concerns regarding water quality including groundwater and wildlife are protected by the law under which the application is considered. Due to his proximity to the proposed facility and discharge

route, and the issues raised, Chris Perrenoud has demonstrated that he is affected in a manner not common to the general public and is an affected person.

The Executive Director recommends the Commission find that Chris Perrenoud is an affected person.

Becker Vineyards

According to the information provided by Becker Vineyards, it is located 0.65 miles from the proposed facility. Becker Vineyards is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Becker Vineyards raised issues regarding surface water quality, groundwater quality, recreational uses, air quality and a potential foul aroma, and flooding. Becker Vineyards' concerns regarding odor and water quality including groundwater are protected by the law under which the application is considered. Based on its proximity to the proposed facility and discharge route and the issues raised, Becker Vineyard's has demonstrated a personal justiciable interest affected by this application in a manner not common to members of the general public and is an affected person.

The Executive Director recommends the Commission find that Becker Vineyards is an affected person.

Hill Country Underground Water Conservation District (HCUWD)³

Paul Babb on behalf of HCUWD submitted a timely hearing request and provided the correct contact information. HCUWD claims it is a state agency authorized by Chapter 36 of the Texas Water Code (TWC) to protect and manage water quality and quantity of the aquifers within its boundaries, which includes the proposed discharge site. HCUWD states that both the Hensel and Ellenburger aquifers are among the primary sources of drinking water for the citizens of Gillespie County, with the City of Fredericksburg being almost completely reliant on the Ellenburger aquifer for citizens' needs. HCUWD states it is mandated to protect water quality and aquifers within the District.

Local governmental entities with authority under state law over issues contemplated by the application, may be considered affected persons under 30 TAC § 55.203(b). In determining whether a governmental entity is an affected person, all factors are considered including the governmental entity's statutory authority over or interest in the issues relevant to the application.⁴ The issues raised by HCUWD include the proximity of the proposed facility to wells; surface water quality; that flow is only present at the proposed drainage site under heavy rainfall conditions; that under normal conditions, the discharge will directly recharge Hensel and Ellenburger with no dilution; that the proposed concentration of E. coli is at levels unacceptable for drinking water and might contain harmful and more virulent bacteria and pathogens which would degrade water quality and pose a health risk to groundwater users; and pharmaceuticals and microplastics.

³ Taylor Virdell submitted a copy of the letter from Paul Babb on behalf of HCUWD as a hearing request. There was no additional information provided by Taylor Virdell, thus, there is no indication that she submitted the hearing request on her own behalf.

⁴ 30 TAC § 55.203(c)(7).

Groundwater conservation districts have statutory authority under TWC Chapter 36. HCUWD specifically has authority to protect and manage water quality within Gillespie County.⁵ Based on its statutory authority and the issues raised, HCUWD has demonstrated personal justiciable interests affected by the application and is affected.

The Executive Director recommends the Commission find that HCUWD is an affected person.

Stonewall Water Control and Improvement District (SWCID)

Mark Nebgen on behalf of SWCID submitted a timely hearing request and provided contact information. SWCID provides municipal water services to the residents and businesses of Stonewall, an unincorporated area in southeast Gillespie County. SWCID states that is tasked to provide a safe and reliable water distribution system to their customers in accordance with the laws of the State of Texas, including TCEQ. Additionally, SWCID states its concern about the potential environmental impact this "discharge" may have on the District's ability to provide safe and clean drinking water to its customers as required by law. SWCID raised issues during the comment period regarding the proposed facility's impact on drinking water and the water quality of the Pedernales.

Local governmental entities with authority under state law over issues contemplated by the application, may be considered affected persons under 30 TAC § 55.203(b). In determining whether a governmental entity is an affected person, all factors are considered including the governmental entity's statutory authority over or interest in the issues relevant to the application.⁶ SWCID raised concerns regarding the discharge of wastewater into the Pedernales River, and the potential environmental impact that the discharge may have on SWCID's ability to provide safe and clean drinking water to its customers as required by law.

Water Control and Improvement Districts have statutory authority under TWC Chapter 51. SWCID indicated it is tasked with providing safe and reliable water to its customers who are located in southeast Gillespie County. The proposed facility site would be in Gillespie County, approximately two miles from Stonewall. SWCID is tasked to provide a safe and reliable water to its customers. Based on its statutory authority and the issues raised, SWCID has demonstrated personal justiciable interests affected by the application and is affected.

The Executive Director recommends the Commission find that SWCID is an affected person.

Texas Rivers Protection Association (TRPA)⁷

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). 30

⁵ The address provided in the hearing request is 10.37 miles from the proposed facility, therefore, it is not shown on the map.

⁶ 30 TAC § 55.203(c)(7).

⁷ TRPA is not identified on the ED's map because it only provided a PO box located in San Marcos, TX. Additionally, no member of the organization was identified who would have standing in their own right.

TAC § 55.205(b) requires that the organization identify one or more members of the group or association who would otherwise have standing to request a hearing in their own right; the interests the group seeks to protect are germane to the organization's purpose; and neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

David Price on behalf of TRPA submitted a timely hearing request and provided contact information, including a P.O. box. TRPA states that it opposes any type of discharge permit for any segment of creek that could flow into any pristine, or very near pristine stream or river. It states that this holds for any river in the State.

The issues raised by TRPA include the water quality of the Pedernales River; the amount of phosphorus that would ultimately wind up in the river, specifically that any level above 10 micrograms per liter of phosphorus will cause degradation of waters in the river; and that the Applicant should use high treatment coupled with drip irrigation like the Altstadt Brewery or other land application measures.

TRPA did not identify any of its members who would have standing to request a hearing in their own right pursuant to in 30 TAC § 55.205(b). Thus, TRPA does not meet the requirements for associational standing and is not an affected person.

The Executive Director recommends the Commission find that TRPA is not an affected person.

Katherine F. Peake⁸

According to the information provided by Katherine Peake, her property is located 1.04 miles from the proposed facility. Ms. Peake is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Katherine F. Peake raised issues regarding public notice; errors in the application; recreational uses including swimming, wading, fishing, boating, and kayaking; general enjoyment and health; groundwater including her three water wells; surface water quality; economic impacts including purchasing, installing, and maintaining a filtration system for her rentals; habitats for local aquatic life and endangered species including mussels; drought conditions and the resulting toxicity of many pollutants to aquatic organisms; and applicant using other options rather than a wastewater discharge. Based on her distance from the proposed facility and discharge route, Ms. Peake has not demonstrated that she has a personal justiciable interest affected by this application. Ms. Peake's concerns are common to the general public, and she is not affected.

The Executive Director recommends the Commission find that Katherine F. Peake is not an affected person.

Jay Choquette

According to the information provided by Jay Choquette, his property is located 6.87 miles from the proposed facility. Mr. Choquette is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Jay Choquette raised issues regarding the water quality of the Pedernales River and surrounding aquifers, the effect on wells,

⁸ Katherine F. Peake states in her hearing request that she is a member of PRA and GEAA.

that the effluent will change water temperature in large enough volumes to adversely affect fish and wildlife, and human health. Based on his distance from the proposed facility and discharge route, Mr. Choquette has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Choquette's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Jay Choquette is not an affected person.

Mark Nebgen

According to the information provided by Mark Nebgen, his property is located 3.14 miles from the proposed facility. Mr. Nebgen is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Mark Nebgen raised issues regarding the proposed facility's impact on the Pedernales River, its drainage area, and the related ecosystem; and the negative impact to downstream water users, residents, farmers, ranchers, and wildlife. Based on his distance from the proposed facility and discharge route, Mr. Nebgen has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Nebgen's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Mark Nebgen is not an affected person.

Jessica Kramer

According to the information provided by Jessica Kramer, her property is located 12.65 miles from the proposed facility. Ms. Kramer is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Jessica Kramer raised issues regarding water pollution, changing ecosystems, algae, wildlife, whether it will be safe to eat fish from the river, and whether it will be safe to swim in the river. Based on her distance from the proposed facility and discharge route, Ms. Kramer has not demonstrated that she has a personal justiciable interest affected by this application. Ms. Kramer's concerns are common to the general public, and she is not affected.

The Executive Director recommends the Commission find that Jessica Kramer is not an affected person.

Deborah Youngblood

According to the information provided by Deborah Youngblood, her property is located 3.76 miles from the proposed facility. Ms. Youngblood is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Deborah Youngblood raised issues regarding Beckman Branch's history of violent flooding, that during periods of low rain the creek goes dry, that TCEQ notes there are no recreational uses because finding people recreationally using the creek would be to discover trespass, incorrect information in application, that Applicant has no plan to capture and use stormwater or rainwater, that Applicant refuses to consider the use of pervious cover or the limiting of impervious cover in any way, the location of the proposed facility to a floodplain,

pollution of springs, and the buildup of effluent during dry conditions. Based on her distance from the proposed facility and discharge route, Ms. Youngblood has not demonstrated that she has a personal justiciable interest affected by this application. Ms. Youngblood's concerns are common to the general public, and she is not affected.

The Executive Director recommends the Commission find that Deborah Youngblood is not an affected person.

Dirk Jordan

According to the information provided by Dirk Jordan, his property is located 6.35 miles from the proposed facility. Mr. Jordan is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Dirk Jordan raised the issue of water quality, specifically the pollution of the Pedernales River, which flows into Lake Travis, which is a source of drinking water. Based on his distance from the proposed facility and discharge route, Mr. Jordan has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Jordan's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Dirk Jordan is not an affected person.

Laura and James Fritz

According to the information provided by Laura and James Fritz, their residence is 1.33 miles from the proposed facility. Laura and James Fritz are not listed as owners of property on the affected landowners list provided by the Applicant with the application. Laura and James Fritz raised issues during the comment period regarding the effluents impact on wildlife, fish, and the ecosystem of the river; odor; the quality of their water well which is their only source of drinking water; recreational uses including fishing and swimming in the Pedernales; their pets that enjoy swimming in the water; that Applicant should use its wastewater for irrigation; their quality of life; and human health. Based on their distance from the proposed facility and discharge route, Laura and James Fritz have not demonstrated that they have a personal justiciable interest affected by this application. Laura and James Fritz's concerns are common to the general public, and they are not affected.

The Executive Director recommends the Commission find that Laura and James Fritz are not affected persons.

Reed Bass

According to the information provided by Reed Bass, his residence is 8.62 miles from the proposed facility. Mr. Bass is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Bass raised issues during the comment period including the water quality of Beckman Creek, the Pedernales River, and any other tributaries that may affect the water supply (both surface and groundwater), livestock, fish, wildlife, vegetation, and insects. Based on his distance from the proposed facility and discharge route, Mr. Bass has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Bass' concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Reed Bass is not an affected person.

Aimee H. Ransleben

According to the information provided by Aimee H. Ransleben, her residence is 4.82 miles from the proposed facility. Ms. Ransleben is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Aimee Ransleben raised issues regarding surface water quality, groundwater quality, and the impact to recreational uses of the river including swimming, tubing, wading. Based on her distance from the proposed facility and discharge route, Ms. Ransleben has not demonstrated that she has a personal justiciable interest affected by this application. Ms. Ransleben's concerns are common to the general public, and she is not affected.

The Executive Director recommends the Commission find that Aimee H. Ransleben is not an affected person.

Levi Deike

According to the information provided by Levi Deike, his residence is 10.93 miles from the proposed facility. Levi Deike is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Deike raised issues during the comment period including his water well that is located on his property along the Pedernales; that he grazes livestock on land along the Pedernales; river water quality for wildlife, specifically deer, turkey, water fowl, and fish; the economic impact to his land as a hunting lease; flooding; and the impact to the natural beauty of the Pedernales. Based on his distance from the proposed facility and discharge route, Mr. Deike has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Deike's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Levi Deike is not an affected person.

David Hahn

According to the information provided by David Hahn, his residence is 10.77 miles from the proposed facility. Mr. Hahn is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Hahn raised issues during the comment period regarding wildlife; the recreational uses of the river; that his active business in the hospitality industry on the Pedernales River is depending on the beauty, access, and quality of the river; large investments in their property based on its uniqueness on the pristine Pedernales Riverfront including his premiere wedding and event venue and Airbnb; photography of the river related to events; wildlife including water fowl and birds; grasses, and native plants; livestock; water wells and surface water quality; drought and flooding events; and the ecosystem. Based on his distance from the proposed facility and discharge route, David Hahn has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Hahn's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that David Hahn is not an affected person.

Kim Zuberbueler⁹

In her hearing request, the address provided by Kim Zuberbueler is a P.O. BOX. Ms. Zuberbueler is not listed as the owner of a property on the affected landowners list provided by the Applicant with the application. During the comment period, Kim Zuberbueler raised issues regarding her property along the Pedernales, her farm and ranching activities, that her livestock will be negatively impacted from drinking the water because state regulations do not require that pharmaceuticals be taken out, and that Applicant should find a different solution. Because no address was provided showing her proximity to the proposed facility and discharge route, Ms. Zuberbueler has not demonstrated that she has a personal justiciable interest affected by this application. Ms. Zuberbueler's concerns are common to the general public, and she is not affected.

The Executive Director recommends the Commission find that Kim Zuberbueler is not an affected person.

Keith Darby and Barbara Wolf¹⁰

In their hearing request, the address provided by Keith Darby and Barbara Wolf is a P.O. box. Keith Darby and Barbara Wolf are not listed as owners of property on the affected landowners list provided by the Applicant with the application. Keith Darby and Barbara Wolf raised issues during the comment period including surface water quality; grasses, wildflowers, and trees; wildlife including water fowl, bobcats, coyotes, deer, reptiles; property values; recreational uses of the river including swimming and fishing; and their livestock, which are part of an active business. Because no address was provided showing their proximity to the proposed facility and discharge route, Keith Darby and Barbara Wolf have not demonstrated that they have a personal justiciable interest affected by this application. Keith Darby and Barbara Wolf's concerns are common to the general public, and they are not affected.

The Executive Director recommends the Commission find that Keith Darby and Barbara Wolf are not affected persons.

Henry Peake

According to the information provided by Henry Peake, his residence is 1.82 miles from the proposed facility. Mr. Peake is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Peake raised issues during the comment period including recreational uses including swimming, wading, fishing, boating, and kayaking; general enjoyment; health and safety; groundwater including his family's three water wells; surface water quality; economic impacts including the need to purchase, install, and maintain a filtration

⁹ Kim Zuberbueler is not shown on the ED's map because no physical address was provided, only a P.O. box.

¹⁰ Keith Darby and Barbara are not shown on the ED's map because no physical address was provided, only a P.O. box.

system for his rentals; habitats for local aquatic life and endangered species including mussels; drought conditions and the resulting toxicity of many potential pollutants to aquatic organisms; and that applicant should utilize other options rather than a wastewater discharge. Based on his distance from the proposed facility and discharge route, Mr. Peake has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Peake's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that Henry Peake is not an affected person.

David Peake

According to the information provided by David Peake, his residence is 1.23 miles from the proposed facility. Mr. Peake is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Peake raised issues during the comment period including recreational uses including swimming, wading, fishing, boating, and kayaking; general enjoyment; health and safety; groundwater including his family's three water wells; surface water quality; economic impacts including the need to purchase, install, and maintain a filtration system for his rentals; habitats for local aquatic life and endangered species including mussels; drought conditions and the resulting toxicity of many potential pollutants to aquatic organisms; and that applicant should utilize other options rather than a wastewater discharge. Based on his distance from the proposed facility and discharge route, Mr. Peake has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Peake's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that David Peake is not an affected person.

David D. Schafer

According to the information provided by David D. Schafer, his residence is 3.34 miles from the proposed facility. Mr. Schafer is not listed as the owner of property on the affected landowners list provided by the Applicant with the application. Mr. Schafer raised issues during the comment period including recreational interests including fishing and kayaking; the health of the river; human health and safety; impact to water wells; impact to aquatic life in the Pedernales River; and the negative impact to fish and other species in the waterway. Based on his distance from the proposed facility and discharge route, Mr. Schafer has not demonstrated that he has a personal justiciable interest affected by this application. Mr. Schafer's concerns are common to the general public, and he is not affected.

The Executive Director recommends the Commission find that David D. Schafer is not an affected person.

Shelly and James B. Wright

According to the information provided by Shelly and James B. Wright, their residence is 6.96 miles from the proposed facility. Shelly and James B. Wright Hightower are not listed as owners of property on the affected landowners list

provided by the Applicant with the application. Shelly and James B. Wright raised issues during the comment period including native plant species; natural resources; aquatic and land wildlife; recreation; groundwater; surface water quality of aquifers and the Pedernales; and that the Applicant should pursue alternatives such as land application. Based on their distance from the proposed facility and discharge route, Shelly and James B. Wright have not demonstrated that they have a personal justiciable interest affected by this application. Shelly and James B. Wright's concerns are common to the general public, and they are not affected.

The Executive Director recommends the Commission find that Shelly and James B. Wright are not affected persons.

C. Whether Issues Raised Are Referable to SOAH for a Contested Case.

The following issues were raised during the public comment period:

- 1. Whether the draft permit is adequately protective of water quality and the receiving waters, including surface water, groundwater, evaluation of antidegradation, aquatic life, and wildlife in accordance with applicable regulations including the Texas Surface Water Quality Standards. (RTC Response Nos. 1-5)**

The 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. If it can be shown the draft permit does not provide sufficient controls to protect water quality, aquatic life, and wildlife, and did not comply with antidegradation standards, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

- 2. Whether the draft permit is protective of human health and safety and residents in the immediate vicinity of the facility and the immediate discharge route. (RTC Response Nos. 7-8)**

The 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. If it can be shown the draft permit does not provide sufficient controls to protect human health, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

- 3. Whether the draft permit adequately addresses nuisance conditions, including odor. (RTC Response No. 13)**

The 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. If it can be shown the draft permit does not provide sufficient controls to address nuisance odors, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

4. Whether the draft permit complies with applicable siting requirements in 30 TAC chapter 309. (RTC Response No. 15)

The 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. If it can be shown the draft permit does not comply with applicable siting requirements, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

5. Whether the application is complete and accurate. (RTC Response No. 11)

The 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. If it can be shown the application is not complete and accurate, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

6. Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of need under TWC § 26.0282. (RTC Response No. 11)

The 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. If it can be shown the draft permit does not comply with the regionalization policy, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

VI. Request for Reconsideration/Rehearing

The Chief Clerk received timely Requests for Reconsideration (RFR) from TRPA, HCUWD, PRA, GEAA, and Kris Weidenfeller. As required by 30 Texas Administrative Code § 55.201(e), TRPA, HCUWD, PRA, GEAA, and Kris Weidenfeller gave their request in writing and provided their name, address, and daytime telephone number. TRPA, HCUWD, PRA, GEAA, and Kris Weidenfeller specifically requested reconsideration of the ED's decision on the Village at Grape Creek application.

The issues raised by TRPA include the water quality of the Pedernales River (RTC Response Nos. 1, 3); the amount of phosphorus that could ultimately wind up in the river, specifically that any level above 10 micrograms per liter of phosphorus will cause degradation of waters in the river (RTC Response No. 2); and TRPA suggests that the Applicant use high treatment coupled with drip irrigation like the Altstadt Brewery or other land application measures (RTC Response No. 6).

The issues raised by HCUWD include the proximity of the proposed facility to wells (RTC Response No. 4); surface water quality (RTC Response Nos. 1,3); that flow is only present at the proposed drainage site under heavy rainfall conditions (RTC Response No. 15-16); that under normal conditions, the discharge will directly recharge Hensel and Ellenberger with no dilution (RTC Response No. 16); that the proposed concentration of E. coli is at levels unacceptable for drinking water and might contain harmful and more virulent bacteria and pathogens which would degrade water quality

and pose a health risk to groundwater users (RTC Response No. 1,3-4); and pharmaceuticals and microplastics (RTC Response No. 8).

The issues raised by PRA and GEAA include application incompleteness, specifically that Applicant has not demonstrated need and that the application contains inconsistent descriptions of the discharge route (RTC Response No. 11); that the permit will not be protective of groundwater and drinking water (RTC Response No. 4); that the proposed facility is at risk of flood inundation and damage due to a flood event (RTC Response No. 15); that the application does not demonstrate that primary contact recreation use and high aquatic life use will be protected (RTC Response Nos. 1, 3); that the application does not demonstrate that the general criteria of the TSWQS will be met (RTC Response No. 1); that the application does not demonstrate that the draft permit will comply with the Commission's antidegradation requirements (RTC Response No. 1); and odor (RTC Response No. 13).

The issues raised by Kris Weidenfeller include odor (RTC Response No. 13); contaminated stormwater runoff, particularly because of his concern that the proposed facility could be subject to flooding (RTC Response No. 17); his groundwater well on his property that he believes might be negatively impacted (RTC Response No. 4); surface water quality (RTC Response Nos. 1,3); and the use of his property (RTC Response No. 1).

These issues, to the extent they are within the Commission's jurisdiction to consider on a TPDES application, were considered during the ED's review of the application. The RFRs did not provide any new information that would lead the ED to change her recommendation on the application, therefore, the ED recommends denial of the RFRs.

VII. Contested Case Hearing Duration

If there is a contested case hearing on this application, the Executive Director 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.

VIII. Conclusion

The Executive Director recommends the following actions by the Commission:

Grant the hearing requests of: Pedernales River Alliance (PRA), Greater Edwards Aquifer Alliance (GEAA), Kris Weidenfeller, Donny P. Clark, Gabriel and Litsa Folse, Chris Perrenoud, Becker Vineyards, Hill Country Underground Water Conservation District (HCUWCD), and Stonewall Water Control and Improvement District (SWCID).

Deny all other hearing requests.

Deny the requests for reconsideration.

Refer the following issues to SOAH:

Issue 1. Whether the draft permit is adequately protective of water quality and the receiving waters, including surface water, groundwater, evaluation of

antidegradation, aquatic life, and wildlife in accordance with applicable regulations including the Texas Surface Water Quality Standards.

Issue 2. Whether the draft permit is protective of human health and safety and residents in the immediate vicinity of the facility and the immediate discharge route.

Issue 3. Whether the draft permit adequately addresses nuisance conditions, including odor.

Issue 4. Whether the draft permit complies with applicable siting requirements in 30 TAC chapter 309.

Issue 5. Whether the application is complete and accurate.

Issue 6. Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of need under TWC § 26.0282.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



Aubrey Pawelka, Staff Attorney
Environmental Law Division
State Bar No. 24121770
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-0622
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MAILING LIST

The Village at Grape Creek, LLC
TCEQ Docket No./TCEQ Expediente N.º 2024-1985-MWD;
TPDES Permit No./TPDES Permiso N.º WQ0016363001

FOR THE APPLICANT/PARA EL
SOLICITANTE

Ronnie C. Manning, Vice President
The Village at Grape Creek, LLC
15119 Memorial Drive, Suite 113
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Kendall Longbotham, P.E.
Water Resources Engineer
reUse Engineering, Inc.
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Georgetown, Texas 78626

FOR THE EXECUTIVE DIRECTOR/PARA
EL DIRECTOR EJECUTIVO

via electronic mail/vía correo
electrónico:

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Texas Commission on
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Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program, MC-108
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FOR PUBLIC INTEREST COUNSEL/PARA
ABOGADOS DE INTERÉS PÚBLICO

via electronic mail/vía correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
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Public Interest Counsel, MC-103
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Austin, Texas 78711

FOR ALTERNATIVE DISPUTE
RESOLUTION/PARA LA RESOLUCIÓN
ALTERNATIVA DE DISPUTAS

via electronic mail/vía correo electrónico:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK/PARA EL
SECRETARIO OFICIAL

via eFilings:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711

<https://www.tceq.texas.gov/goto/efilings>

REQUESTER(S)/ SOLICITANTE(S)

See attached list/Ver lista adjunta.

REQUESTER(S/ SOLICITANTE(S))

Babb, Richard Paul
Hill Country Underground Water
Conservation
508 S Washington St
Fredericksburg Tx 78624-4557

Bass, Reed
206 Sunday Cir
Fredericksburg Tx 78624-9550

Booth Wright, Shelly & Wright, James
3365 Old San Antonio Rd
Fredericksburg Tx 78624-6126

Choquette, Jay
1650 Hermit Hill Rd
Fredericksburg Tx 78624-3374

Clark, Donny P
120 G C Schaeffer Ln
Fredericksburg Tx 78624-5879

Connelly, Patrick R
464 Becker Farms Rd
Fredericksburg Tx 78624-2378

Darby, Keith & Wolf, Barbara Gail
PO Box 1351
Johnson City Tx 78636-1351

Deike, Levi
PO Box 241
Hye Tx 78635-0241

Folse, Litsa & Paul Gabriel
502 Jenschke Ln
Fredericksburg Tx 78624-7413

Fritz, James & Laura
175 Vintners Way
Fredericksburg Tx 78624-2974

Glavy, Nathan M & Peace, Annalisa
Greater Edwards Aquifer Alliance
1809 Blanco Rd
San Antonio Tx 78212-2616

Glavy, Nathan M & Peace, Annalisa
Greater Edwards Aquifer Alliance
Po Box 15618
San Antonio Tx 78212-8818

Hahn, David
2054 Ranch Road 1320
Johnson City Tx 78636-4786

Hodges Ransleben, Aimee
685 Hodges Ranch Rd
Stonewall Tx 78671-4223

Ice, Lauren Claire
Perales Allmon & Ice PC
1206 San Antonio St
Austin Tx 78701-1834

Jordan, Dirk
1533 Schumann Rd
Albert Tx 78671-4140

Kramer, Jessica
Josh Kramer
211 Shorty Crenwelge Rd
Fredericksburg Tx 78624-5954

Nebgen, Mark
635 Ranch Road 1
Stonewall Tx 78671-3706

Nebgen, Mark
Stonewall Water Control And
Improvement District
PO Box 419
Stonewall Tx 78671-0419

Peake, David
PO Box 55
Dripping Springs Tx 78620-0055

Peake, Henry
PO Box 55
Dripping Springs Tx 78620-0055

Peake, Katherine F
309 Luckenbach Rd
Fredericksburg Tx 78624-7457

Perrenoud, Chris
11290 E Us Highway 290
Fredericksburg Tx 78624-5760

Price, David A
Texas Rivers Protection Association
444 Pecan Park Dr
San Marcos Tx 78666-8544

Virdell, Taylor
Hill Country Underground Water
Conservation
508 S Washington St
Fredericksburg Tx 78624-4557

Virdell, Taylor
402 Schmidtzinsky Rd
Fredericksburg Tx 78624-5413

Weidenfeller, Kris
89 S Ranch Road 1623
Stonewall Tx 78671-4214

Youngblood, Deborah E
Pedernales River Alliance
249 Wilderness Dr
Fredericksburg Tx 78624-5711

Zuberbueler, Kim
PO Box 435
Stonewall Tx 78671-0435

Attachment A



Protecting Texas by
Reducing and
Preventing Pollution



The Village at Grape Creek, LLC

WQ0016363001

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

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

Date: 11/25/2024
CRF 0114190
Cartographer: AProvenc

Legend

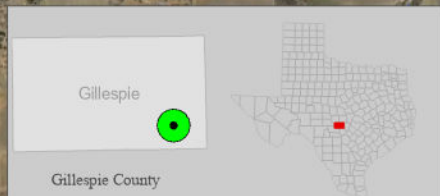
- Facility Point
- Requestors
- 1.5 miles from Facility Point
- 1 mile from Facility Point
- 0.5 miles from Facility Point
- 1 mile Discharge Route
- Highway
- Stream/River
- Artificial Path

Requestors Distance from Facility Point

| | |
|--|----------|
| 1. Jay Choquette | 6.87 mi |
| 2. Mark Nebgen | 3.14 mi |
| 3. Jessica Kramer | 12.65 mi |
| 4. Katherine Peake (PRA, GEAA) | 1.04 mi |
| 5. Deborah E. Youngblood | 3.76 mi |
| 6. Dirk Jordan | 6.34 mi |
| 7. Kris Weidenfeller (PRA, GEAA) | 3.71 mi |
| 7. Kris Weidenfeller | 0.51 mi |
| 7. Kris Weidenfeller | 0.32 mi |
| 8. Hill Country Underground Water Conservation District (HCUWCD) | 10.36 mi |
| 9. Donny P. Clark | 0.42 mi |
| 10. Laura and James Fritz | 1.33 mi |
| 11. Gabriel and Litsa Folse | 0.35 mi |
| 12. Becker Vineyards | 0.64 mi |
| 13. Reed Bass | 8.62 mi |
| 14. Aimee H. Ransleben | 4.82 mi |
| 15. Levi Deike | 10.93 mi |
| 16. David Hahn | 10.77 mi |
| 17. Chris Perrenoud | 0.71 mi |
| 18. Henry Peake | 1.81 mi |
| 19. David Peake | 1.23 mi |
| 20. David D. Schafer | 3.34 mi |
| 21. Shelly and James Wright | 6.96 mi |

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 Gillespie 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 Gillespie County (red) in the state of Texas.

0 0.5 1 Miles



Protecting Texas by
Reducing and
Preventing Pollution



The Village at Grape Creek, LLC

WQ0016363001

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

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

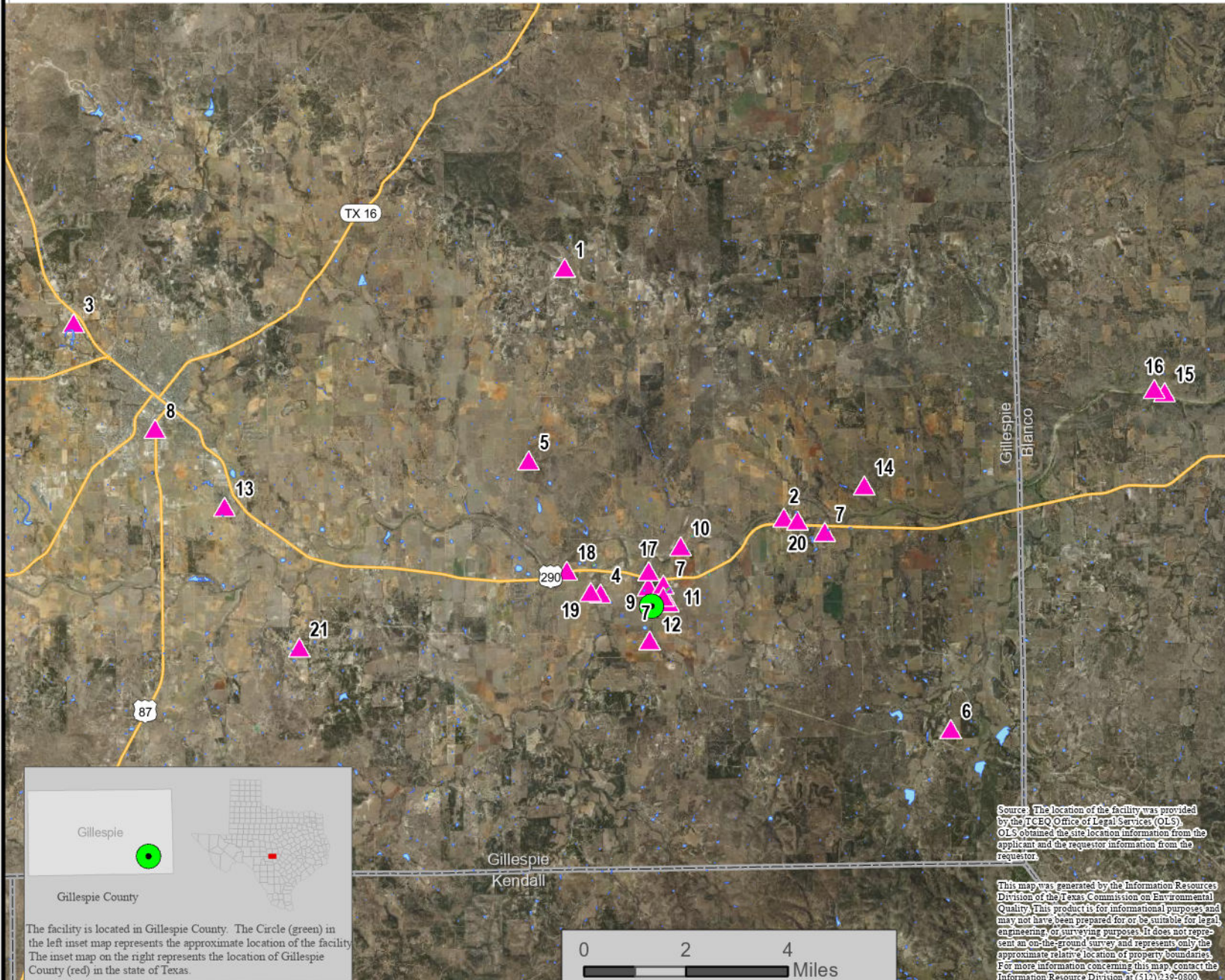
Date: 11/25/2024
CRF 0114190
Cartographer: AProvenc

Legend

- Facility Point
- Requestors
- Highway

Requestors Distance from Facility Point

| | |
|--|----------|
| 1. Jay Choquette | 6.87 mi |
| 2. Mark Nebgen | 3.14 mi |
| 3. Jessica Kramer | 12.65 mi |
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