

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Friday, March 7, 2025 4:33 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016446001
Attachments: Jonah Water SUD Request for Reconsideration Request for Contested Hearing.pdf

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Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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From: elizabeth@carltonlawaustin.com <elizabeth@carltonlawaustin.com>
Sent: Thursday, March 6, 2025 7:55 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016446001

REGULATED ENTY NAME COUPLAND UTILITIES WWTF

RN NUMBER: RN111849915

PERMIT NUMBER: WQ0016446001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: COUPLAND UTILITIES LLC

CN NUMBER: CN606204345

NAME: Elizabeth Humpal

EMAIL: elizabeth@carltonlawaustin.com

COMPANY: The Carlton Law Firm PLLC

ADDRESS: 4301 Westbank Dr. Suite B-130
Austin, TX 78746

PHONE: 5126140901

FAX:

COMMENTS: Please find attached JONAH WATER SPECIAL UTILITY DISTRICT'S REQUEST FOR RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S DECISION, REAFFIRMATION OF ITS REQUEST FOR CONTESTED CASE HEARING, AND REPLY TO THE EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

TPDES PERMIT NO. WQ0016446001

APPLICATION BY COUPLAND UTILITIES, LLC AND LANDCROWD DEVELOPER, LLC FOR TPDES PERMIT NO. WQ0016446001	§ § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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**JONAH WATER SPECIAL UTILITY DISTRICT'S REQUEST FOR
RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S DECISION,
REAFFIRMATION OF ITS REQUEST FOR CONTESTED CASE HEARING, AND
REPLY TO THE EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

**TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:**

COMES NOW, Jonah Water Special Utility District ("Jonah" or the "District") and files this its Request for Reconsideration of the Decision of the Executive Director ("ED"), Reaffirmation of its Request for a Contested Case Hearing, and Reply to the ED's Response to Public Comments and, in support thereof, would respectfully show the following:

I. INTRODUCTION

The District filed a timely request for contested case hearing and public comments with the Texas Commission on Environmental Quality ("TCEQ") on June 19, 2024. On January 28, 2025, the ED filed its Response to Public Comments with the Chief Clerk, and the Chief Clerk mailed the letter transmitting the Decision of the Executive Director on February 4, 2025. Pursuant to 30 TAC § 55.201, Jonah files this Request for Reconsideration, Reaffirmation of its Request for a Contested Case Hearing, and in support of these two requests files this reply to the ED's response to public comments. The deadline for submission of the Request for Reconsideration and Reaffirmation of its Request for Contested Case Hearing is 30 calendar days from the date of the Chief Clerk's letter, and thus these requests and reply are timely filed.

II. REQUEST FOR RECONSIDERATION

Commission rules in Chapter 55 specify the requirements and conditions for granting a request for reconsideration, stating;

"Any person, other than a state agency that is prohibited by law from contesting the issuance of a permit or license as set forth in § 55.103 of this title (relating to Definitions), may file a request for reconsideration of the executive director's decision. The request must be in writing and be filed by United States mail, facsimile, or hand delivery with the chief clerk within the time provided by subsection (a) of this section. The request should also contain the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. The request for reconsideration must expressly state that the person is

requesting reconsideration of the executive director's decision, and give reasons why the decision should be reconsidered.¹"

Pursuant to 30 TAC § 55.201(e) this request for reconsideration is submitted by:

- Name: Jonah Water Special Utility District c/o The Carlton Law Firm, John Carlton, General Counsel
- Address: 4301 Westbank Drive, Suite B-130, Austin, Texas 78746
- Daytime Phone Number: (512) 614-0901
- Fax Number: (512) 900-2855

In support of its Request for Reconsideration and as detailed in Section IV below, the Executive Director's decision fails to provide factual justifications for concluding the Applicant demonstrated the need for the permit and proposed facility. Additionally, the Executive Director incorrectly weighs the importance of the TCEQ's Regionalization Policy and fails to consider the Applicant's responses to some of TCEQ's Application questions. For example, the ED fails to consider the totality of the Applicant's responses under section one, Justification for Permit, on page 19 of the Domestic Wastewater Permit Application Technical Report 1.1² and fails to verify the accuracy of the Applicant's responses in this section. Lastly, the Executive Director incorrectly concludes that Jonah's citation to TWC § 13.224(c) is misplaced. In this instance, the ED fails to consider Jonah's authority as a special utility district, an "other public authority," similar to that of a municipality.

III. REAFFIRMATION OF JONAH'S REQUEST FOR CONTESTED CASE HEARING

The District reaffirms its Request for a Contested Case Hearing. Jonah has demonstrated that it meets all the applicable requirements including demonstrating that Jonah is an affected person in accordance with TCEQ Rules. To grant a Contest Case Hearing the request must demonstrate that all applicable legal requirements are satisfied, as such this request contains the following:

- Name: Jonah Water Special Utility District c/o The Carlton Law Firm, John Carlton, General Counsel
- Address: 4301 Westbank Drive, Suite B-130, Austin, Texas 78746
- Daytime Phone Number: (512) 614-0901
- Fax Number: (512) 900-2855
- Name of Applicant: Coupland Utilities, LLC and LandCrowd Developers, LLC
- Permit Number: WQ0016446001
- **"I request a contested case hearing."**

Commission Rule 55.203 lists the criteria the Commission must evaluate when determining whether to grant a Request for Contested Case Hearing.³

¹ 30 TAC § 55.201(e).

² TCEQ-10054 (10/17/2024) Domestic Wastewater Permit Application Technical Report.

³ 30 TAC § 55.203.

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.203, that a requestor is an affected person based on the following criteria:

- (a) *For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the public does not qualify as a personal justiciable interest.*
- (b) *Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.*
- (c) *In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:*
 - (1) *whether the interest claimed is one protected by the law under which the application will be considered;*
 - (2) *distance restrictions or other limitations imposed by law on the affected interest;*
 - (3) *whether a reasonable relationship exists between the interest claimed and the activity regulated;*
 - (4) *likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;*
 - (5) *likely impact of the regulated activity on use of the impacted natural resource by the person; and*
 - (6) *whether the requester timely submitted comments on the application which were not withdrawn; and*
 - (7) *for governmental entities, their statutory authority over or interest in the issues relevant to the application.*
- (d) *In making this determination, the commission may also consider, to the extent consistent with case law:*
 - (1) *the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;*
 - (2) *the analysis and opinions of the ED; and*
 - (3) *any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.*
- (e) *In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.*

The Request for Contest Hearing was timely filed on June 19, 2024, prior to the end of the comment period on June 24, 2024, by Mr. Micheal Parsons.⁴

Jonah is a special utility district, a political subdivision of the State of Texas operating under Texas Water Code ("TWC") Chapter 65 with the authority under state law over issues raised by the Application, as the holder of water CCN No. 10970, in Williamson County, Texas.⁵ Jonah's duty to provide fresh, clean, potable water meeting all of the state and federal water quality standards, makes Jonah's interest in the quality of its source water an interest that is not common to the

⁴ 30 TAC § 55.203(c)(6).

⁵ 30 TAC § 55.203(b).

general public.⁶ The proposed facility is the middle of the District's Water Certificate of Convenience and Necessity ("CCN") territory and if the permit is approved, effluent will flow through Jonah's district boundaries.⁷ Jonah's interest in providing services within its CCN and special district boundaries is an interest protected by the Texas Water Code under which the Application will be considered.⁸ Jonah's authority to provide services within its water CCN and special district boundaries is prescribed by law⁹, and as such evidences a reasonable relationship the District's interest in providing water services and the activity being regulated.¹⁰ The health and safety of Jonah's 13,500 customers and 35,000 people within its service area directly impacted by Jonah's ability provide fresh, clean, potable water meeting all of the state and federal water quality standards.¹¹ One of the likely impacted natural resources, Lake Granger, is the source of raw water Jonah uses to serve its customers. Lake Granger is fed by the San Gabriel River, one of the tributaries that will receive effluent from the proposed facility.¹² Jonah has demonstrated based on the criteria above that it is an affected person, with an interest not common to members of the public, that the permit effects issues over which Jonah has legal authority, and Jonah has a substantial interest in issues relevant to the application.

IV. REPLY TO THE EXECUTIVE DIRECTOR'S RESONSE TO PUBLIC COMMENT

Jonah submitted five comments on June 19, 2024, regarding the potential negative impacts on water quality and raw water sources, additional flood and contamination risks, failure to demonstrate the need for the permit, failure to secure consent to serve within a special district, and failure to comply with regionalization requirements. The ED filed the Response to Public Comments on January 28, 2025, addressing some of these comments. This reply is in addition to Jonah's prior comments and should not be construed as a withdrawal of the comments previously submitted.¹³ This reply addresses the deficiencies and inaccuracies with the ED's Response to Public Comment regarding the necessity of the permit, furtherance of the State's regionalization policy, and sufficiency of the Application.

A. Failure to Demonstrate a Need for the Permit.

Jonah commented that the Applicant has not demonstrated the need for the proposed facility.¹⁴ In response, the Executive Director simply states the Applicant provided sufficient information regarding anticipated future wastewater need, without taking into consideration that that the Applicant has provided no documented requests for service from the area that would substantiate the need for a facility that would discharge up to 200,000 gallon per day of effluent. Based on this,

⁶ 30 TAC § 55.203(a).

⁷ 30 TAC § 55.203(a); 30 TAC § 55.203(c)(7).

⁸ 30 TAC § 55.203(c)(1).

⁹ 30 TAC § 55.203(c)(2).

¹⁰ 30 TAC § 55.203(c)(3).

¹¹ 30 TAC § 55.203(c)(4).

¹² 30 TAC § 55.203(c)(5).

¹³ 30 TAC § 55.201(c).

¹⁴ See Jonah Water Special Utility District's Comments on Coupland Utilities, LLC's and LandCrowd Developers, LLC's Application for a Proposed Texas Pollutant Discharge Elimination System, Permit No. WQ0016446001, to Authorize a Domestic Wastewater Treatment Facility and the Discharge of Treated Domestic Wastewater in Williamson County, Texas (the "Application"). Page 3 (June 19, 2024).

the Applicant has failed to demonstrate justification for permit need, a required analysis in the Domestic Wastewater Permit Application Technical Report 1.1.¹⁵ Failure to provide sufficient justification of the permit need should result in the Executive Director recommending denial of the Application.

B. Failure to comply with regionalization requirements.

Additionally, the Executive Director incorrectly weighs the importance of the TCEQ's Regionalization Policy and determines the sufficiency of the Application based solely on the Applicant's statement that there are no facilities or collection systems within three miles of the proposed facility. The Executive Director fails to consider or address the Applicant's answers under section one, Justification for Permit, of the Domestic Wastewater Permit Application Technical Report 1.1 in its totality. The Executive Director states that the TCEQ policy on regionalization does not require the agency to deny an application on the basis that there is a pending application for a regional plant and/or a facility or collection system located within three miles of the proposed facility. Conversely, the TCEQ regionalization policy does not require the agency to *approve* the application on the sole basis that there are *no* proposed facilities and/or facilities or collection system within three miles. The ED's conclusion that the Application meets the Regionalization Policy based solely on the fact that the Applicant asserts that there are no facilities or collection systems within three miles of the proposed facility is not only a misapplication of the Regionalization Policy, but factual incorrect. As reflected in Attachment A to Jonah's June 19, 2024 comments and request for a contested case hearing, (attached hereto for reference) the map shows that there are two other wastewater discharge facilities within the three mile radius.¹⁶ The map also reflects that this proposed facility is in the heart of Jonah's service area and in the heart of Jonah's Wastewater Masterplan Study Area.¹⁷

The TCEQ has adopted a policy of regionalization as a means to safeguard water quality in the state. This is consistent with TCEQ's authority in TWC § 13.041(a) to regulate water and sewer utilities within its jurisdiction to ensure safe drinking water and environmental protection.¹⁸ It is protection of Jonah's water source that is at issue in this matter and the Commission should not ignore its statutory obligation in this regard. Further, TWC § 26.081 provides that the TCEQ should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state." Similarly, TWC § 26.0282 allows the TCEQ, when considering the issuance of a wastewater permit, to deny a proposed permit based on consideration of need, including "the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems." Jonah reaffirms that the proposed facility does not comply with the TCEQ's regionalization policy and urges that compliance be determined based on accurate information and the totality of the circumstances and not a single factor.

¹⁵ TCEQ Form No. 10056 Domestic Wastewater Permit Application, Technical Report.

¹⁶ Terrell Timmermann Farms, LP Permit No. WQ0016229001 and Proposed Williamson County MUD No. 48 Discharge Point Permit No. WQ0016362001.

¹⁷ As reflected on the map attached as Exhibit A, Jonah's Wastewater Master Plan Study Area is depicted by the large orange shaded areas.

¹⁸ TWC §13.041(a).

C. Failure to secure consent to serve within a special district.

Lastly, the Executive Director incorrectly concludes that Jonah's citation of TWC § 13.244(c) is misplaced, stating that "this section only requires consent in relation to a CCN application to the PUC not a TPDES application to TCEQ."¹⁹ TWC § 13.244(c) requires that "[e]ach applicant for a certificate or for an amendment shall file with the utility commission evidence required by the utility commission to show that the applicant has received the required consent, franchise, or permit of the proper municipality or other public authority."²⁰ The ED fails to consider Jonah as the "other public authority" under this the statute. While the requirement in 13.244(c) is applicable to the Public Utility Commission ("PUC"), the TCEQ has woven the statutory requirements regarding CCNs and consent into its wastewater permit application and cannot absolve itself of the obligation to analyze and enforce this requirement simply because Jonah is not a municipality but is an "other public authority" as described in statute.

Furthermore, Jonah is a special utility district, a political subdivision of the State of Texas operating under TWC Chapter 65, and thus has all of the rights, powers, privileges, authority and functions conferred by, and shall be subject to all duties imposed by, the rules and regulations of the TCEQ and the general laws of the State of Texas relating to special utility districts. This includes the power to provide wastewater service throughout its services area.²¹ Jonah, as a special utility district, is akin to a municipality for purposes of providing water and wastewater service within its legal boundaries. Like municipalities, Jonah has the authority to provide water and wastewater service to its customers without a CCN and thus the Commission should evaluate the Application in terms of consent as if Jonah were a municipality, requiring documentation of consent, justification for the proposed facility, and where appropriate, a cost analysis of expenditures that includes the cost of connecting to the district versus the proposed facility or expansion. Without Jonah's consent, the Applicant will be legally barred from providing service within its district boundaries. The Executive Director has failed to properly apply this standard.

V. CONCLUSION AND PRAYER

Jonah submitted timely comments and a timely hearing request and has not withdrawn any comments, making Jonah's pending hearing request valid. Given the Applicant's failure to demonstrate need for the permit, failure to comply with the State's Regionalization Policy, and failure to secure consent to serve within Jonah's district boundaries, the District has demonstrated there is a factual and legal basis to dispute the Executive Director's decision.

WHEREFORE, PREMISES CONSIDERED, Jonah Water Special Utility District hereby prays that the Texas Commission on Environmental Quality grants the District's Request for Reconsideration, hearing request, and duly considers the District's Reply to the ED's Response to Public Comments.

¹⁹ Executive Director's Response to Public Comments at page 10.

²⁰ TWC § 13.244(c).

²¹ Jonah was created via Texas Water Commission Order in the matter of the Petition of Jonah Water Supply Corporation for Creation of and Conversion to Jonah Water Special Utility District, Ordering Provision No. 6, May 15, 1992.

Respectfully submitted,



Elizabeth Humpal

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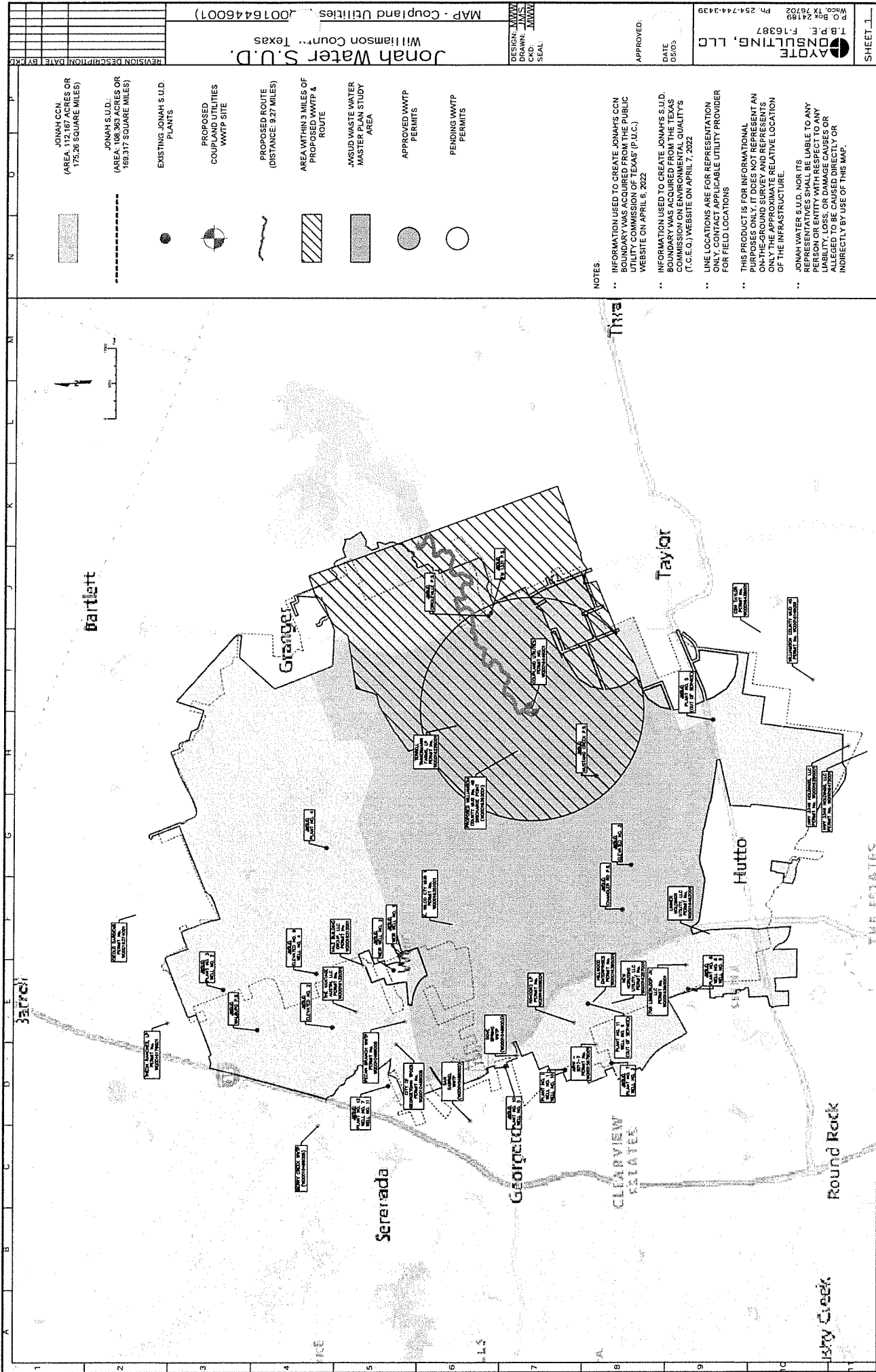
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**ATTORNEYS FOR JONAH WATER SPECIAL
UTILITY DISTRICT**

Exhibit A



Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Wednesday, June 19, 2024 4:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016446001
Attachments: 2024.06.19 Comment Letter and Hearing Request with Attachments (reduced).pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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www.tceq.texas.gov/customersurvey

From: michael@carltonlawaustin.com <michael@carltonlawaustin.com>
Sent: Wednesday, June 19, 2024 1:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016446001

REGULATED ENTY NAME COUPLAND UTILITIES WWTF

RN NUMBER: RN111849915

PERMIT NUMBER: WQ0016446001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: COUPLAND UTILITIES LLC, LANDCROWD DEVELOPERS LLC

CN NUMBER: CN606204345, CN606204352

NAME: Michael Parsons

EMAIL: michael@carltonlawaustin.com

COMPANY: The Carlton Law Firm

ADDRESS: 4301 WESTBANK DR B-130
AUSTIN TX 78746-6568

PHONE: 5126140901

FAX: 5129002855

COMMENTS: Please see the attached Comments and Hearing Request submitted on behalf of Jonah Water Special Utility District.

The Carlton Law Firm, P.L.L.C.

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Austin, Texas 78746

Phone: (512) 614-0901
Facsimile: (512) 900-2855

Michael Parsons
michael@carltonlawaustin.com

June 19, 2024

Via E-file to: www14.tceq.texas.gov/epic/eComment/

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

Re: Jonah Water Special Utility District's Comments on Coupland Utilities, LLC's and LandCrowd Developers, LLC's Application for a Proposed Texas Pollutant Discharge Elimination System, Permit No. WQ0016446001, to Authorize a Domestic Wastewater Treatment Facility and the Discharge of Treated Domestic Wastewater in Williamson County, Texas (the "Application").

Dear Ms. Gharis:

On behalf of Jonah Water Special Utility District ("Jonah"), please accept this letter as Jonah's request for a contested case hearing and comments in opposition to the above-referenced permit Application submitted by Coupland Utilities, LLC and LandCrowd Developers, LLC (collectively, "Applicant"). Jonah further requests to be placed on the permanent mailing list to receive all future public notices on this Application. This Application's Notice of Preliminary Decision (the "Notice") was issued on May 13, 2024. The deadline to submit comments and request a hearing is 30 days from the date the Notice was published in the newspaper.¹ According to the Commissioner's Integrated Database ("CID"), the Notice was published in the newspaper on May 22, 2024. This hearing request with comments is timely filed.

Jonah is a special utility district, a political subdivision of the State of Texas operating under Texas Water Code ("TWC") Chapter 65, and the holder of water Certificate of Convenience and Necessity ("CCN") No. 10970, in Williamson County, Texas. Jonah provides service for approximately 13,500 customers and 35,000 people in its service area. Jonah has concerns about (1) the negative impacts on water quality and raw water sources; (2) the additional flooding and contamination risk posed by the proposed facility; (3) the Applicant's failure to demonstrate need for the permit; (4) the Applicant's failure to secure consent to provide wastewater service within Jonah's district boundary; and (5) the Application's failure to comply with the regionalization requirements of the Texas Commission on Environmental Quality ("TCEQ").

¹ 30 TAC § 39.551

1. Negative Impacts on Water Quality and Raw Water Sources:

The Notice indicates that Applicant intends to discharge its wastewater to an unnamed reservoir, thence to a second unnamed reservoir, thence to an unnamed tributary, thence to a third unnamed reservoir, thence to an unnamed tributary, thence to the San Gabriel River in Segment No. 1248 of the Brazos River Basin. Jonah provides to its customers water obtained from surface water and wells, including water from Lake Granger, which is fed by the San Gabriel River. Jonah is concerned about increases in algal growth and blooms, and other unsanitary or unsafe water quality conditions in these reservoirs, tributaries, and the San Gabriel River.

As stated above, the effluent will flow through the Jonah's water CCN territory and eventually into Lake Granger. Lake Granger is one of the sources of raw water utilized by Jonah to serve its customers. Jonah provides water service for thousands of people in its service area. There have been applications for new developments in Jonah's service area that could increase the number of service connections by almost 30,000. The source of raw water must be protected and contamination prevented so the customers who depend on it will continue to have reliable water service in this high growth area.

The proposed facility is located entirely within Jonah's district boundary and water CCN territory as reflected in the enclosed map (Attachment A), and will have a negative impact on the local community within Jonah. The location of the proposed facility (according to the Notice) is shown in Attachment A (labeled according to the key), depicting its relative location to Jonah's district boundary, CCN territory, and Jonah's wastewater master plan study area. The map in Attachment A also illustrates the discharge route that will flow through the middle of Jonah's district boundary, CCN territory, and Jonah's wastewater master plan study area. This can be seen by starting at the proposed facility location and following the discharge route stated in the Notice, depicted with a pink line, until it eventually flows into Lake Granger just east of the boundaries, territory, and study area stated above. Jonah has a substantial interest in maintaining its service areas and protecting the investments that Jonah has made in its infrastructure, and the quality of water sources used to serve its customers, all of which may be adversely affected by the outcome of this Application.

Jonah also provides Attachment B, comprised of four maps generated from the Texas Water Development Board's Groundwater Data Viewer Interactive mapping tool (identified as Attachments B, B-1, B-2, and B-3). The maps depict the wells in the vicinity of the proposed facility and along the discharge route of the proposed facility. The maps were prepared using the TWDB's Groundwater Data Interactive mapping tool, adding the location of the proposed facility (according to the Notice). The map on Attachment B shows the approximate location of the facility (according to the Notice), marked with a green arrow and labeled with black text, in relation to the closest residence which is approximately 0.45 miles away.

The maps provided as Attachments B-1, B-2, and B-3 depict a distance of approximately one mile, with a blue line, for scale. The location of the proposed facility under the Application, TPDES Permit No. WQ0016446001, has been marked with a green arrow

(according to the Notice) and labeled with black text. As reflected on Attachment B-1, there are five wells to the north of the proposed facility within one mile. First, Test Well No. 549373 owned by Robert Rosenback is located approximately 0.93 miles from the proposed facility. Second, Domestic Well No. 650979 owned by Robert Rosenbush is located approximately 0.88 miles from the proposed facility. Third, Domestic Well No. 650967 owned by Robert Rosenbush is located approximately 0.78 miles from the proposed facility. Fourth, Domestic Well No. 650980 owned by Robert Rosenbush is located approximately 0.5 miles from the proposed facility. Fifth, Irrigation Well No. 161633 owned by Waterstone Development is located approximately 0.94 miles from the proposed facility.

To the west, as reflected on Attachment B-2, the proposed facility is approximately 0.37 miles from Domestic Well No. 207569 owned by Waterstone Development.

To the south, as reflected on Attachment B-3, the proposed facility is approximately 0.76 miles from Industrial Well No. 518138 owned by Flint Hills Resources.

The wells described above as part of Attachments B-1, B-2, and B-3 are only the wells within approximately one mile of the proposed facility location. The maps that make up Attachments B-1, B-2, and B-3 show many more wells located in the area, some just over a mile from the proposed facility location.

2. Additional Flood and Contamination Risk:

The proposed facility also poses an additional risk of contributing to flooding along the discharge route. FEMA's evaluation of flood risk and flood zones are depicted in map form in its National Flood Hazard Layer. Attachment C, the National Flood Hazard Layer FIRMette map from FEMA's website, depicts the location of the proposed facility (according to the Notice) with a red pin, added by the user and not FEMA. The permit number was added in black text after downloading the map from FEMA's website.

Attachment C-1 is the National Flood Hazard Layer FIRM map from FEMA's website. The proposed facility location (according to the Notice) is marked with a red "X" and labeled with black text and the discharge route (according to the Notice), shown with green arrows was added after downloading the map from FEMA's website. As reflected in Attachment C-1, most of the discharge route is denoted as Zone A. This is a Special Flood Hazard Area, a high-risk area where flood insurance is mandated for home and business owners with structures and where floodplain management regulations apply. The discharge route continues in Zone A just north of the map and flows into the San Gabriel River.

3. Failure to Demonstrate Need for the Permit:

The Applicant has also failed to provide sufficient justification for the need for the permit. The Application requests a permit to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 200,000 gallons per day. Although the area is undoubtedly growing, there are no documented requests for service from this applicant that would substantiate the need for a facility that would discharge such a volume. A review of the Public Utility Commission's Water and Sewer CCN Viewer indicates that

the proposed facility would be located entirely within Jonah's certificated service area. Based on this, the Applicant has failed to demonstrate justification for permit need, a required analysis in the Domestic Wastewater Permit Application Technical Report 1.1. Failure to provide sufficient justification of the need for the permit and each proposed phase should result in a recommendation for denial of the Application.

4. Failure to Secure Consent to Serve within a Special District:

Jonah has not consented to Applicant's provision of sewer service within Jonah's district boundary. TWC § 13.044(c) requires the Applicant to obtain consent from Jonah and provide evidence of Jonah's consent as part of the Application. TCEQ's Domestic Wastewater Permit Application requests information regarding consent from the types of entities from which consent may be required before service can be provided in a particular area. TWC § 13.244(c) requires that "[e]ach applicant for a certificate or for an amendment shall file with the utility commission evidence required by the utility commission to show that the applicant has received the required consent, franchise, or permit of the proper municipality or other public authority." Jonah is the "other public authority" under this statute. Jonah is a special utility district, a political subdivision of the State of Texas operating under TWC Chapter 65, and thus has all of the rights, powers, privileges, authority and functions conferred by, and shall be subject to all duties imposed by, the rules and regulations of the TCEQ and the general laws of the State of Texas relating to special utility districts. This includes the power to provide wastewater service. Jonah was created via Texas Water Commission Order in the matter of the Petition of Jonah Water Supply Corporation for Creation of and Conversion to Jonah Water Special Utility District, Ordering Provision No. 6, May 15, 1992. Without Jonah's consent, the Applicant will be legally barred from providing service.

5. Failure to Comply with Regionalization Requirements:

Finally, Jonah believes the proposed facility does not comply with the TCEQ's regionalization policy and disputes that Applicant has demonstrated that obtaining wastewater service from Jonah would be cost prohibitive. The TCEQ has adopted a policy of regionalization as a means to safeguard water quality in the state. TWC § 26.081 provides that the TCEQ should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of water in the state."² Similarly, TWC § 26.0282 allows the TCEQ, when considering the issuance of a wastewater permit, to deny a proposed permit based on consideration of need, including "the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems"³

Jonah is willing and able to provide wastewater service to Applicant for future residential customers within the proposed service area and pursuant to Jonah's tariff. Nothing in the Notice indicates that Applicant requested wastewater service from Jonah, nor that Jonah is

² TWC § 26.081.

³ TWC § 26.0282.

The Carlton Law Firm, P.L.L.C.

Page 5

unable or unwilling to provide such service. Jonah believes the Application is insufficient for that reason.

Thank you for your attention to this matter. Please contact me at (512) 614-0901 or michael@carltonlawaustin.com if you have any questions regarding this hearing request.

Sincerely,

THE CARLTON LAW FIRM, P.L.L.C.



Michael Parsons

Attorney for Jonah Water Special Utility
District

Enclosures: Map of Jonah's CCN and district boundaries, and approximate location of proposed facility and discharge route as identified in Notice (Attachment A)

Four maps from Texas Water Development Board Groundwater Data Interactive mapping tool showing wells in the vicinity of the proposed facility

1. A zoomed in map showing the immediate surrounding area of the proposed facility (Attachment B)
2. A map showing wells in the vicinity to the north of the proposed facility (Attachment B-1)
3. A map showing wells in the vicinity to the west of the proposed facility (Attachment B-2)
4. A map showing wells in the vicinity to the south of the proposed facility (Attachment B-3)

Two maps from Federal Emergency Management Agency (FEMA) National Flood Hazard Layer Viewer

1. A zoomed in map showing the immediate surrounding area of the proposed facility (Attachment C)
2. A map showing the discharge route of effluent from the proposed facility (Attachment C-1)

cc: Bill Brown, General Manager, Jonah Water Special Utility District.

Attachment A

COLEMAN WATER, S.O.D.
Williamson County, Texas

JOHANN WATZL S.O.D.
Williamson County, Texas
MAP - Coupland Utilities (WQ00
46001)

DESIGN: MWW
DRAWN: JMS
CHECK: MWW
SCALE:

DATE: 05/03/2024

APPROVED

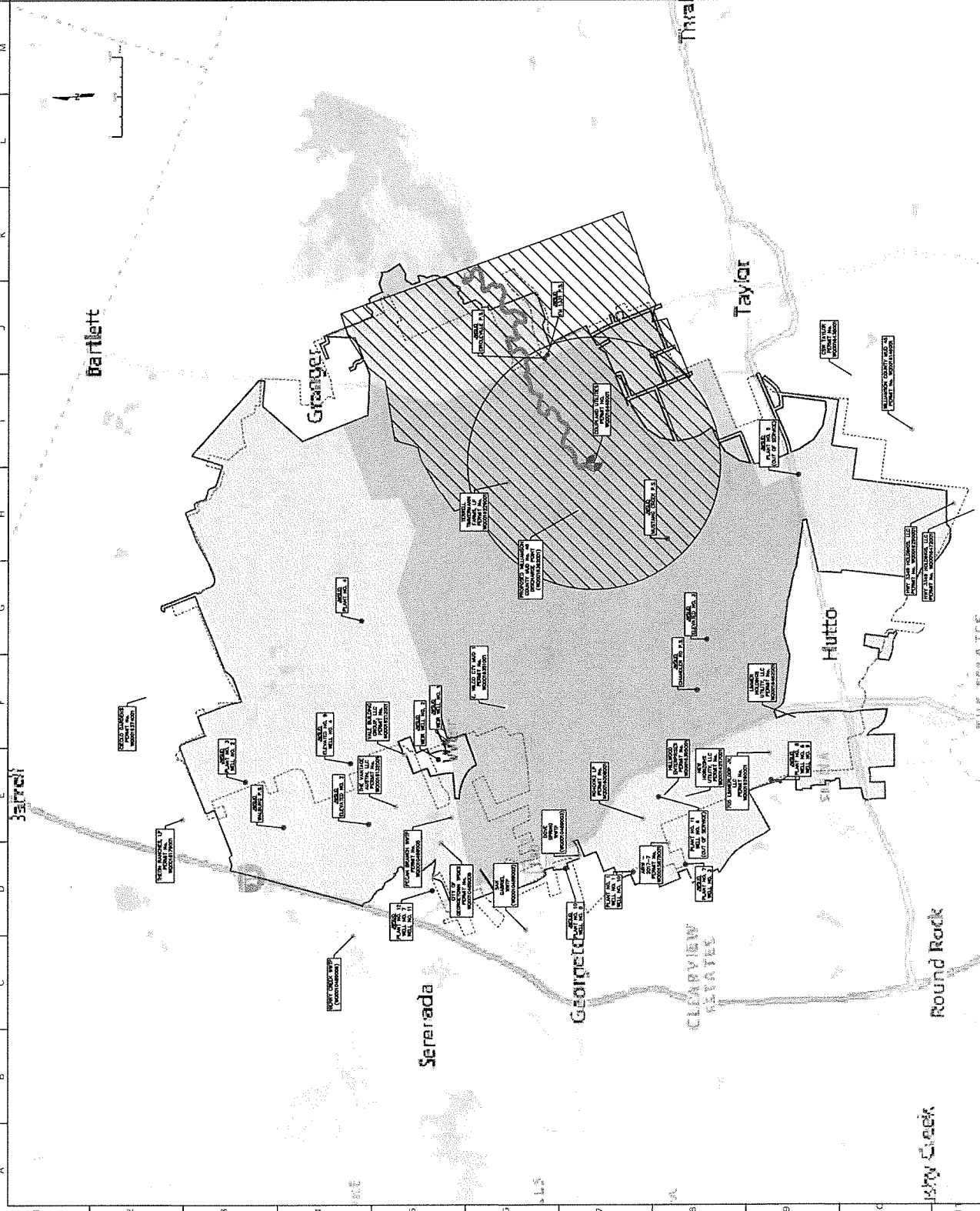
AYOTE CONSULTING, LLC
T.B.P.E. F-16387
P.O. Box 24189
Waco, TX 76702
Ph 254-744-3439

SHEET 1

PENDING WWTP
DECEMBER 2013

• JONAH WATER S.U.D. NOR ITS REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY WITH RESPECT TO ANY

• JONAH WATER S.U.D. NOR ITS REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY WITH RESPECT TO ANY LIABILITY, LOSS, OR DAMAGE CAUSED OR ALLEGED TO BE CAUSED DIRECTLY OR INDIRECTLY BY USE OF THIS MAP.



Attachment B



Proposed WQ0016446001 facility location

Attachment B-1

341

29

306

N County Road

Proposed WQ0016446001 facility location

Charlier Ho

358

Blackland
Heritage
County Park

County Road 101

Est 29

Laurel Crk

29

101

Old T

San Gabriel River

Heritage Loop

131

1000

FM 1650

128

County Road 128

130

712 H

550 -97.479074

City of Austin, County of Williamson, Texas Parks & Wildlife, Esri, HERE, Garmin, I

TEXAS WATER DEVELOPMENT BOARD

Attachment B-2

Proposed WQ0016446001 facility location

County Road 365

620 ft

Chandler Rd

306

County Road 101

Larrel Crk

Blackland
Heritage
County Park

Est 20

Old T

Salt Gabriel River

Heritage Loop

131

1600

101

20

20

300

FM 1600

128

County Road 138

130

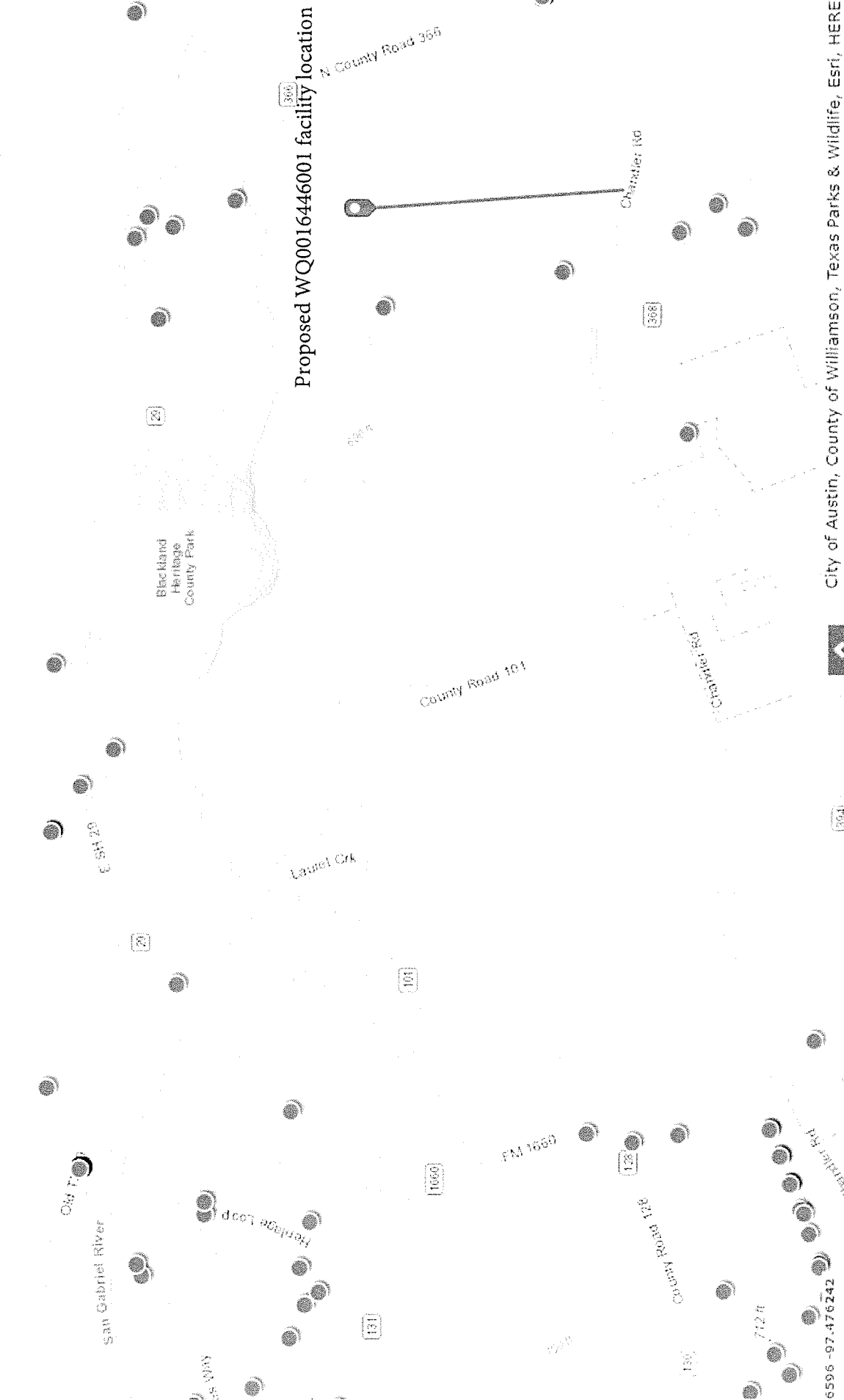
712 ft

1966-97-494180

Attachment B-3

341

29



Proposed WQ0016446001 facility location

Attachment C

National Flood Hazard Layer FIRMette



97°28'58"W 30°37'33"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs

OTHER AREAS

- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance

- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study

OTHER FEATURES

- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/19/2024 at 9:56 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



0 250 500 1,000 1,500 2,000 Feet

1:6,000

97°28'20"W 30°37'3"N

Basemap Imagery Source: USGS National Map 2023

Attachment C-1

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Friday, March 7, 2025 4:33 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016446001
Attachments: 3.6.2025 Van Zandt Contested Case Hearing Request.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: mhenderson@gdhm.com <mhenderson@gdhm.com>
Sent: Thursday, March 6, 2025 3:18 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016446001

REGULATED ENTY NAME COUPLAND UTILITIES WWTF

RN NUMBER: RN111849915

PERMIT NUMBER: WQ0016446001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: COUPLAND UTILITIES LLC

CN NUMBER: CN606204345

NAME: Bobby M Salehi

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 Congress Avenue Suite 2700
Austin, TX 78701

PHONE: 5124805638

FAX:

COMMENTS: see attached: Contested Case Hearing Request from Mrs. Julie Van Zandt. Thank you,
Molly Henderson 512 480 5793



Bobby M. Salehi
512.480.5638
512.536.5838 (fax)
bsalehi@gdhm.com

MAILING ADDRESS:
P. O. Box 98
Austin, TX 78767-9998

March 6, 2025

Filed Electronically

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

RE: *Request for Contested Case Hearing on Application by Coupland Utilities, LLC
and LandCrowd Developers, LLC; TCEQ Permit Number WQ0016446001
("Application")*

Dear Chief Clerk Gharis:

This hearing request for contested case hearing on the above-referenced Application is made on behalf of Mrs. Juliet Van Zandt ("Julie" or "Mrs. Van Zandt"). Julie Van Zandt requests a Contested Case Hearing with respect to the TCEQ *Permit Number WQ0016446001* ("Draft Permit") sought by Applicant Coupland Utilities, LLC and LandCrowd Developers, LLC, Williamson County ("Coupland") for the proposed Texas Pollutant Discharge Elimination System permit. The TCEQ's Commissioners' integrated database indicates the hearing request period for this matter ends on March 6, 2025; therefore, this submission is timely.

All contact with Mrs. Van Zandt related to this request should be through her legal counsel:

Bobby M. Salehi
Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5638
Fax: 512.536.9938
bsalehi@gdhm.com
nmartin@gdhm.com
mhenderson@gdhm.com

Support for the contested case hearing request follows.

I. Mrs. Van Zandt is an “Affected Person” for Purposes of a Contested Case Hearing due to her Property’s Proximity to the Proposed Plant

Mrs. Van Zandt has a significant interest in ensuring that wastewater treatment operations at the proposed Coupland Wastewater Treatment Facility (“Facility” or “Plant”) are safe. Mrs. Van Zandt is an “affected person” who will be impacted by the approval of the subject permit as she is an immediate neighbor from where the plant would be located 4,700 feet south-southwest of the intersection of County Road 366 North and State Highway 29 East, in Williamson County, Texas 76574. Included in the application materials are the Adjacent & Downstream Land Ownership map and table, which identifies Mrs. Van Zandt as the owner of two tracts of land adjacent to the facility. She owns Tracts No. 3 and 9. (Attached herein as “*Exhibit A*”). Even with the inaccuracies in the map discussed below, one can see the proximity of the Van Zandt property to the proposed facility. It is uncontroverted that discharge from the proposed facility will impact both tracts 3 and 9.

Mrs. Van Zandt is an Affected Person under 30 Tex. Admin Code § 55.203. She owns property within one mile of the proposed facility and is listed as an affected landowner in the application materials. See attached *Exhibit A* showing the location of Tracts 3 and 9. The Van Zandt property is well within the 1-mile standard typically used by the TCEQ to declare a requestor an Affected Person. In determining affectedness, the TCEQ considers multiple factors, including the requestor’s location and distance relative to the proposed facility or activity that is the subject of the Application. 30 TAC §§ 55.201(d)(2) & 55.203(c)(2). The extreme proximity between the Van Zandt property and the proposed facility illustrates Mrs. Van Zandt’s standing as an affected person.

II. Personal Justiciable Interest

Mrs. Van Zandt has a clear personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Application as required by 30 TAC § 55.203 for determination of an affected person. Owning property so nearby the proposed facility makes the Van Zandt interest different from those of the general public. In fact, the affected landowners map shows the discharge route will cut directly through the center of the Van Zandt property identified as Tract 3—making the Van Zandt property unique in that they are both a downstream landowner to the discharge and a neighboring landowner to the facility; a worst of both worlds scenario, emphasizing her unique personal justiciable interest in the Application. 30 TAC §§ 55.203(a) & 55.203(c)(2).

Mrs. Van Zandt enjoys recreating at her property by fishing, swimming, and kayaking in the San Gabriel River. The discharge will ultimately be sent from tributaries that are dry most of the year, into the San Gabriel River on Mrs. Van Zandt’s property. Mrs. Van Zandt has concerns regarding the discharge impacting the health and safety of her family, and on the use of her property. 30 TAC § 55.203(c)(4). A discharge running through her property and ending in a river where she and her family recreate will severely interfere with the use and enjoyment of her property. Risks to human and animal health from the discharge are also of concern to Mrs. Van Zandt, as explained below. The discharge will flow through a pond on the Van Zandt property prior to reaching the San Gabriel River. The Van Zandt’s use that pond for fishing, boating,

camping, and hunting. The discharge will disrupt uses the family have enjoyed for over a century. Mrs. Van Zant's property is one of the last remaining parcels of the Easley Mashburn Land Heritage Farm from 1853. In 2007, the 1850 Easley Sloan Cemetery on the property was designated as a Historic Texas Cemetery, the wastewater discharge will disrupt the historic site. In addition, the watercourse is a diverse watershed providing habitat for an array of aquatic wildlife, including: bluegill, bass, amphibians, migratory waterfowl, egrets, great blue heron, and beavers. The water serves as a food source for white tail deer, coyotes, raccoon, and even bald eagles. The area around the tank is part of an active MONARCH larva monitoring project administered through the University of Wisconsin-Madison and Monarch Joint venture. The wastewater discharge will disrupt this project and may harm the larvae. The resulting wastewater discharge into the pond will make it a dead zone, the diverse ecosystem will become barren, and the diverse number of animals will be totally absent. Therefore, the wastewater will not only harm Mrs. Van Zandt's use and enjoyment of her property, but will disrupt a diverse animal ecosystem and harm animals.

III. Accuracy and Completeness of the Application

While reviewing the Application, Mrs. Van Zandt has already discovered glaring inaccuracies in the materials submitted by the Applicant. The TCEQ itself has noticed errors in the Application and required the Applicant to submit new information about the discharge route and to correct the flow averages. The TCEQ requiring the Applicant to resubmit this information and even republish notice shows even the Agency has little confidence in the representations made by this Applicant. A closer review of the Application materials should be required.

First, the adjacent and downstream landowners list (*Exhibit A*) is patently incorrect. The Applicant represents to the TCEQ that the Applicant owns a thin strip of land between their property and Mrs. Van Zandt's property. The map included in the application attachment E.1 is labeled as a second tract for number 3, Mrs. Van Zandt. Tracts 3 and 9 to county road 366 include a 50 foot strip with title issues, resulting in an incorrect map being included in the application. Applicants are required to include an ownership map, prepared by a Texas Licensed professional engineer showing the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge. 30 TAC § 305.45(a)(6) & (a)(6)(D). In actuality, Mrs. Van Zandt owns that strip of property between tract 1 and tract 3. The attached landowners map is also incorrect as to the correct owners of tract 9, further proof of a fatal deficiency that must result in the application being rejected by TCEQ. At best, the map in Attachment E.1 is incorrect, inconsistent, and confusing. As such the representations in the Application for land ownership have been misrepresented to the TCEQ.

Second, Attachment G of the application materials, attached hereto as *Exhibit B* shows the Applicant's buffer zone map. Applicant indicated 152 feet will exist from the membrane bioreactor skid at the plant to the nearest property boundary. Page 17 of the Application Administrative Report contains clear instructions for applicants to explain their buffer zone plans, attached hereto as *Exhibit C*. The Applicant answered that they will comply with siting requirements of 30 TAC § 309 through ownership of the buffer zone. An uncomfortable reality is realized upon analyzing three important facts together: 1) the location of the facility in the Application; 2) the siting plans

in the Application; and 3) the actual owner of the buffer zone. Mrs. Van Zandt owns that land, not the Applicant. This Application must be either returned to staff to verify its accuracy or denied outright for misrepresentation of ownership to the Commission. The buffer zone map Applicant included in attachment G is very dated and not accurate. A more up to date map would include the road Mrs. Van Zandt constructed on her property in March of 2023, which would more clearly display the incorrect 152-foot distance mistake. The crucial error of land ownership or misrepresentation of owning land has been treated as a fatal failure as recently as 2023, and has resulted in permit applications being denied.¹ If something as simple as an ownership map and buffer zone plans are manifestly false, what else is incorrect in the Application materials? As mentioned previously, this applicant has already had to republish notice for their errors. Mrs. Van Zandt is concerned about the accuracy of the application and whether adequate notice was provided to the correct parties. She is also concerned about the accuracy of the description of the new discharge route description. TCEQ should conduct a thorough reexamination and reevaluation of this Application, as ownership issues naturally lead to questions about proper notice being given to the correct landowners. Improper notice raises significant consequences and the potential for prejudicial public participation.

IV. Relevant and Material Disputed Issues

Mrs. Van Zandt has reviewed the Application as well as the draft TPDES permit for Coupland Utilities, LLC & LandCrowd Developers, LLC to discharge treated wastewater at a volume not to exceed 200,000 gallons per day to an unnamed reservoir, thence to an unnamed reservoir, thence to a second unnamed reservoir, thence to an unnamed tributary, thence to a third unnamed reservoir, thence to an unnamed tributary, thence to the San Gabriel River in Segment No. 1248 of the Brazos River Basin. Mrs. Van Zandt has serious concerns that the permit, as drafted, will not be protective of water quality and the environment. The Applicant's compliance issue is a cause of concern for Mrs. Van Zandt. She has additional concerns including but not limited to the impact from the wastewater on human health and terrestrial wildlife with the current effluent limitations proposed and requests the TCEQ conduct additional analysis of potential impacts prior to approving the application. Mrs. Van Zandt raises the following relevant and material issues within TCEQ's jurisdiction:

1. Whether the draft permit is protected of the requester's use and enjoyment of its property in accordance with the Texas Surface Water Quality Standards;
2. Whether the discharge route is adequately characterized in accordance with 30 Texas Administrative Code § 309.12;
3. Whether the Application is accurate, contains all required information, and is substantially complete;

¹ TCEQ Docket No. 2021-1442-MWD; SOAH Docket No. 582-22-1885; Stephen Richard Selinger TPDES Application. In the Commission's Final Order dated July 31, 2023, FOF #s 57-59 explain that the application included false statements about the owner of the proposed facility. The application did not contain the required information and was not substantially complete and accurate. The Applicant was not the owner of the land of the proposed facility when the application was filed. The Commission denied the TPDES application as a result.

4. Whether adequate notice was provided to the correct parties;
5. Whether the adjacent and downstream land ownership map and table are correct;
6. Whether the draft permit contains appropriate siting requirements in accordance with 30 Texas Administrative Code Chapter 309, including adequate prevention of nuisance odors;
7. Whether the application correctly describes the buffer zone and land ownership representations made in the Application are accurate;
8. Whether the draft permit contains sufficient monitoring requirements and complies with applicable requirements;
9. Whether the draft permit is protective of human health and the environment;
10. Whether the draft permit is proactive of animals, wildlife, and wildlife habitats;
11. Whether the draft permit includes appropriate aquatic nutrient limitations and provisions to protect against the excessive growth of algae;
12. Whether the draft permit is adequately protective of water quality, including the protection of surface water, groundwater, and animals in accordance with applicable regulations under the Texas Surface Water Quality Standards;
13. Whether the draft permit is consistent with TCEQ's regionalization policy and Texas Water Code §§ 26.081 and 26.0282, including consideration of need and regional treatment options;
14. Whether the Applicant's compliance history validates additional terms and conditions to be added to the draft permit to ensure compliance;
15. Whether the draft permit requires adequate licensing requirements for the operator of the facility and adequate requirements regarding operator supervision;
16. Whether the draft permit contains sufficient monitoring requirements and complies with applicable regulations;
17. Whether the draft permit will violate water quality standards in the pond on the Van Zandt property; and
18. Regionalization concerns and whether the applicant complied with Texas Water Code § 26.081

Julie Van Zandt respectfully submits her comment letter and request for contested case hearing. Mrs. Van Zandt respectfully requests the Commission grant her contested case hearing, refer her request and all disputed issues above to the State Office of Administrative hearings for an evidentiary hearing, and for any other relief the Commission may grant Mrs. Van Zandt.

March 6, 2025

Page 6

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Bobby M. Salehi

Bobby M. Salehi
Texas Bar No. 24103912
Natasha J. Martin
Texas Bar No. 24083255
bsalehi@gdhm.com
nmartin@gdhm.com

ATTORNEYS FOR JULIE MASHBURN VAN ZANDT

BMS/mah

Attachment- Exhibit A- Adjacent & Downstream Land Ownership map and table
Exhibit B- Application Buffer Zone Map
Exhibit C- Application Administrative Report- Buffer Zone Answers

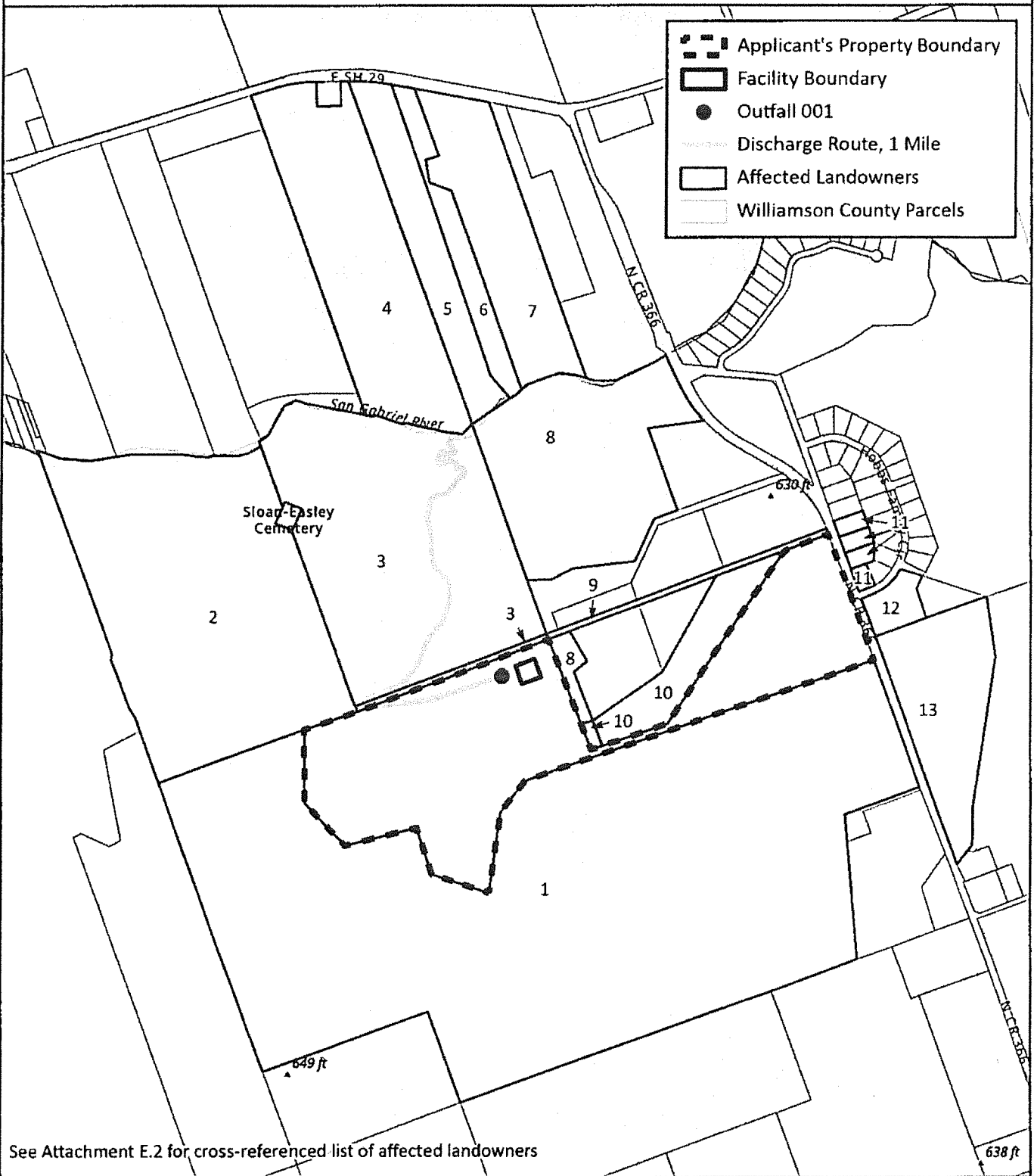
cc: Client



PLUMMER



- Applicant's Property Boundary
- Facility Boundary
- Outfall 001
- Discharge Route, 1 Mile
- Affected Landowners
- Williamson County Parcels



See Attachment E.2 for cross-referenced list of affected landowners

ATTACHMENT E.1

COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS MAP

ATTACHMENT E.2
COUPLAND UTILITIES, LLC LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS LIST

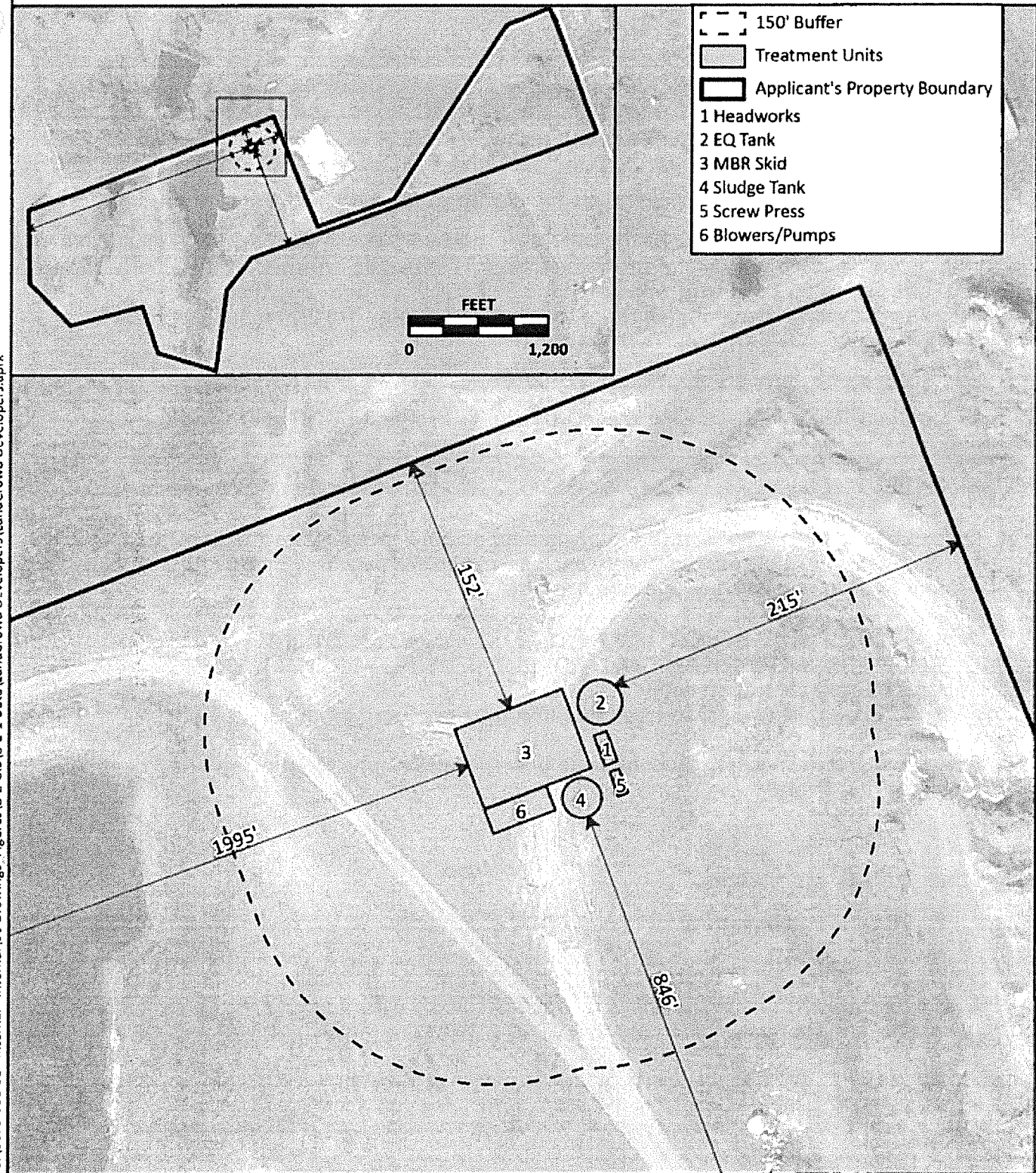
MAP ID	LANDOWNER NAME	MAILING ADDRESS
1	E KOTRLA PROPERTY LLC & L KOTRLA PROPERTY LLC	1350-C ROUTE 192 GEORGETOWN TX 78626
2	RESCH, BEVERLY JO ATCHLEY TR OF BEVERLY JO ATCHLEY TRUST	305 N MAIN ST TAYLOR TX 76574
3	VAN ZANDT, JULIET MASHBURN	106 E GRAMERCY PL SAN ANTONIO TX 78212
4	MASHBURN, PERI ELISABETH	232 W 34TH ST HOUSTON TX 77018
5	SMITH, DAVID ROBERTSON & TINA GARZA	13100 E STATE HIGHWAY 29 GEORGETOWN TX 78626
6	PEEK, ROBERT & EVELYN R	10850 E STATE HIGHWAY 29 GEORGETOWN TX 78626
7	ROSENBUSCH ROBERT & ROSENBUSCH LINDA CO- TRUSTEES OF ROSENBUSCH JOINT REVOCABLE T	13300 E HWY 29 GEORGETOWN TX 78626
8	LIMMER, FRANKIE & JUDY FAMILY LIMITED PARTNERSHIP	12506 FM 1660 TAYLOR TX 76574
9	VAN ZANDT JULIET & FRANKIE & JUDY LIMMER FAMILY LP & AVULA HOLDINGS LLC	106 E GRAMERCY PL SAN ANTONIO TX 78212
10	AVULA HOLDINGS LLC	517 FALLEN OAKS DR CEDAR PARK TX 78613
11	HOBBS FAMILY LIMITED PARTNERSHIP	707 CR 134 HUTTO TX 78634
12	PEREZ-CARBAJAL, SALVADOR	116 ALYSON LN HUTTO TX 78634
13	FERNANDEZ, JAIME & DIANEY	305 WILDWOOD DR GEORGETOWN TX 78633



PLUMMER



- 150' Buffer
- Treatment Units
- Applicant's Property Boundary
- 1 Headworks
- 2 EQ Tank
- 3 MBR Skid
- 4 Sludge Tank
- 5 Screw Press
- 6 Blowers/Pumps



TEXAS REGISTE ENGINEERING FIRM F-13
C:\Users\jgriesel\plummer\3679-001 01 - Internal - Internal\08 Drawings Figures\8-2 GIS\8-2-1 Data\LandCrowd Developers\LandCrowd Developers.aprx

ATTACHMENT G
COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
BUFFER ZONE MAP

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided. See Attachment F

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary; See Attachment G
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes ☐ No



GRAVES
DOUGHERTY
HEARON &
MOODY

Bobby M. Salehi
512.480.5638
512.536.5838 (fax)
bsalehi@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

June 24, 2024

Reviewed By GCW

JUN 26 2024 H

Filed Electronically

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

CHIEF CLERKS OFFICE

2024 JUN 26 AM 10:20

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: *Request for Contested Case Hearing on Application by Coupland Utilities, LLC and LandCrowd Developers, LLC; TCEQ Permit Number WQ0016446001 ("Application")*

Dear Chief Clerk Gharis:

This public comment and request for contested case hearing on the above-referenced Application is made on behalf of Mrs. Juliet Van Zandt ("Julie" or "Mrs. Van Zandt"). Following issuance of the Executive Director's ("ED") final decision and response to comments, Mrs. Van Zandt reserves the right to request a contested case hearing on the Application on the issues raised in this comment. Julie Van Zandt requests a Contested Case Hearing with respect to the TCEQ Permit Number WQ0016446001 ("Draft Permit") sought by Applicant Coupland Utilities, LLC and LandCrowd Developers, LLC, Williamson County ("Coupland") for the proposed Texas Pollutant Discharge Elimination System.

All contact with Mrs. Van Zandt related to this request should be through her legal counsel:

Bobby M. Salehi
Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5638
Fax: 512.536.9938
bsalehi@gdhm.com
nmartin@gdhm.com
mhenderson@gdhm.com

Support for the contested case hearing request follows.

I. Mrs. Van Zandt is an “Affected Person” for Purposes of a Contested Case Hearing due to her Property’s Proximity to the Proposed Plant

Mrs. Van Zandt has a significant interest in ensuring that wastewater treatment operations at the proposed Coupland Wastewater Treatment Facility (“Facility” or “Plant”) are safe. Mrs. Van Zandt is an “affected person” who will be impacted by the approval of the subject permit as she is an immediate neighbor from where the plant would be located 4,700 feet south-southwest of the intersection of County Road 366 North and State Highway 29 East, in Williamson County, Texas 76574. Included in the application materials are the Adjacent & Downstream Land Ownership map and table, which identifies Mrs. Van Zandt as the owner of two tracts of land adjacent to the facility. She owns Tracts No. 3 and 9. (Attached herein as “*Exhibit A*”). Even with the inaccuracies in the map discussed below, one can see the proximity of the Van Zandt property to the proposed facility. It is uncontroverted that discharge from the proposed facility will impact both tracts 3 and 9.

Mrs. Van Zandt is an Affected Person under 30 Tex. Admin Code § 55.203. She owns property within one mile of the proposed facility and is listed as an affected landowner in the application materials. See attached *Exhibit A* showing the location of Tracts 3 and 9. The Van Zandt property is well within the 1-mile standard typically used by the TCEQ to declare a requestor an Affected Person. In determining affectedness, the TCEQ considers multiple factors, including the requestor’s location and distance relative to the proposed facility or activity that is the subject of the Application. 30 TAC §§ 55.201(d)(2) & 55.203(c)(2). The extreme proximity between the Van Zandt property and the proposed facility illustrates Mrs. Van Zandt’s standing as an affected person.

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Mrs. Van Zandt as a clear personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Application as required by 30 TAC § 55.203 for determination of an affected person. Owning property so nearby the proposed facility makes the Van Zandt interest different from those of the general public. In fact, the affected landowners map shows the discharge route will cut directly through the center of the Van Zandt property identified as Tract 3—making the Van Zandt property the unique position of being both a downstream landowner to the discharge and a neighboring landowner to the facility; a worst of both worlds scenario, emphasizing her unique personal justiciable interest in the Application. 30 TAC §§ 55.203(a) & 55.203(c)(2).

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III. Accuracy and Completeness of the Application

While reviewing the Application, Mrs. Van Zandt has already discovered glaring inaccuracies in the materials submitted by the Applicant. The TCEQ itself has noticed errors in the Application and required the Applicant to submit new information about the discharge route and to correct the flow averages. The TCEQ requiring the Applicant to resubmit this information and even republish notice shows even the Agency has little confidence in the representations made by this Applicant. A closer review of the Application materials should be required.

First, the adjacent and downstream landowners list (*Exhibit A*) is patently incorrect. The Applicant represents to the TCEQ that the Applicant owns a thin strip of land between their property and Mrs. Van Zandt's property. The map included in the application attachment E.1 is labeled as a second tract for number 3, Mrs. Van Zandt. Tracts 3 and 9 to county road 366 include a 50 foot strip with title issues, resulting in an incorrect map being included in the application. Applicants are required to include an ownership map, prepared by a Texas Licensed professional engineer showing the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge. 30 TAC § 305.45(a)(6) & (a)(6)(D). In actuality, Mrs. Van Zandt owns that strip of property between tract 1 and tract 3. The attached landowners map is also incorrect as to the correct owners of tract 9, further proof of a fatal deficiency that must result in the application being rejected by TCEQ. At best, the map in Attachment E.1 is incorrect, inconsistent, and confusing. As such the representations in the Application for land ownership have been misrepresented to the TCEQ.

Second, Attachment G of the application materials, attached hereto as *Exhibit B* shows the Applicant's buffer zone map. Applicant indicated 152 feet will exist from the membrane bioreactor skid at the plant to the nearest property boundary. Page 17 of the Application Administrative

Report contains clear instructions for applicants to explain their buffer zone plans, attached hereto as *Exhibit C*. The Applicant answered that they will comply with siting requirements of 30 TAC § 309 through ownership of the buffer zone. An uncomfortable reality is realized upon analyzing three important facts together: 1) the location of the facility in the Application; 2) the siting plans in the Application; and 3) the actual owner of the buffer zone. Mrs. Van Zandt owns that land, not the Applicant. This Application must be either returned to staff to verify its accuracy or denied outright for misrepresentation of ownership to the Commission. The buffer zone map Applicant included in attachment G is very dated and not accurate. A more up to date map would include the road Mrs. Van Zandt constructed on her property in March of 2023, which would more clearly display the incorrect 152-foot distance mistake. The crucial error of land ownership or misrepresentation of owning land has been treated as a fatal failure as recently as 2023, and has resulted in permit applications being denied.¹ If something as simple as an ownership map and buffer zone plans are manifestly false, what else is incorrect in the Application materials? As mentioned previously, this applicant has already had to republish notice for their errors. Mrs. Van Zandt is concerned about the accuracy of the application and whether adequate notice was provided to the correct parties. She is also concerned about the accuracy of the description of the new discharge route description. TCEQ should conduct a thorough reexamination and reevaluation of this Application, as ownership issues naturally lead to questions about proper notice being given to the correct landowners. Improper notice raises significant consequences and the potential for prejudicial public participation.

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Mrs. Van Zandt has reviewed the Application as well as the draft TPDES permit for Coupland Utilities, LLC & LandCrowd Developers, LLC to discharge treated wastewater at a volume not to exceed 200,000 gallons per day to an unnamed reservoir, thence to an unnamed reservoir, thence to a second unnamed reservoir, thence to an unnamed tributary, thence to a third unnamed reservoir, thence to an unnamed tributary, thence to the San Gabriel River in Segment No. 1248 of the Brazos River Basin. Mrs. Van Zandt has serious concerns that the permit, as drafted, will not be protective of water quality and the environment. The Applicant's compliance issue is a cause of concern for Mrs. Van Zandt. She has additional concerns including but not limited to the impact from the wastewater on human health and terrestrial wildlife with the current effluent limitations proposed and requests the TCEQ conduct additional analysis of potential impacts prior to approving the application. Mrs. Van Zandt raises the following relevant and material issues within TCEQ's jurisdiction:

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2. Whether the discharge route is adequately characterized in accordance with 30 Texas Administrative Code § 309.12;
3. Whether the Application is accurate, contains all required information, and is substantially complete;
4. Whether adequate notice was provided to the correct parties;
5. Whether the adjacent and downstream land ownership map and table are correct;
6. Whether the draft permit contains appropriate siting requirements in accordance with 30 Texas Administrative Code Chapter 309, including adequate prevention of nuisance odors;
7. Whether the application correctly describes the buffer zone and land ownership representations made in the Application are accurate;
8. Whether the draft permit contains sufficient monitoring requirements and complies with applicable requirements;
9. Whether the draft permit is protective of human health and the environment;
10. Whether the draft permit is proactive of animals, wildlife, and wildlife habitats;
11. Whether the draft permit includes appropriate aquatic nutrient limitations and provisions to protect against the excessive growth of algae;
12. Whether the draft permit is adequately protective of water quality, including the protection of surface water, groundwater, and animals in accordance with applicable regulations under the Texas Surface Water Quality Standards;
13. Whether the draft permit is consistent with TCEQ's regionalization policy and Texas Water Code §§ 26.081 and 26.0282, including consideration of need and regional treatment options;
14. Whether the Applicant's compliance history validates additional terms and conditions to be added to the draft permit to ensure compliance;
15. Whether the draft permit requires adequate licensing requirements for the operator of the facility and adequate requirements regarding operator supervision;
16. Whether the draft permit contains sufficient monitoring requirements and complies with applicable regulations;
17. Whether the draft permit will violate water quality standards in the pond on the Van Zandt property; and
18. Regionalization concerns and whether the applicant complied with Texas Water Code § 26.081

Julie Van Zandt respectfully submits her comment letter and request for contested case hearing. Mrs. Van Zandt respectfully requests the Commission grant her contested case hearing, refer her

June 24, 2024

Page 6

request and all disputed issues above to the State Office of Administrative hearings for an evidentiary hearing, and for any other relief the Commission may grant Mrs. Van Zandt.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Bobby M. Salehi

Bobby M. Salehi

Texas Bar No. 24103912

Natasha J. Martin

Texas Bar No. 24083255

bsalehi@gdhm.com

nmartin@gdhm.com

ATTORNEYS FOR JULIE MASHBURN VAN ZANDT

BMS/mah

Attachment- Exhibit A- Adjacent & Downstream Land Ownership map and table

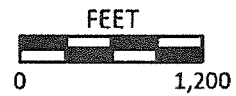
Exhibit B- Application Buffer Zone Map

Exhibit C- Application Administrative Report- Buffer Zone Answers

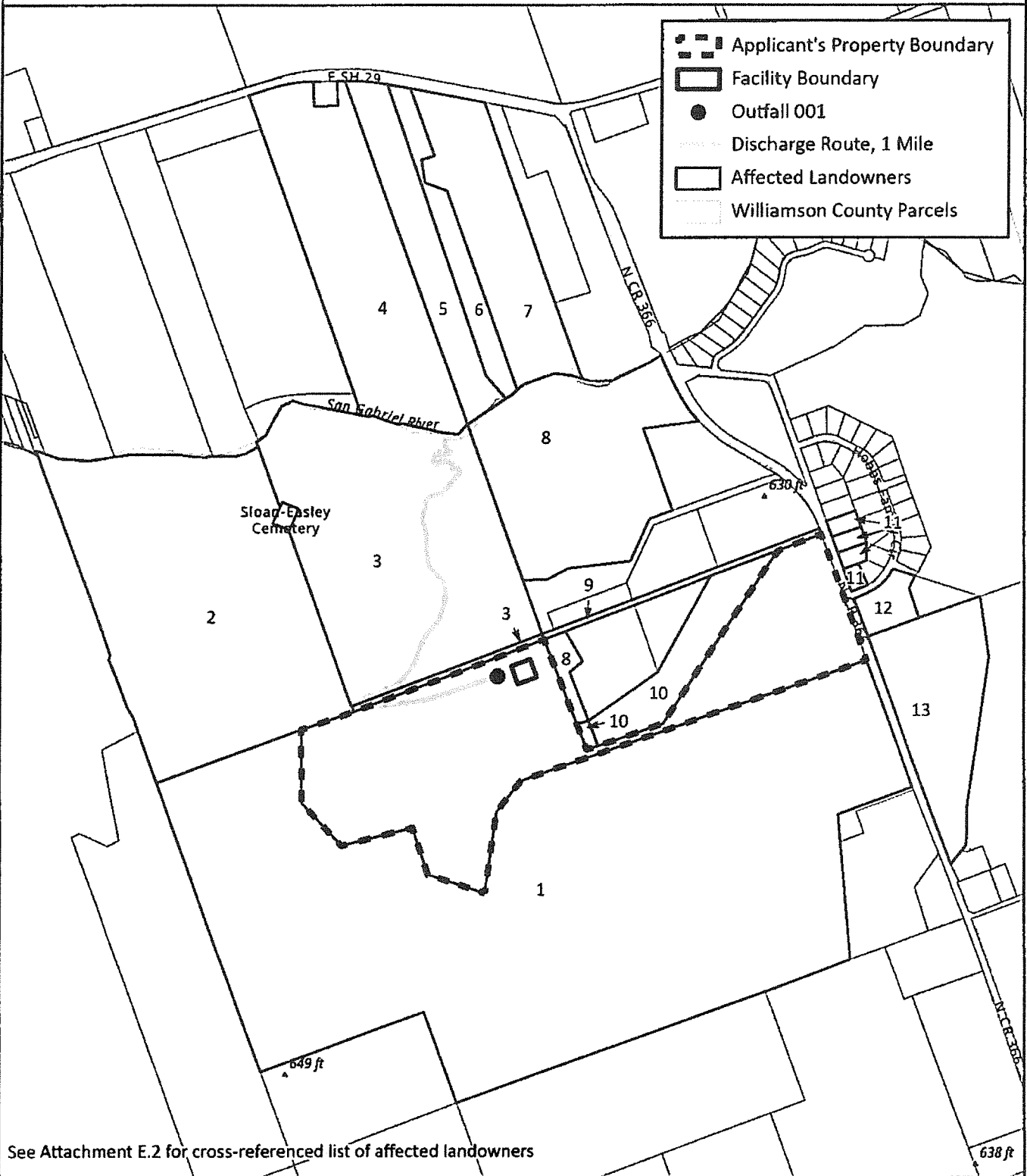
cc: Client



PLUMMER



- Applicant's Property Boundary
- Facility Boundary
- Outfall 001
- Discharge Route, 1 Mile
- Affected Landowners
- Williamson County Parcels



See Attachment E.2 for cross-referenced list of affected landowners

ATTACHMENT E.1
COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS MAP

ATTACHMENT E.2
COUPLAND UTILITIES, LLC LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS LIST

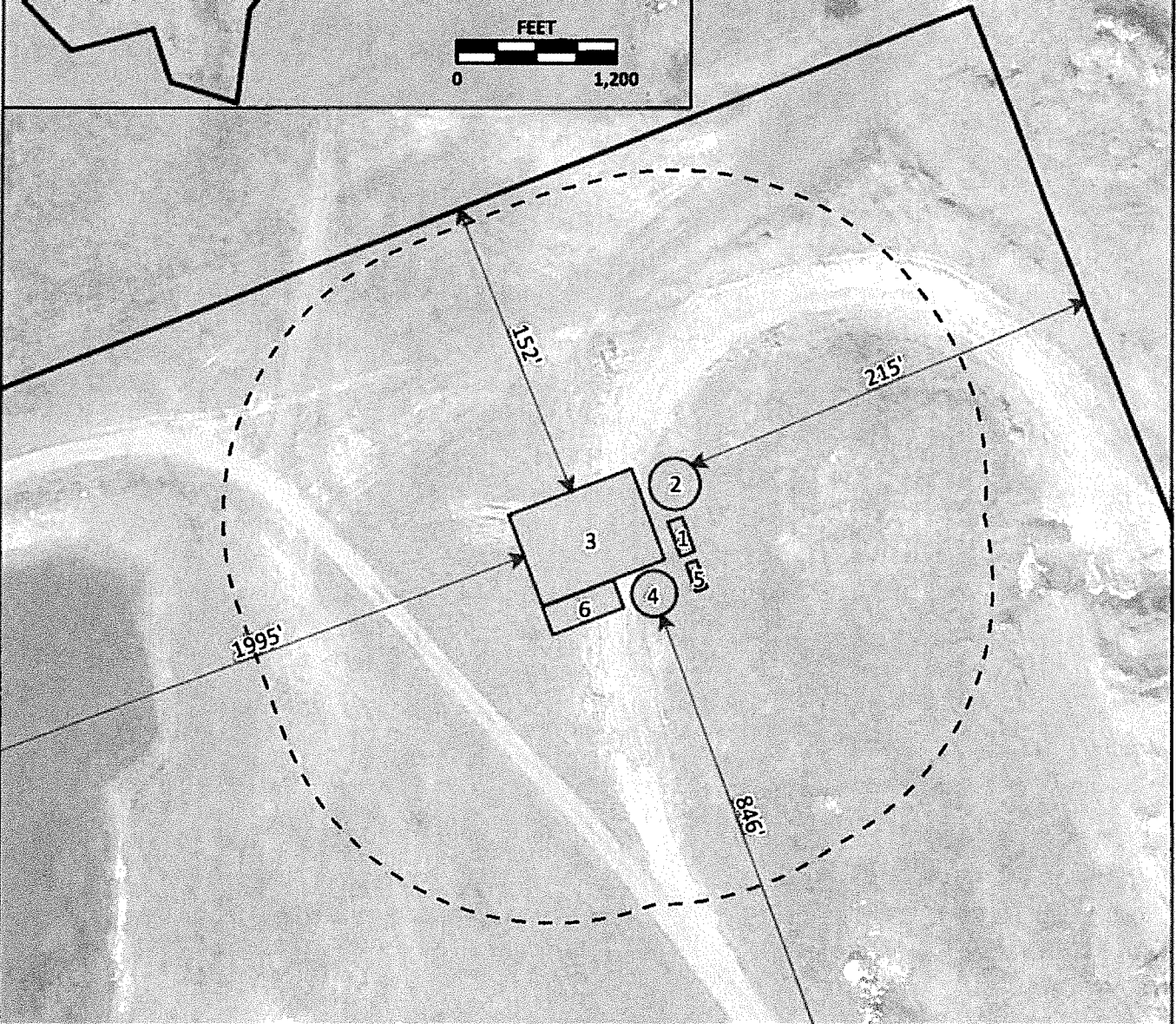
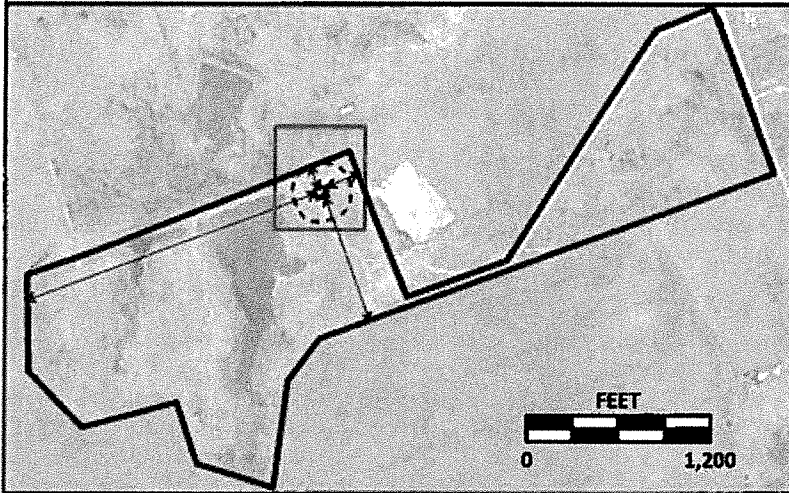
MAP ID	LANDOWNER NAME	MAILING ADDRESS
1	E KOTRLA PROPERTY LLC & L KOTRLA PROPERTY LLC	1350-C ROUTE 192 GEORGETOWN TX 78626
2	RESCH, BEVERLY JO ATCHLEY TR OF BEVERLY JO ATCHLEY TRUST	305 N MAIN ST TAYLOR TX 76574
3	VAN ZANDT, JULIET MASHBURN	106 E GRAMERCY PL SAN ANTONIO TX 78212
4	MASHBURN, PERI ELISABETH	232 W 34TH ST HOUSTON TX 77018
5	SMITH, DAVID ROBERTSON & TINA GARZA	13100 E STATE HIGHWAY 29 GEORGETOWN TX 78626
6	PEEK, ROBERT & EVELYN R	10850 E STATE HIGHWAY 29 GEORGETOWN TX 78626
7	ROSENBUSCH ROBERT & ROSENBUSCH LINDA CO- TRUSTEES OF ROSENBUSCH JOINT REVOCABLE T	13300 E HWY 29 GEORGETOWN TX 78626
8	LIMMER, FRANKIE & JUDY FAMILY LIMITED PARTNERSHIP	12506 FM 1660 TAYLOR TX 76574
9	VAN ZANDT JULIET & FRANKIE & JUDY LIMMER FAMILY LP & AVULA HOLDINGS LLC	106 E GRAMERCY PL SAN ANTONIO TX 78212
10	AVULA HOLDINGS LLC	517 FALLEN OAKS DR CEDAR PARK TX 78613
11	HOBBS FAMILY LIMITED PARTNERSHIP	707 CR 134 HUTTO TX 78634
12	PEREZ-CARBAJAL, SALVADOR	116 ALYSON LN HUTTO TX 78634
13	FERNANDEZ, JAIME & DIANEY	305 WILDWOOD DR GEORGETOWN TX 78633



PLUMMER



- 150' Buffer
- Treatment Units
- Applicant's Property Boundary
- 1 Headworks
- 2 EQ Tank
- 3 MBR Skid
- 4 Sludge Tank
- 5 Screw Press
- 6 Blowers/Pumps



ATTACHMENT G

COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
 COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
 NEW TPDES PERMIT APPLICATION
 BUFFER ZONE MAP

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided. See Attachment F

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary; See Attachment G
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes
- ☐ No

Molly A. Henderson

From: donotreply@tceq.texas.gov
Sent: Monday, June 24, 2024 1:15 PM
To: Molly A. Henderson
Subject: TCEQ Confirmation: Your public comment on Permit Number WQ0016446001 was received.
Attachments: Van Zandt Contested Case Hearing Request wExhibits 6 24 2024.pdf

REGULATED ENTITY NAME COUPLAND UTILITIES WWTF

RN NUMBER: RN111849915

PERMIT NUMBER: WQ0016446001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: COUPLAND UTILITIES LLC, LANDCROWD DEVELOPERS LLC

CN NUMBER: CN606204345, CN606204352

NAME: Bobby Salehi

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 CONGRESS AVE Suite 2700
AUSTIN TX 78701-4071

PHONE: 5124805793

FAX:

COMMENTS: Thank you, Molly Henderson 512 480 5793

Based on TCEQ rule Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of comments, requests, or withdrawals using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your electronic comments or requests is the time this online system receives your comments or requests. Comments or requests are considered timely if received by 5:00 p.m. CST on the due date.



Bobby M. Salehi
512.480.5638
512.536.5838 (fax)
bsalehi@gdhm.com

MAILING ADDRESS:
P. O. Box 98
Austin, TX 78767-9998

June 24, 2024

Filed Electronically

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

RE: *Request for Contested Case Hearing on Application by Coupland Utilities, LLC
and LandCrowd Developers, LLC; TCEQ Permit Number WQ0016446001
("Application")*

Dear Chief Clerk Gharis:

This public comment and request for contested case hearing on the above-referenced Application is made on behalf of Mrs. Juliet Van Zandt ("Julie" or "Mrs. Van Zandt"). Following issuance of the Executive Director's ("ED") final decision and response to comments, Mrs. Van Zandt reserves the right to request a contested case hearing on the Application on the issues raised in this comment. Julie Van Zandt requests a Contested Case Hearing with respect to the TCEQ Permit Number WQ0016446001 ("Draft Permit") sought by Applicant Coupland Utilities, LLC and LandCrowd Developers, LLC, Williamson County ("Coupland") for the proposed Texas Pollutant Discharge Elimination System.

All contact with Mrs. Van Zandt related to this request should be through her legal counsel:

Bobby M. Salehi
Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5638
Fax: 512.536.9938
bsalehi@gdhm.com
nmartin@gdhm.com
mhenderson@gdhm.com

Support for the contested case hearing request follows.

I. Mrs. Van Zandt is an “Affected Person” for Purposes of a Contested Case Hearing due to her Property’s Proximity to the Proposed Plant

Mrs. Van Zandt has a significant interest in ensuring that wastewater treatment operations at the proposed Coupland Wastewater Treatment Facility (“Facility” or “Plant”) are safe. Mrs. Van Zandt is an “affected person” who will be impacted by the approval of the subject permit as she is an immediate neighbor from where the plant would be located 4,700 feet south-southwest of the intersection of County Road 366 North and State Highway 29 East, in Williamson County, Texas 76574. Included in the application materials are the Adjacent & Downstream Land Ownership map and table, which identifies Mrs. Van Zandt as the owner of two tracts of land adjacent to the facility. She owns Tracts No. 3 and 9. (Attached herein as “*Exhibit A*”). Even with the inaccuracies in the map discussed below, one can see the proximity of the Van Zandt property to the proposed facility. It is uncontroverted that discharge from the proposed facility will impact both tracts 3 and 9.

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June 24, 2024
Page 6

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Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Bobby M. Salehi

Bobby M. Salehi
Texas Bar No. 24103912
Natasha J. Martin
Texas Bar No. 24083255
bsalehi@gdhm.com
nmartin@gdhm.com

ATTORNEYS FOR JULIE MASHBURN VAN ZANDT

BMS/mah

Attachment- Exhibit A- Adjacent & Downstream Land Ownership map and table

Exhibit B- Application Buffer Zone Map

Exhibit C- Application Administrative Report- Buffer Zone Answers

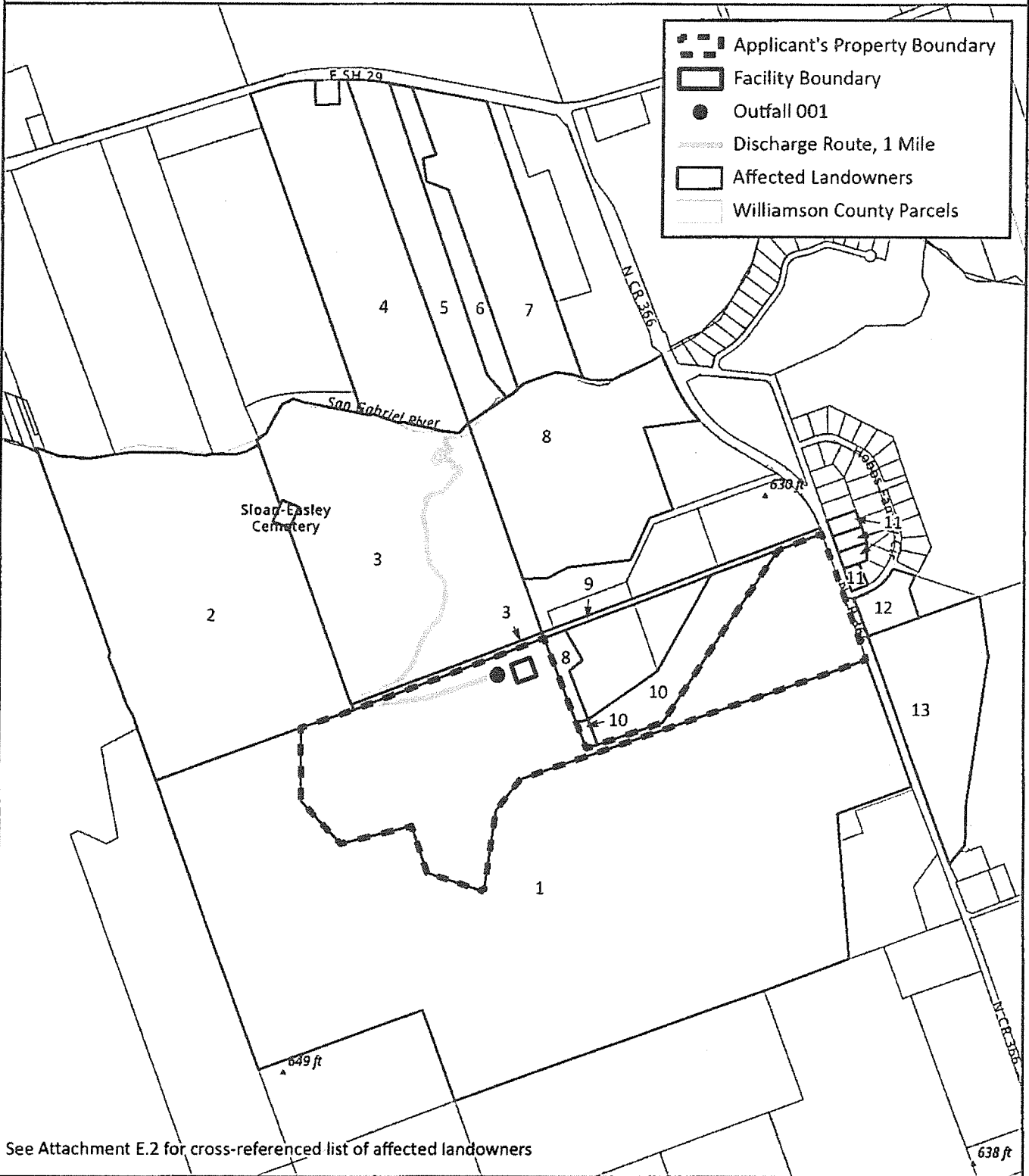
cc: Client



PLUMMER



- Applicant's Property Boundary
- Facility Boundary
- Outfall 001
- Discharge Route, 1 Mile
- Affected Landowners
- Williamson County Parcels



See Attachment E.2 for cross-referenced list of affected landowners

ATTACHMENT E.1
COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS MAP

TEXAS REGISTERED ENGINEERING FIRM F-13
C:\Users\lgriest\Documents\Internal\08 Drawings\Figures\8-2 GIS\8-2-1 Data\LandCrowd Developers.aprx

ATTACHMENT E.2
COUPLAND UTILITIES, LLC LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS LIST

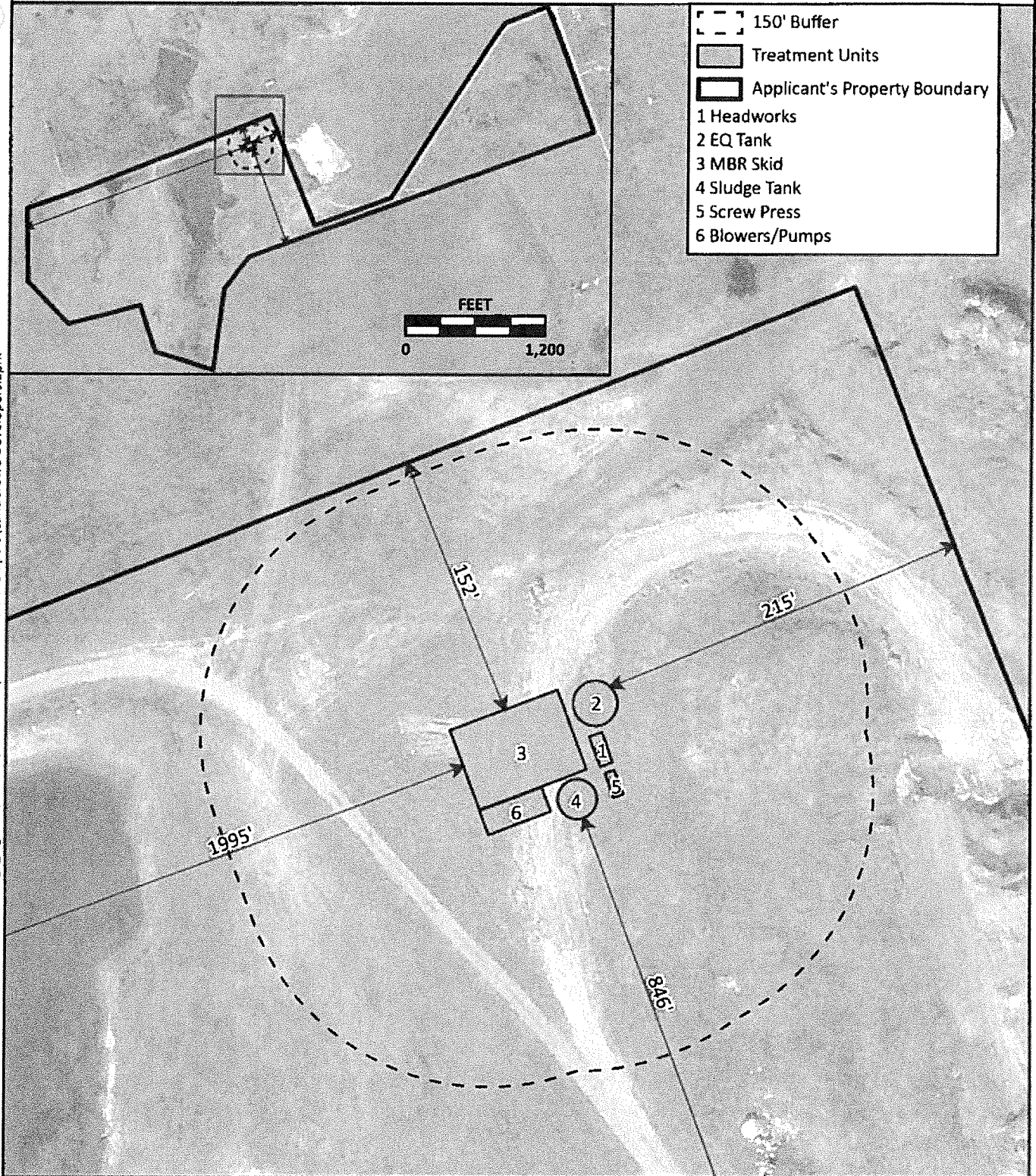
MAP ID	LANDOWNER NAME	MAILING ADDRESS
1	E KOTRLA PROPERTY LLC & L KOTRLA PROPERTY LLC	1350-C ROUTE 192 GEORGETOWN TX 78626
2	RESCH, BEVERLY JO ATCHLEY TR OF BEVERLY JO ATCHLEY TRUST	305 N MAIN ST TAYLOR TX 76574
3	VAN ZANDT, JULIET MASHBURN	106 E GRAMERCY PL SAN ANTONIO TX 78212
4	MASHBURN, PERI ELISABETH	232 W 34TH ST HOUSTON TX 77018
5	SMITH, DAVID ROBERTSON & TINA GARZA	13100 E STATE HIGHWAY 29 GEORGETOWN TX 78626
6	PEEK, ROBERT & EVELYN R	10850 E STATE HIGHWAY 29 GEORGETOWN TX 78626
7	ROSEBUSCH ROBERT & ROSEBUSCH LINDA CO- TRUSTEES OF ROSEBUSCH JOINT REVOCABLE T	13300 E HWY 29 GEORGETOWN TX 78626
8	LIMMER, FRANKIE & JUDY FAMILY LIMITED PARTNERSHIP	12506 FM 1660 TAYLOR TX 76574
9	VAN ZANDT JULIET & FRANKIE & JUDY LIMMER FAMILY LP & AVULA HOLDINGS LLC	106 E GRAMERCY PL SAN ANTONIO TX 78212
10	AVULA HOLDINGS LLC	517 FALLEN OAKS DR CEDAR PARK TX 78613
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12	PEREZ-CARBAJAL, SALVADOR	116 ALYSON LN HUTTO TX 78634
13	FERNANDEZ, JAIME & DIANEY	305 WILDWOOD DR GEORGETOWN TX 78633



PLUMMER



- 150' Buffer
- Treatment Units
- Applicant's Property Boundary
- 1 Headworks
- 2 EQ Tank
- 3 MBR Skid
- 4 Sludge Tank
- 5 Screw Press
- 6 Blowers/Pumps



ATTACHMENT G
COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
BUFFER ZONE MAP

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided. See Attachment F

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary; See Attachment G
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

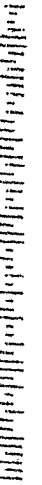
B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes
- ☐ No

GRAVI



401 CONGRESS AVENUE
SUITE 2700
AUSTIN, TEXAS 78701-3790

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

JUN 26 AM 10:20

CHIEF CLERKS OFFICE

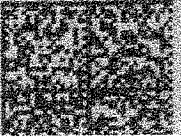
Laurie Gharis, Chief Clerk
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED

JUN 28 2024

11:00AM CDT

10



Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Wednesday, June 26, 2024 10:02 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016446001
Attachments: Van Zandt Contested Case Hearing Request wExhibits 6 24 2024.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: mhenderson@gdhm.com <mhenderson@gdhm.com>
Sent: Monday, June 24, 2024 1:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016446001

REGULATED ENTY NAME COUPLAND UTILITIES WWTF

RN NUMBER: RN111849915

PERMIT NUMBER: WQ0016446001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: COUPLAND UTILITIES LLC, LANDCROWD DEVELOPERS LLC

CN NUMBER: CN606204345, CN606204352

NAME: Bobby Salehi

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 CONGRESS AVE Suite 2700
AUSTIN TX 78701-4071

PHONE: 5124805793

FAX:

COMMENTS: Thank you, Molly Henderson 512 480 5793



Bobby M. Salehi
512.480.5638
512.536.5838 (fax)
bsalehi@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

June 24, 2024

Filed Electronically

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

RE: *Request for Contested Case Hearing on Application by Coupland Utilities, LLC
and LandCrowd Developers, LLC; TCEQ Permit Number WQ0016446001
("Application")*

Dear Chief Clerk Gharis:

This public comment and request for contested case hearing on the above-referenced Application is made on behalf of Mrs. Juliet Van Zandt ("Julie" or "Mrs. Van Zandt"). Following issuance of the Executive Director's ("ED") final decision and response to comments, Mrs. Van Zandt reserves the right to request a contested case hearing on the Application on the issues raised in this comment. Julie Van Zandt requests a Contested Case Hearing with respect to the TCEQ Permit Number WQ0016446001 ("Draft Permit") sought by Applicant Coupland Utilities, LLC and LandCrowd Developers, LLC, Williamson County ("Coupland") for the proposed Texas Pollutant Discharge Elimination System.

All contact with Mrs. Van Zandt related to this request should be through her legal counsel:

Bobby M. Salehi
Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5638
Fax: 512.536.9938
bsalehi@gdhm.com
nmartin@gdhm.com
mhenderson@gdhm.com

Support for the contested case hearing request follows.

I. Mrs. Van Zandt is an “Affected Person” for Purposes of a Contested Case Hearing due to her Property’s Proximity to the Proposed Plant

Mrs. Van Zandt has a significant interest in ensuring that wastewater treatment operations at the proposed Coupland Wastewater Treatment Facility (“Facility” or “Plant”) are safe. Mrs. Van Zandt is an “affected person” who will be impacted by the approval of the subject permit as she is an immediate neighbor from where the plant would be located 4,700 feet south-southwest of the intersection of County Road 366 North and State Highway 29 East, in Williamson County, Texas 76574. Included in the application materials are the Adjacent & Downstream Land Ownership map and table, which identifies Mrs. Van Zandt as the owner of two tracts of land adjacent to the facility. She owns Tracts No. 3 and 9. (Attached herein as “*Exhibit A*”). Even with the inaccuracies in the map discussed below, one can see the proximity of the Van Zandt property to the proposed facility. It is uncontroverted that discharge from the proposed facility will impact both tracts 3 and 9.

Mrs. Van Zandt is an Affected Person under 30 Tex. Admin Code § 55.203. She owns property within one mile of the proposed facility and is listed as an affected landowner in the application materials. See attached *Exhibit A* showing the location of Tracts 3 and 9. The Van Zandt property is well within the 1-mile standard typically used by the TCEQ to declare a requestor an Affected Person. In determining affectedness, the TCEQ considers multiple factors, including the requestor’s location and distance relative to the proposed facility or activity that is the subject of the Application. 30 TAC §§ 55.201(d)(2) & 55.203(c)(2). The extreme proximity between the Van Zandt property and the proposed facility illustrates Mrs. Van Zandt’s standing as an affected person.

II. Personal Justiciable Interest

Mrs. Van Zandt as a clear personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Application as required by 30 TAC § 55.203 for determination of an affected person. Owning property so nearby the proposed facility makes the Van Zandt interest different from those of the general public. In fact, the affected landowners map shows the discharge route will cut directly through the center of the Van Zandt property identified as Tract 3—making the Van Zandt property the unique position of being both a downstream landowner to the discharge and a neighboring landowner to the facility; a worst of both worlds scenario, emphasizing her unique personal justiciable interest in the Application. 30 TAC §§ 55.203(a) & 55.203(c)(2).

Mrs. Van Zandt enjoys recreating at her property by fishing, swimming, and kayaking in the San Gabriel River. The discharge will ultimately be sent from tributaries that are dry most of the year, into the San Gabriel River on Mrs. Van Zandt’s property. Mrs. Van Zandt has concerns regarding the discharge impacting the health and safety of her family, and on the use of her property. 30 TAC § 55.203(c)(4). A discharge running through her property and ending in a river where she and her family recreate will severely interfere with the use and enjoyment of her property. Risks to human and animal health from the discharge are also of concern to Mrs. Van

Zandt, as explained below. The discharge will flow through a pond on the Van Zandt property prior to reaching the San Gabriel River. The Van Zandt's use that pond for fishing, boating, camping, and hunting. The discharge will disrupt uses the family have enjoyed for over a century. Mrs. Van Zant's property is one of the last remaining parcels of the Easley Mashburn Land Heritage Farm from 1853. In 2007, the 1850 Easley Sloan Cemetery on the property was designated as a Historic Texas Cemetery, the wastewater discharge will disrupt the historic site. In addition, the watercourse is a diverse watershed providing habitat for an array of aquatic wildlife, including: bluegill, bass, amphibians, migratory waterfowl, egrets, great blue heron, and beavers. The water serves as a food source for white tail deer, coyotes, raccoon, and even bald eagles. The area around the tank is part of an active MONARCH larva monitoring project administered through the University of Wisconsin-Madison and Monarch Joint venture. The wastewater discharge will disrupt this project and may harm the larvae. The resulting wastewater discharge into the pond will make it a dead zone, the diverse ecosystem will become barren, and the diverse number of animals will be totally absent. Therefore, the wastewater will not only harm Mrs. Van Zandt's use and enjoyment of her property, but will disrupt a diverse animal ecosystem and harm animals.

III. Accuracy and Completeness of the Application

While reviewing the Application, Mrs. Van Zandt has already discovered glaring inaccuracies in the materials submitted by the Applicant. The TCEQ itself has noticed errors in the Application and required the Applicant to submit new information about the discharge route and to correct the flow averages. The TCEQ requiring the Applicant to resubmit this information and even republish notice shows even the Agency has little confidence in the representations made by this Applicant. A closer review of the Application materials should be required.

First, the adjacent and downstream landowners list (*Exhibit A*) is patently incorrect. The Applicant represents to the TCEQ that the Applicant owns a thin strip of land between their property and Mrs. Van Zandt's property. The map included in the application attachment E.1 is labeled as a second tract for number 3, Mrs. Van Zandt. Tracts 3 and 9 to county road 366 include a 50 foot strip with title issues, resulting in an incorrect map being included in the application. Applicants are required to include an ownership map, prepared by a Texas Licensed professional engineer showing the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge. 30 TAC § 305.45(a)(6) & (a)(6)(D). In actuality, Mrs. Van Zandt owns that strip of property between tract 1 and tract 3. The attached landowners map is also incorrect as to the correct owners of tract 9, further proof of a fatal deficiency that must result in the application being rejected by TCEQ. At best, the map in Attachment E.1 is incorrect, inconsistent, and confusing. As such the representations in the Application for land ownership have been misrepresented to the TCEQ.

Second, Attachment G of the application materials, attached hereto as *Exhibit B* shows the Applicant's buffer zone map. Applicant indicated 152 feet will exist from the membrane bioreactor skid at the plant to the nearest property boundary. Page 17 of the Application Administrative

Report contains clear instructions for applicants to explain their buffer zone plans, attached hereto as *Exhibit C*. The Applicant answered that they will comply with siting requirements of 30 TAC § 309 through ownership of the buffer zone. An uncomfortable reality is realized upon analyzing three important facts together: 1) the location of the facility in the Application; 2) the siting plans in the Application; and 3) the actual owner of the buffer zone. Mrs. Van Zandt owns that land, not the Applicant. This Application must be either returned to staff to verify its accuracy or denied outright for misrepresentation of ownership to the Commission. The buffer zone map Applicant included in attachment G is very dated and not accurate. A more up to date map would include the road Mrs. Van Zandt constructed on her property in March of 2023, which would more clearly display the incorrect 152-foot distance mistake. The crucial error of land ownership or misrepresentation of owning land has been treated as a fatal failure as recently as 2023, and has resulted in permit applications being denied.¹ If something as simple as an ownership map and buffer zone plans are manifestly false, what else is incorrect in the Application materials? As mentioned previously, this applicant has already had to republish notice for their errors. Mrs. Van Zandt is concerned about the accuracy of the application and whether adequate notice was provided to the correct parties. She is also concerned about the accuracy of the description of the new discharge route description. TCEQ should conduct a thorough reexamination and reevaluation of this Application, as ownership issues naturally lead to questions about proper notice being given to the correct landowners. Improper notice raises significant consequences and the potential for prejudicial public participation.

IV. Relevant and Material Disputed Issues

Mrs. Van Zandt has reviewed the Application as well as the draft TPDES permit for Coupland Utilities, LLC & LandCrowd Developers, LLC to discharge treated wastewater at a volume not to exceed 200,000 gallons per day to an unnamed reservoir, thence to an unnamed reservoir, thence to a second unnamed reservoir, thence to an unnamed tributary, thence to a third unnamed reservoir, thence to an unnamed tributary, thence to the San Gabriel River in Segment No. 1248 of the Brazos River Basin. Mrs. Van Zandt has serious concerns that the permit, as drafted, will not be protective of water quality and the environment. The Applicant's compliance issue is a cause of concern for Mrs. Van Zandt. She has additional concerns including but not limited to the impact from the wastewater on human health and terrestrial wildlife with the current effluent limitations proposed and requests the TCEQ conduct additional analysis of potential impacts prior to approving the application. Mrs. Van Zandt raises the following relevant and material issues within TCEQ's jurisdiction:

1. Whether the draft permit is protected of the requester's use and enjoyment of its property in accordance with the Texas Surface Water Quality Standards;

¹ TCEQ Docket No. 2021-1442-MWD; SOAH Docket No. 582-22-1885; Stephen Richard Selinger TPDES Application. In the Commission's Final Order dated July 31, 2023, FOF #s 57-59 explain that the application included false statements about the owner of the proposed facility. The application did not contain the required information and was not substantially complete and accurate. The Applicant was not the owner of the land of the proposed facility when the application was filed. The Commission denied the TPDES application as a result.

2. Whether the discharge route is adequately characterized in accordance with 30 Texas Administrative Code § 309.12;
3. Whether the Application is accurate, contains all required information, and is substantially complete;
4. Whether adequate notice was provided to the correct parties;
5. Whether the adjacent and downstream land ownership map and table are correct;
6. Whether the draft permit contains appropriate siting requirements in accordance with 30 Texas Administrative Code Chapter 309, including adequate prevention of nuisance odors;
7. Whether the application correctly describes the buffer zone and land ownership representations made in the Application are accurate;
8. Whether the draft permit contains sufficient monitoring requirements and complies with applicable requirements;
9. Whether the draft permit is protective of human health and the environment;
10. Whether the draft permit is proactive of animals, wildlife, and wildlife habitats;
11. Whether the draft permit includes appropriate aquatic nutrient limitations and provisions to protect against the excessive growth of algae;
12. Whether the draft permit is adequately protective of water quality, including the protection of surface water, groundwater, and animals in accordance with applicable regulations under the Texas Surface Water Quality Standards;
13. Whether the draft permit is consistent with TCEQ's regionalization policy and Texas Water Code §§ 26.081 and 26.0282, including consideration of need and regional treatment options;
14. Whether the Applicant's compliance history validates additional terms and conditions to be added to the draft permit to ensure compliance;
15. Whether the draft permit requires adequate licensing requirements for the operator of the facility and adequate requirements regarding operator supervision;
16. Whether the draft permit contains sufficient monitoring requirements and complies with applicable regulations;
17. Whether the draft permit will violate water quality standards in the pond on the Van Zandt property; and
18. Regionalization concerns and whether the applicant complied with Texas Water Code § 26.081

Julie Van Zandt respectfully submits her comment letter and request for contested case hearing. Mrs. Van Zandt respectfully requests the Commission grant her contested case hearing, refer her

June 24, 2024
Page 6

request and all disputed issues above to the State Office of Administrative hearings for an evidentiary hearing, and for any other relief the Commission may grant Mrs. Van Zandt.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Bobby M. Salehi

Bobby M. Salehi
Texas Bar No. 24103912
Natasha J. Martin
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ATTORNEYS FOR JULIE MASHBURN VAN ZANDT

BMS/mah

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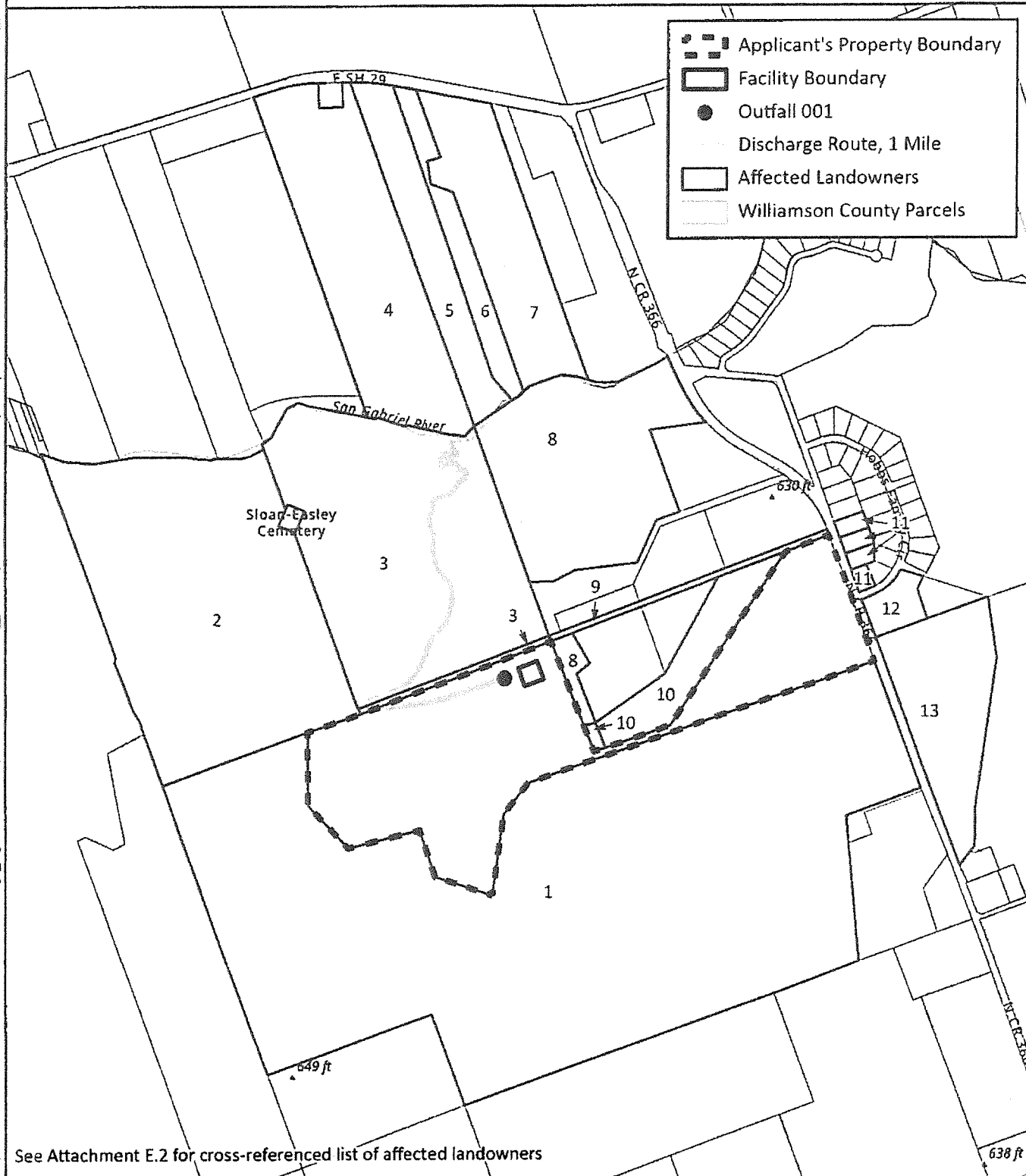
cc: Client



PLUMMER



- Applicant's Property Boundary
- Facility Boundary
- Outfall 001
- Discharge Route, 1 Mile
- Affected Landowners
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See Attachment E.2 for cross-referenced list of affected landowners

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COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS MAP

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COUPLAND UTILITIES, LLC LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
AFFECTED LANDOWNERS LIST

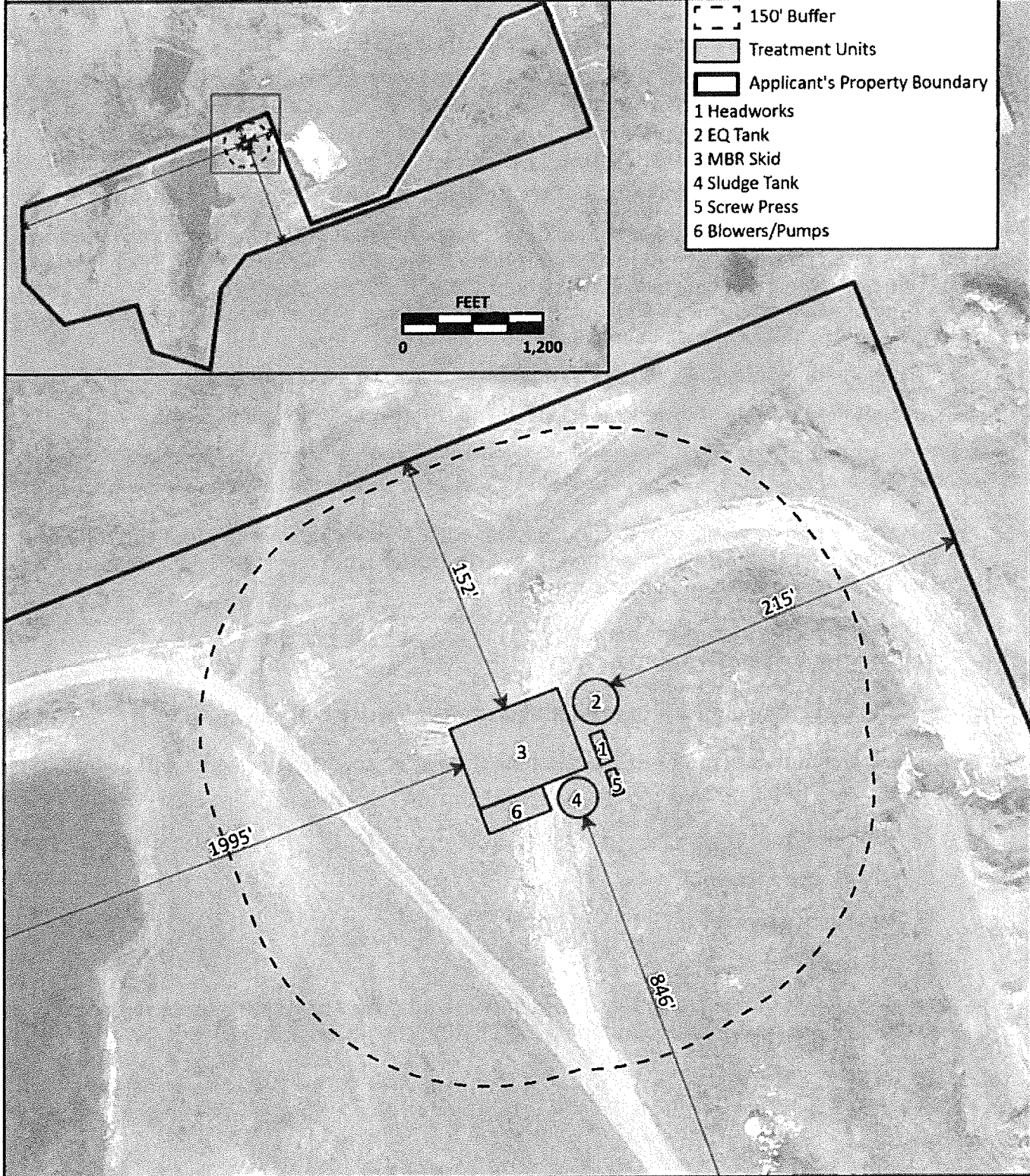
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PLUMMER



- 150' Buffer
- Treatment Units
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ATTACHMENT G

COUPLAND UTILITIES, LLC & LANDCROWD DEVELOPERS, LLC
COUPLAND UTILITIES WASTEWATER TREATMENT FACILITY
NEW TPDES PERMIT APPLICATION
BUFFER ZONE MAP

TEXAS REGISTE ENGINEERING FIRM F-13
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If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided. See Attachment F

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- The applicant's property boundary; See Attachment G
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B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

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C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes
- ☐ No