

**TCEQ DOCKET NO. 2025-1295-MWD**

<b>APPLICATION OF HAYS</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>COMMONS DEVELOPMENT, INC.</b>	<b>§</b>	
<b>FOR TCEQ PERMIT NO.</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>WQ0016373001</b>	<b>§</b>	
	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**APPLICANT’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR  
RECONSIDERATION**

Hays Commons Development, Inc. (“Applicant”) respectfully submits this Response to Hearing Request and Requests for Reconsideration in the above-referenced matter.

**BACKGROUND**

**I. FACILITY DESCRIPTION**

The Applicant applied for new TCEQ/TLAP Permit No. WQ0016373001 (draft permit) to serve the wastewaters needs of areas in both Travis and Hays Counties that will contain restaurants, apartments, and commercial spaces proposed in the Hays Commons Development by authorizing the land application as opposed to the discharge of treated domestic wastewater (effluent) at a daily average flow rate not to exceed flow not to exceed 0.05, 0.10, and 0.15 million gallons per day (MGD) in the Interim I, II, and Final phases; via surface irrigation of 60 acres of non-public access land only according to the effluent limitations (limits) in the draft permit which does not authorize any effluent discharges into Waters in the State.

When constructed the Proposed facility will be located approximately 0.25 miles southwest of the intersection of Farm-to-Market Road 1626 and State Highway 45 Southwest in Hays County, Texas 78610. The facility and disposal site will be located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin.

The Proposed facility will be a membrane bioreactor (MBR) facility.

## **II. SUMMARY OF RESPONSES**

According to the Commissioner's Integrated Database, there are 93 Requests for a Contested Case Hearing. An overarching theme is that the requesters obtain water from public supply wells that draw water from the aquifer. If drinking water from a well that draws from the aquifer grants standing in a TLAP permit, there can almost be no limit – thousands of people do so, which makes it a generalized concern. The Commission should require more.

### **RESPONSES TO INDIVIDUAL REQUESTS**

#### **I. REQUESTERS WHO EXPRESSED ONLY GENERALIZED CONCERNS OR NOT ENOUGH OR IRRELEVANT INFORMATION ABOUT INDIVIDUALIZED CONCERNS.**

The requesters listed below express generalized concerns that are common to the general public in their hearing requests but do not even attempt to explain how they have a personal justiciable interest. Their requests, therefore, should be denied:

##### **1. Aboussie, Karen**

- a. No concerns expressed that are not common to members of the public.
- b. She is not adjacent to the Applicant's property. In fact she states in her comments that she is "less than 2 miles from the proposed wastewater treatment plant." Two miles is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

##### **2. Ballou, Hannah**

- a. No concerns expressed that are not common to members of the public.
- b. Ms. Ballou's property is not adjacent to the proposed facilities (see Exhibit 1, property ID 4).
- c. Although she asserts that she receives water from the City of Hays well (which she claims "backs up to the proposed development", but she doesn't say whether it is adjacent to the facilities in question), many members of the general public receive water from such well. There is no indication that the City of Hays' well will be affected because a discharge is not permitted. Moreover, the City of Hays will protect the interests of its public well.

**3. Beatty, Alanna**

- a. No concerns expressed that are not common to members of the public.
- b. Ms. Beatty's property is not adjacent to the proposed facilities (see Exhibit 1, property ID 5). In fact she states in her comments that she is "less than 0.9 miles." Almost a mile is much too far to be considered relevant for a TLAP Permit.
- c. She claims that she receives water from the "Aqua community well" but does not describe the distance of that well from the facilities nor does she explain how that well might be impacted by a no-discharge TLAP permit.
- d. All of her other concerns are common to members of the general public except possibly the impervious cover concern for the development. Impervious cover, however, is not a subject of this permit.
- e. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**4. Berkowitz, Stuart**

- a. No concerns expressed that are not common to members of the public.
- b. Mr. Berkowitz's property is not adjacent to the proposed facilities (see Exhibit 1, property ID 6). In fact he states in his comments that he is "less than 2 miles from the proposed wastewater treatment plant." Two miles is much too far to be considered relevant for a TLAP Permit.
- c. He claims that he receives water from the Aqua community well but does not describe the distance of that well from the facilities nor does he explain how that well might be impacted by a no-discharge TLAP permit.
- d. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**5. Van Blokland, Dale**

- a. No concerns expressed that are not common to members of the public.
- b. Mr. Van Blokland's property is not adjacent to the proposed facilities (see Exhibit 1, property ID 6). In fact he states in his comments that he is 0.6 miles from the proposed wastewater irrigation field. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He claims that he receives water from the Aqua community well but does not describe the distance of that well from the facilities nor does he explain how that well might be impacted by a no-discharge TLAP permit.
- d. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the

applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**6. Brisky, Phil**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities (see Exhibit 1, property ID 8). In fact, he states in his comments that he is “within .5 mile of the proposed Milestone Hays Commons MUD”, but does not state how far he is from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He claims that he receives water from a well, but it does not appear to be a private well.
- d. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**7. Brunone, Andrew**

- a. His property is not adjacent to the proposed facilities, and we could not locate it on the attached map as Exhibit 1.
- b. He claims that he receives water from a well, but it does not appear to be a private well, and there is no adequate discussion as to why the well he drinks from might be affected.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**8. Jim & Elizabeth Camp**

- a. No concerns expressed that are not common to members of the public.
- b. Their property is not adjacent to the proposed facilities (see Exhibit 1, property ID 12). In fact they state that they are “less than a mile” from the MUD property. This distance is much too far to be considered relevant for a TLAP Permit.
- c. They claim to receive water from a well, but it appears to be a public or community well.
- d. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**9. Carlon, Alfonso D**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact he states that he is “approximately one mile downstream from the proposed discharge site”. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He expresses concerns about flooding, which is not the subject of this permit.
- d. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**10. Carracedo, Lucia**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact she states that she is “approximately 3 miles south of this proposed site”. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**11. Cunningham, Diana**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact she states that she is “less than 2 miles from the proposed wastewater treatment plant”. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**12. DePenning, Joel Thomas**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities (see Exhibit 1, property ID 23). In fact, he does not describe where his property is vis-à-vis the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He claims to receive water from a well, but it appears to be a public or community well.

**13. Duke, Chris & Erin**

- a. No concerns expressed that are not common to members of the public.

- b. His property is not adjacent to the proposed facilities. In fact he states that his neighborhood (not his property) is “located approximately 0.9 miles from the proposed” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**14. Gaston, Brandon**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact he states that his neighborhood (not his property) is “located approximately 0.9 miles from the proposed” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He claims to receive water from a well, but it appears to be a public or community well.
- d. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on its face with TCEQ rules, these requests failed to identify a personal, justiciable interest affected by the application.

**15. Gaston, Christian**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact he states that his neighborhood (not his property) is “less than a mile from the proposed” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. He claims to receive water from a well, but it appears to be a public or community well.
- d. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on its face with TCEQ rules, this request failed to identify a personal, justiciable interest affected by the application.

**16. Gordon, Carol**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, he states that her property is “less than a mile from the proposed” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the

interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**17. Hall, Jason**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, he states that his property is “within 1 mile of the proposed wastewater treatment plant” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**18. Hall, Krista**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is “within 1 mile of the proposed wastewater treatment plant” facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**19. Haschke, Gerald**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, he states that his property is “about one mile” south of the proposed facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**20. Holloway, Mark Alan**

- a. No concerns expressed that are not common to members of the public.

- b. His property is not adjacent to the proposed facilities. (see Exhibit 1, property ID 40). This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**21. Jamison, Gina**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. (see Exhibit 1, property ID 41). This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on its face with TCEQ rules, this request failed to identify a personal, justiciable interest affected by the application.

**22. Kammerdiener, Tesha**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. (see Exhibit 1, property ID 42). This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on its face with TCEQ rules, this request failed to identify a personal, justiciable interest affected by the application.

**23. Knight, William L**

- a. No concerns expressed that are not common to members of the public.
- b. Expresses concerns about flooding, which is not the subject of this proceeding.
- c. His property is not adjacent to the proposed facilities. In fact, he states that his property is ½ from the proposed facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- d. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**24. Kurzawski, Ken**

- a. Does not specifically request a contested case hearing.

- b. No concerns expressed that are not common to members of the public.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**25. Lakey, Aimee**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is 4 miles from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**26. Lauger, Scott**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, he states that his property is 2 miles from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**27. Lowder, Kelly**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is 1 mile from the development. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**28. Lozano, Brenda**

- a. No concerns expressed that are not common to members of the public.

- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is “less than a mile” from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**29. Marinus, Mattia**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is 0.9 miles from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**30. Matthews, Glenda**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is “less than a mile” from the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Raises irrelevant concerns such as impervious cover.
- d. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**31. Moccia, Eric N**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, he states that his property is “within 1 mile” of the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**32. Novak, Rob**

- a. No concerns expressed that are not common to members of the public.

- b. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**33. Novak, Tiffany**

- a. No concerns expressed that are not common to members of the public.
- b. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**34. Ochoa, Claudia**

- a. Makes no attempt to identify a personal justiciable interest.
- b. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**35. Sorahan, Kyle**

- a. Did not request a contested case hearing.
- b. Makes no attempt to identify a personal justiciable interest.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**36. Stolzenburg, Lucinda**

- a. Did not request a contested case hearing.
- b. Makes no attempt to identify a personal justiciable interest.

**37. Perlman, Paula**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is "about 1 mile" of the MUD boundaries (not the facilities). This distance is much too far to be considered relevant for a TLAP Permit.

- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**38. Potts, Kendra**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, Applicant could not locate her property on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**39. Ross, Jeff**

- a. No concerns expressed that are not common to members of the public.
- b. His well (apparently a community well) is not adjacent to the proposed facilities. In fact, he states that well is “about 1 mile” away from either the MUD boundaries or the facilities. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**40. Ruff, Matt**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, his property is identified as No. 72 on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

**41. Seymour, Dustin**

- a. No concerns expressed that are not common to members of the public.

- b. His property is not adjacent to the proposed facilities. In fact, his property is identified as No. 73 on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**42. Smith, Dane**

- a. No concerns expressed that are not common to members of the public.
- b. He does not identify his location with respect to the facilities.
- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

**43. Sorahan, Kyle**

- a. Did not request a contested case hearing.
- b. No concerns expressed that are not common to members of the public.

**44. Starr, Darlene & Michael**

- a. Although on a private well .3 miles from this proposed TLAP, does not explain how their well will be affected.

**45. Stolzenburg, Lucinda**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, Applicant could not locate her property on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.

**46. Alexis Tancredo**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is  $\frac{3}{4}$  mile away from the site. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**47. Tinsley, Mary Jeannine**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, she states that her property is  $1\frac{1}{2}$  miles away from the site. This distance is much too far to be considered relevant for a TLAP Permit..

- c. The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application

**48. Tookoian, Annelouise**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, Applicant could not locate her property on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**49. Trombley, Valerie**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, her property is identified as No. 80 on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**50. Tuttle, Charles L**

- a. No concerns expressed that are not common to members of the public.
- b. His property is not adjacent to the proposed facilities. In fact, he states that his property is 7/10<sup>th</sup> mile away from the site. This distance is much too far to be considered relevant for a TLAP Permit.

**51. Valdez, Antonio S and Lydia Bryan-**

- a. No concerns expressed that are not common to members of the public.

**52. Valdez, Eloy and Tina**

- a. No concerns expressed that are not common to members of the public.
- b. Their property is not adjacent to the proposed facilities. In fact, Applicant could not locate their property on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and

material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**53. Wood, Carolyn**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, her property is 0.4 miles from the site. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**54. Wright, Lois**

- a. No concerns expressed that are not common to members of the public.
- b. Her property is not adjacent to the proposed facilities. In fact, her property is identified as No. 84 on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP Permit.
- c. This request lacked written explanations plainly describing the individuals' locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

**55. Zavaleta, Edgar (Jr.)**

- a. Makes no attempt to show he is an affected person.

**II. REQUESTERS WHO HAVE ATTEMPTED TO SHOW A PERSONAL JUSTICIABLE INTEREST, BUT DO NOT ACTUALLY SHOW HOW THEY ARE AFFECTED**

The requesters listed below attempt to identify a personal justiciable interest, but their requests do not adequately tie their concerns to the facilities. It is important to note that this is a TLAP permit, not a discharge application. Their requests, therefore, should be denied:

### **1. Balke, Candace**

Ms. Balke's property is not adjacent to the proposed facilities. In fact she states in her comments that he is "less than a mile" from the property, but does not state how far it is from the facilities. One mile is much too far to be considered relevant for a TLAP Permit. She does assert that she might be affected by odors, but at a mile away, this should not be an issue.

### **2. Hirn, Jessica N**

Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

Ms. Hirn does point out that she has a private water well, but it is over two miles away from the property (it is unknown how far away her property is from the facilities). She shows no possible connection to TLAP field (no discharge) and her well.

### **3. Knight, Stacey**

Ms. Knight points out that she has a private water well, but it is 0.4 miles away from the proposed MUD. She does not state how far away the well is from the proposed facilities. She shows no possible connection to TLAP field (no discharge) and her well. All her other concerns (impervious cover, for example) are concerns that could be raised by the general public or are irrelevant to this proceeding.

### **4. McKnight, Gerald and Linda**

The McKnights are not adjacent to the facility. Their property is identified as property No. 54 on the attached Exhibit 1. This distance is much too far to be considered relevant for a TLAP

Permit and for the alleged smells they say they will experience that might exacerbate their health concerns. With respect to the public well with which they express concern, that is a concern common to members of the general public.

#### **5. Meagher, Aedin**

Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

Ms. Meagher points out that she has a private water well, but it is 0.9 miles away from the proposed facilities. She shows no possible connection to TLAP field (no discharge) and her well – especially at 0.9 miles away. All her other concerns (high density, for example) are concerns that could be raised by the general public or are irrelevant to this proceeding.

#### **6. Mugan, Monica**

Ms. Mugan expresses health concerns and states she has a private well =. Her property, however, is not adjacent to the TLAP facilities or MUD property (see Property ID No. 58 on Exhibit 1) and, due to the distance, there is no evidence showing any connection between the facilities and her concerns.

#### **7. Patterson, David L**

Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable

relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

Mr. Patterson states that he has a private water well, but his property is not even located on the map shown at Exhibit 1. He shows no possible connection to TLAP field (no discharge) and his well.

#### **8. Pennington, Carol**

Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

Ms. Pennington states that she has a private water well, but her property is not adjacent to the proposed facilities. In fact, she states that her property is “0.8 miles” from the plant. This distance is much too far to be considered relevant for a TLAP permit. She shows no possible connection to TLAP field (no discharge) and her well.

#### **9. Ploeger, Kristen**

The request of this individual failed to comply with the requirements of 30 TAC § 55.201(c) by not basing their requests on comments that they made during the applicable comment period. Because this request did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application.

Furthermore, Ms. Ploeger states that she has a private water well, but her property is not adjacent to the proposed facilities. In fact, she states that her property is “less than a mile” from

the plant. This distance is much too far to be considered relevant for a TLAP permit. She shows no possible connection to TLAP field (no discharge) and her well.

#### **10. Reeves, Barbara S**

Applicant agrees with the ED that this individual provided addresses that are not in proximity to any relevant feature of the proposed facility. Because of the lack of proximity, this request cannot be used to establish affectedness because it fails to demonstrate a reasonable relationship exists between the interests claimed and the activity regulated, which decreases the likelihood this individual may be affected in a way not common to the public.

Ms. Reeves states that she has a private water well, but her property is not adjacent to the proposed facilities. In fact, she states that her property is “less than a mile” from the plant. This distance is much too far to be considered relevant for a TLAP permit. She shows no possible connection to TLAP field (no discharge) and her well.

#### **11. Thomas, Nicholas**

This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

Mr. Thomas does states that he has a private water well, but his property is not adjacent to the proposed facilities. In fact, he states that his property is “less than 2 miles from the proposed

wastewater treatment site and spray fields.” This distance is much too far to be considered relevant for a TLAP permit. He shows no possible connection to TLAP field (no discharge) and his well.

## **12. Waters, G**

This request lacked written explanations plainly describing the individuals’ locations and distances relative to the proposed facility, the relevant and material issues the individuals raised, and why the individuals believe they will be affected by the application in a way not common to the public. Because this requests did not comply on their face with TCEQ rules, this requests failed to identify a personal, justiciable interest affected by the application. Because this request does not include analysis of the Affected Person provisions in 30 TAC § 55.203, the request should be denied.

Mr. Thomas does state that he has a private water well, but his property is not adjacent to the proposed facilities. In fact, he states that his property is “less than a mile” from the proposed wastewater treatment site. This distance is much too far to be considered relevant for a TLAP permit. He shows no possible connection to TLAP field (no discharge) and his well.

## **III. GOVERNMENTAL OR PRIVATE ORGANIZATION REQUESTS**

### **1. Coves of Cimarron Homeowners Association (“Coves”)**

The Coves asserts that it relies on water provided by the Cimarron Park Water Company, a Class B water utility company located 1.7 miles from the proposed Hays Commons Development. Such a distance is too far to be considered relevant for a TLAP permit. Moreover, Coves does not identify a member that has standing in his or her own right. The request should be denied.

### **2. The City of Austin**

The City of Austin requested a public meeting and requested reconsideration, but did not request a contested case hearing. Applicant agrees with the ED that the Commission find that the City of Austin is not an affected persons under 30 TAC § 55.203(c)(7).

### **3. The City of Buda**

The City of Buda does not assert that the facilities are in the ETJ or in the City limits. It has not and cannot identify its statutory authority over or interest in the issues relevant to the application. All of its concerns are common to members of the general public. Applicant agrees with the ED that the Commission find that the City of Buda is not an affected persons under 30 TAC § 55.203(c)(7).

### **4. The City of Hays**

The City of Hays requested a contested case hearing and asserts it is an affected person.

On September 1, 2023, Applicant filed a petition with the City to release property that it owns from the ETJ of the City pursuant to Senate Bill 2038. As of September 26, 2023, the District's property is no longer in the ETJ of the City of Hays. The City, therefore, has no statutory authority over or interest in the issues relevant to the application. It is, therefore, not an affected person and should not be deemed an affected person.

The City expressed concerns, for example, with regionalization or water quality in the Edwards Aquifer, which are concerns that are common to members of the general public.

Nothing in this hearing request shows that the City of Hays has a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

### **5. Greater Edwards Aquifer Alliance**

As a group, Greater Edwards Aquifer Authority ("GEAA") must identify, by name and physical address, one or more members of the group or association that would otherwise have

standing to request a hearing in their own right. 30 Tex. Admin Code § 55.205(b)(2). GEAA did not do so, and its hearing request should, therefore, be denied.

#### **6. Save Our Springs Alliance**

SOS lists comments and were allegedly not adequately addressed in the ED's Response to Comments ("RTC"). But SOS never really explains what was deficient. SOS claims that "the responses did nothing more than recite the regulatory requirements, recite the parameters of the draft permit, and/or conclude without evidence or explanation that the proposed permit met applicable requirements." But SOS does not explain why such responses were inadequate. SOS's request should be denied.

#### **7. the Barton Springs-Edwards Aquifer Conservation District**

BSEACD has jurisdiction over groundwater. This is not a discharge permit. The rules require that the effluent be consumed by vegetation. BSEACD has not jurisdictional authority over surface application of treated effluent and should not be granted party status.

#### **IV. REQUESTS FOR RECONSIDERATION SHOULD BE DENIED**

Alonna Beatty, Alfonso Carlon, Lucia Carracedo, John Dugdale, Erin and Chris Duke, Brandon and Christian Gaston, Gina Jamison, Liz Johnston, Tesha Kammerdiener, Stacey Knight, William Knight, Aimee Lakey, Scott Lauger, Mattia Marinus, Eric Moccia, Thomas Nichols, Claudia Ochoa, Kristen Ploeger, Barbara Reeves, Dustin Seymour, Dane Smith, Darlene and Michael Starr, Mary Tinsley, Dale Van Blokland, Edgar Zavaleta, John Dugdale on behalf of the City of Buda, and Liz Johnston on behalf of the City of Austin all filed RFRs. However, all the RFRs failed to raise any new information for the ED to analyze. Therefore, all their requests should be denied.

**CONCLUSION**

All Hearing Requests and all Motions for Reconsideration should be denied.

Respectfully submitted,

**THE AL LAW GROUP PLLC**

*/s/ David Tuckfield*

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**ATTORNEYS FOR APPLICANT**

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the persons on the attached mailing list following parties as shown below on this 26<sup>th</sup> day of September 2025 as follows:

### **By efilng**

Docket Clerk  
Texas Commission on  
Environmental Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711  
<https://www.tceq.texas.gov/goto/efilngs>

### **By email**

#### **TCEQ Executive Director**

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### **By email**

#### **Requesters as listed below**

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*/s/ David Tuckfield*

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# **EXHIBIT 1**

