



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

August 27, 2014

U-99-14

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Army Comment on Proposed Permit NO. WQ0015219001; CN604516112
RN107104929

Dear Ms. Bohac:

Thank you for the opportunity to submit comments. The comments below are in reference to proposed permit No. WQ0015219001 submitted by Trio Residential Developers, Inc., the Notice of Preliminary Decision which was published on August 1, 2014 in the Boerne Star and draft permit that was issued on July 17, 2014.

The Army is concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues. Camp Stanley is located approximately 2.7 miles south of where the wastewater package plant would be located and this development is 1.3 miles from Camp Bullis, see map at enclosure 1. This development is located within Fair Oaks Ranch's extraterritorial jurisdiction and through a 2013 development agreement with Fair Oaks Ranch, the wastewater package plant and drinking water system could be turned over to Fair Oaks Ranch once they are operational.

The first concern is related to water quality. The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone, see map at enclosure 1. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This potential package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations. My understanding is that recharge features are frequently found along this boundary. See enclosure 2 for excerpts from geologic reference materials. See also at enclosure 2 a photo taken August 26, 2014 (yesterday) by a local environmental consultant on the tract immediately to the south of the Reserve at Fair Oaks Ranch (aka Reserve at Ammann Road), known as the K-7 Ranch. The photo is of a large karst feature about 15 feet across. Of note, this feature is on the same channel that runs through the Reserve at Ammann Road site where the greenbelt irrigation area is located. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the Reserve at Ammann Road site. I understand the owner of the K-7 Ranch will be submitting a detailed comment letter with maps/more photos and that several karst features have been found, not just the one in the photo. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the

wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Also, a package plant may be insufficient to handle the large nutrient load from 635 houses (51 million gallons per year maximum capacity, 140,000 gallons per day per the NORI and draft permit) and could result in groundwater or surface water contamination. This is a large volume for a package plant and it will be difficult to treat this much effluent to appropriate standards for ammonia, phosphorus, and total suspended solids and to contain this on site during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer and possibly the Edwards Aquifer or at least local groundwater wells.

In addition, it appears that the package plant may be undersized based on the size of the development and expected outflow volume. Under 30 TAC §217.32, “For a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5.” Assuming 71 gallons per day per person (American Water Works Association, AWWA, 1999 study) for wastewater generation sent to the wastewater package plant and an average 2.81 people per household (Texas, 2010 census), the average wastewater treatment plant load would be about $635 \times 2.81 \times 71 = 127,000$ gal/day (46 million gal/yr), which is very close to the 140,000 gal/day (51 million gal/yr) used in the draft permit. Using the 1.5 factor above, the permitted 30-day average flow rate should be 190,000 gal/day. If the water numbers per household from the rest of Fair Oaks Ranch are used per their 2012 Annual Drinking Water Quality Report (see enclosure 4), the result is even farther away from 30 TAC §217.32’s mandate of at least 1.5 times average annual flow.

There are also several administrative irregularities in the applicant’s application, which create gaps in the draft permit. For example, on page 10 of the permit application technical report item 3 “[a]re there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?” The answer is checked “No”, however, the City of Fair Oaks Ranch has a wastewater treatment plant 2.0 miles from the proposed facility. Following from this error, the applicant did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application at Fair Oaks Ranch City Hall (the public place for viewing) does not contain the full correspondence from the file. No TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application’s projected 26.6 acre to the draft permit’s 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process. Also, the application and draft permit were not placed in the county (Kendall County) where the site is

located as the draft permit requires (page 3 under PROCEDURES FOR FINAL DECISION), but instead were placed at Fair Oaks City Hall in Bexar County.

The other substantive concern is related to water quantity. This package plant would support 635 houses on 345 acres and from our understanding, would use wells from the Trinity Aquifer as their source of drinking water, see article at enclosure 3. If these 635 houses use the same rate cited in the Fair Oaks Ranch 2012 Safe Drinking Water Act Consumer Confidence Report (see enclosure 4) of 556 gallons per household, that would equate to nearly 129 million additional gallons a year. In 2012 Fair Oaks Ranch pumped 242 million gallons from the Trinity Aquifer and obtained 276 million gallons from Canyon Lake. This new pumping rate would constitute a 53% increase in local groundwater withdrawals by the City of Fair Oaks Ranch (129 million gallons divided by 242 million gallons).

Camp Stanley maintains its own well system and pumped approximately 7.5 million gallons of water in 2012. We use our water primarily for supporting our munitions activities, and a secondary use is for our small housing complex (14 units) and for fire-fighting capabilities. This source of water would be very difficult to replace. Camp Stanley has achieved a decrease in its water usage the past few years as we have implemented drought and conservation measures to address the rapid drop in water levels in the Middle Trinity Aquifer. Although Camp Stanley is not in the immediate cone of influence from the new wells in the proposed package plant site, this substantial amount of pumping will further reduce the water levels in the overall area. This will have an indirect effect on downstream wells (wells to the south). As many of our neighbors have experienced over the past several drought years, our wells have already been dropping down to levels which jeopardize the long-term viability of the wells. We are concerned this significant new increase in pumping will negatively affect Camp Stanley and other well owners down-gradient of the proposed package plant site.

While almost all of this development is within Kendall County which is covered by the Cow Creek Groundwater Conservation District, the developer's plan to drill wells in Comal County (see article at enclosure 3) precludes limits on his groundwater pumping. There is currently no groundwater conservation district in Comal County, thus there would be no regulatory mechanism to restrain the developer from exporting large amounts of water into Kendall County, see enclosure 5 for two articles describing this regulatory stalemate. TCEQ had designated a Priority Groundwater Management Area (PGMA), the Hill Country PGMA (see enclosure 6), which included western Comal County, and had pursued an action to put western Comal County under a groundwater conservation district, but dropped that effort in Spring 2014 (see enclosure 7).

Fair Oaks Ranch was developed in the 1970s as a residential community and was not incorporated as a municipality until 1988. A military installation was created in 1906 at our current location, known as the Leon Springs Military Reservation. In 1917, the facility was renamed Camp Stanley, and was used for WWI-era military training and was also very active in WWII. CSSA is now a facility of the Army Materiel Command (AMC). The primary mission of the installation is receipt, storage, and issuance of ordnance materiel as well as quality assurance (QA) testing and maintenance of military weapons and ammunition. As a longstanding neighbor whose presence predates Fair Oaks Ranch by many decades, we ask that

TCEQ consider us and other existing down-gradient consumers of this shared finite natural resource. This development has a level of density that cannot be supported by the already depleted aquifer in this area.

This water quality permit may be followed by an application for a Municipal Utility District (MUD) and the criteria for such include the public welfare and sufficiency of water quantity. These issues should be looked at now as part of this water quality permit, rather than handled piecemeal.

30 TAC §293.11. Information Required to Accompany Applications for Creation of Districts. (c)(5)

(G) an investigation and evaluation of the availability of comparable service from other systems including, but not limited to, water districts, municipalities, and regional authorities;

(J) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, will benefit all of the land and residents to be included in the district, and will further the public welfare;

30 TAC §293.11. Information Required to Accompany Applications for

Creation of Districts.

(c) Creation applications for TWC, Chapter 51, Water Control and Improvement Districts, within two or more counties shall contain items listed in subsection (a) of this section and the following:

...

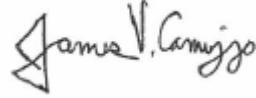
(5) (H) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

- (i) land elevation;
- (ii) subsidence;
- (iii) groundwater level within the region;
- (iv) recharge capability of a groundwater source;
- (v) natural run-off rates and drainage; and
- (vi) water quality;

Given the water quality and water quantity concerns this development poses, the Army requests a public meeting to address these issues. Also, we understand that there is significant public concern over this development, with over 2,300 residents of Fair Oaks Ranch signing a petition in April 2014 opposing this development and water issues was one of their main concerns.

If you have any questions please feel free to contact me at (210) 295-7082 or 9830.

Sincerely,

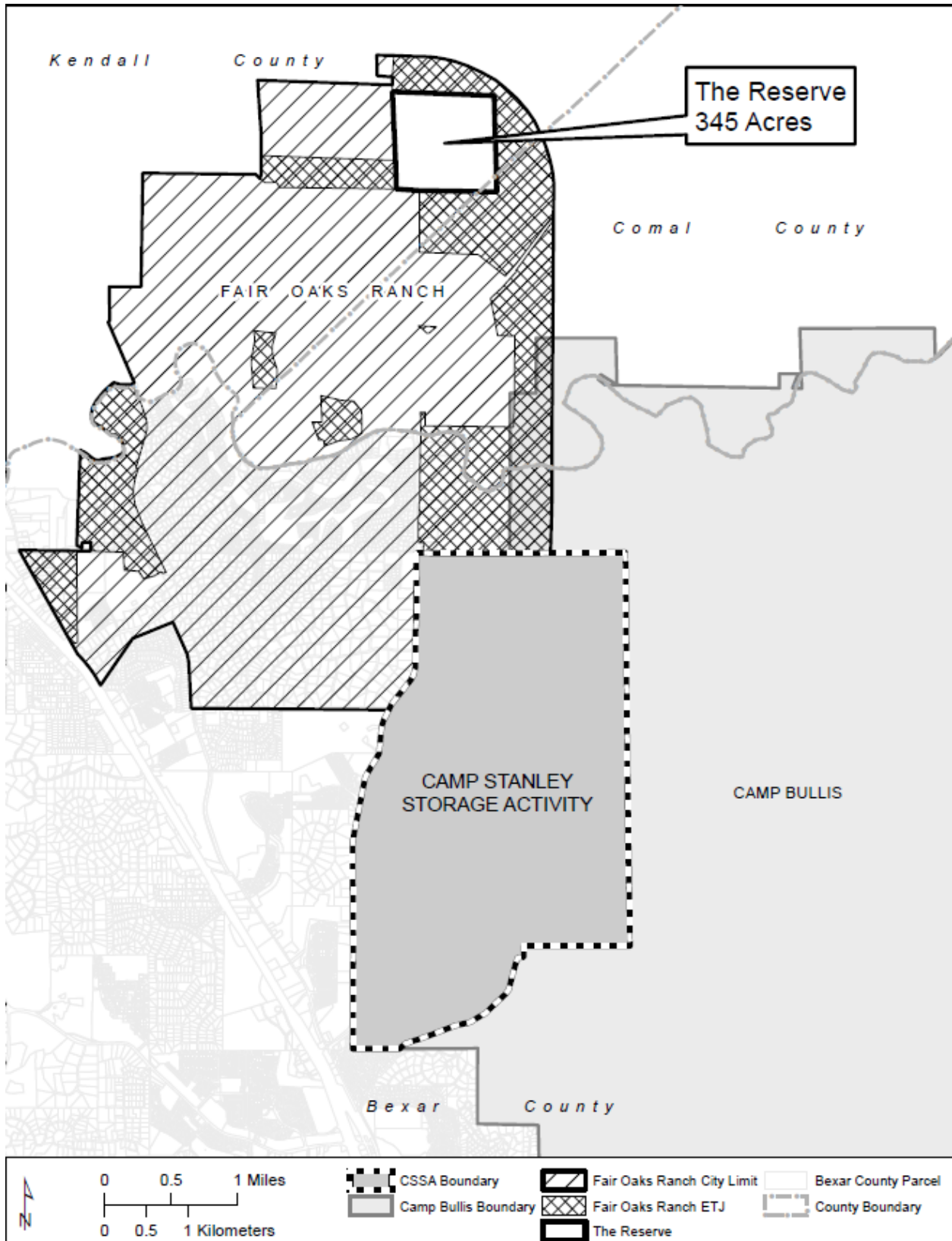
A handwritten signature in black ink that reads "James V. Cannizzo". The signature is written in a cursive style with a large initial "J".

James V. Cannizzo
Counsel

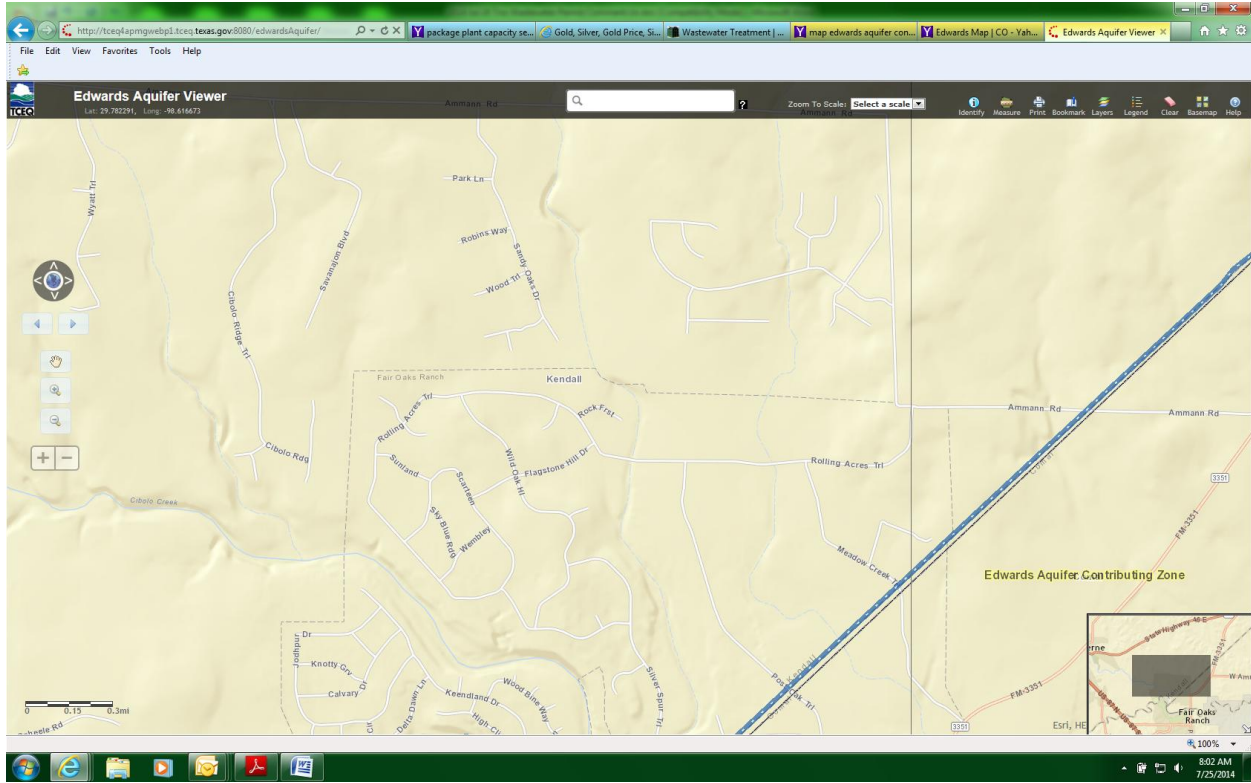
Enclosures:

1. Maps Showing Relation to Camps and to Edwards Contribution Zone
2. Excerpts from Geologic Reference Materials
3. Express News Article Quoting the Developer's Representative
4. Excerpt from Fair Oaks Ranch 2012 Consumer Confidence Report
5. Express News Article on Regulatory Stalemate
6. Excerpt from 2013 TCEQ Report on PGMA's
7. Article on 2014 Termination of TCEQ PGMA Effort on Western Comal County

Enclosure 1 Maps



Enclosure 1 (cont) Maps

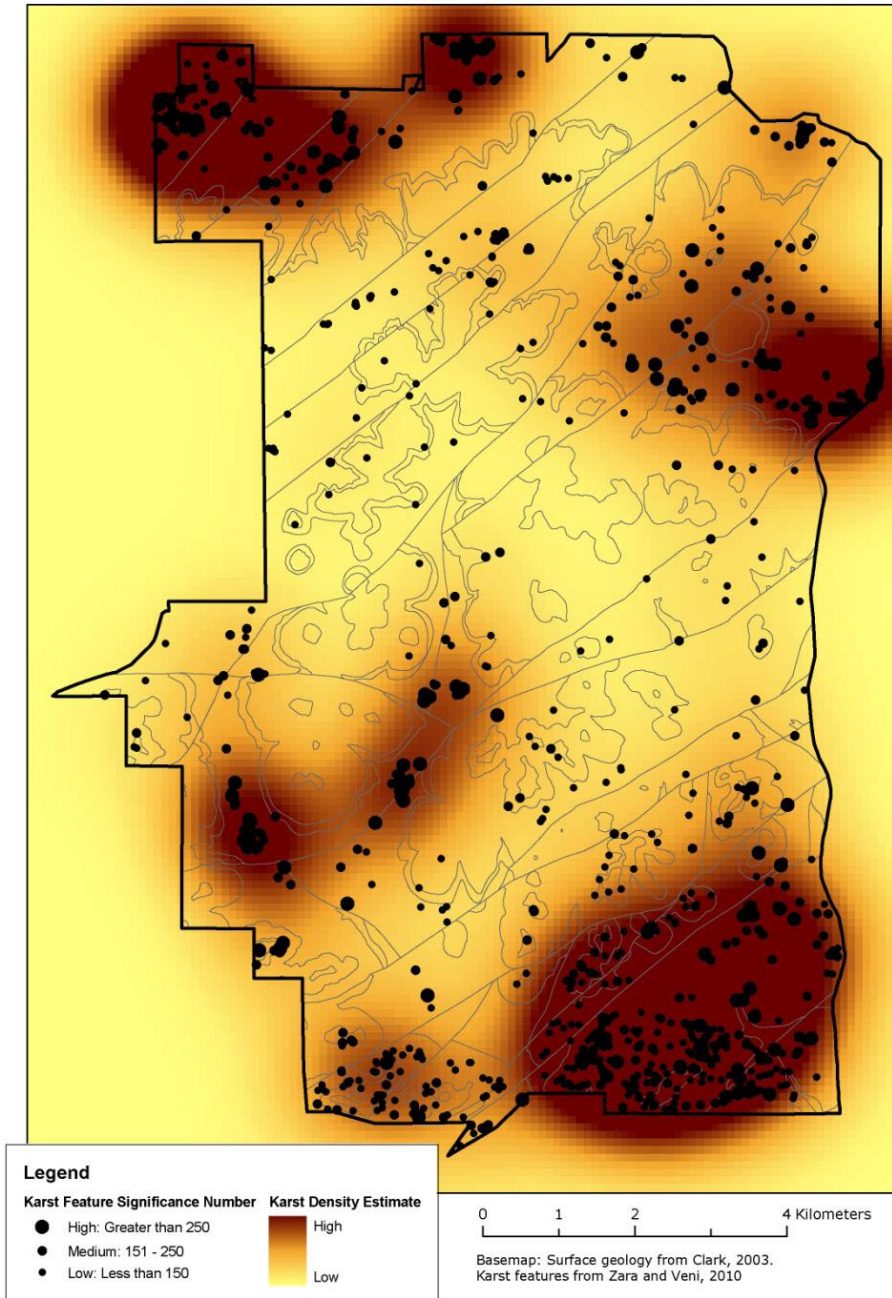


Enclosure 2 Excerpts from Geologic Reference Materials

Camp Bullis karst features from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013) available at:

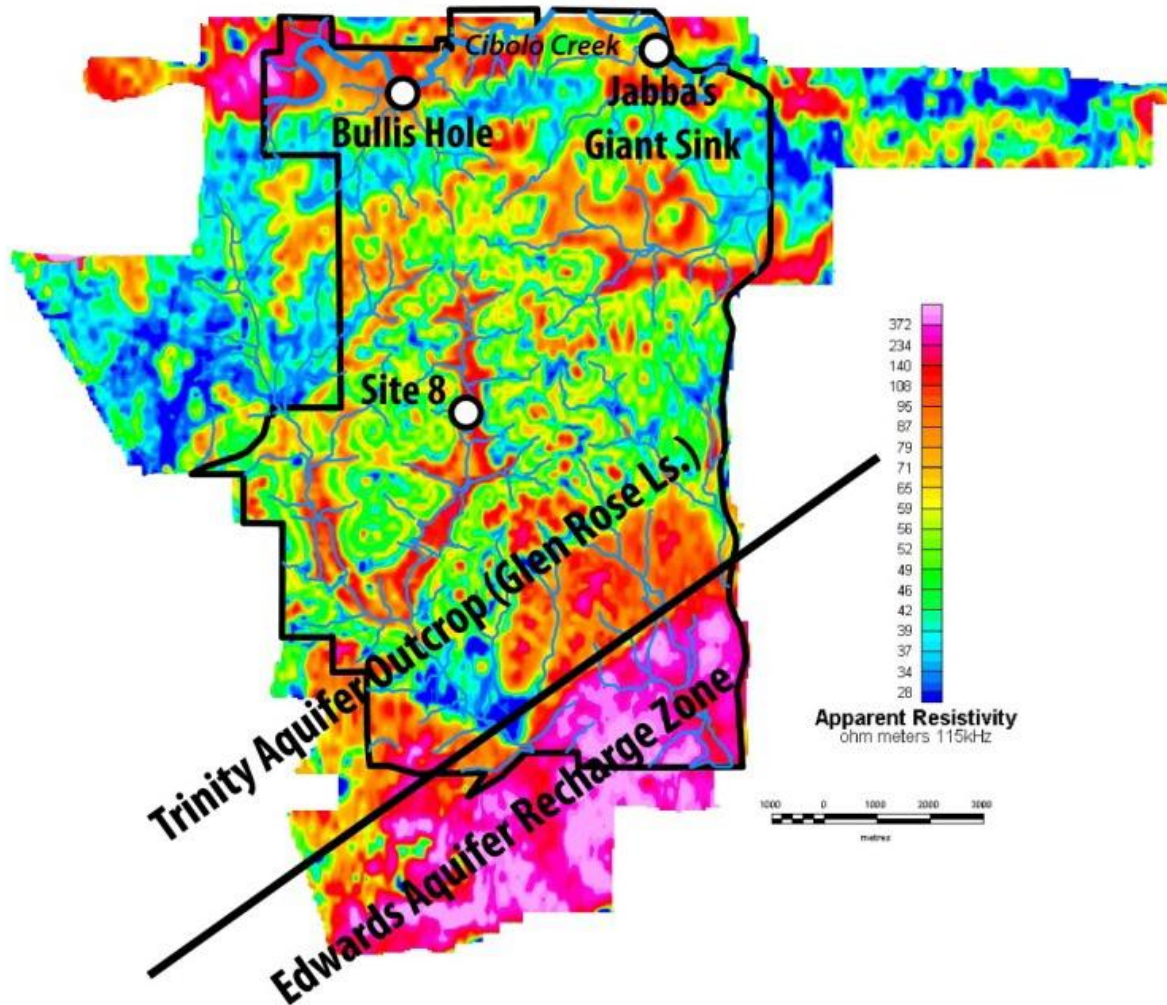
http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1127&context=sinkhole_2013

Page 198, *Figure 3. Karst feature density map of Camp Bullis showing the spatial distribution and significance number of karst features (Zara, 2011).*



Camp Bullis resistivity map, NOTE HIGH RESISTIVITY TO NW of Camp Bullis, near where Reserve at Amman Rd is located; excerpt from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013)

Page 199, Figure 4. HFDEM survey data at 115 kHz frequency from Camp Bullis. DC-ERI sites are shown as white circles. The Edwards-Trinity contrast is clearly shown in the HFDEM data (Smith et al, 2005) The water table is 30+ meters below the land surface throughout Camp Bullis, thus these resistivity values reflect the vadose zone.



Page 200, 2nd para excerpt:

The trends in the apparent resistivity map correlate to and augment the mapped geology. The HFDEM map shows greater detail in the lithologic changes than indicated in geologic maps such as the thin limestone units and more detail in structural trends. There is also a strong correlation of the occurrence of karst features (Figure 3) with the HFDEM map, suggesting that the geophysical data may also reflect values of high resistivity that would be significant if large volumes of air-filled voids (very high resistivity) exist in the subsurface.

Photo Taken August 26, 2014 on K-7 Ranch



Enclosure 3 Express News Article Quoting the Developer's Representative:

San Antonio Express News

Engineer: First unit of Fair Oaks development won't use Kendall County water

By Zeke MacCormack

July 3, 2014

FAIR OAKS RANCH - A master utility plan for The Reserve at Fair Oaks Ranch indicates the 345-acre, 635-home subdivision proposed on Ammann Road would get water from two wells in Kendall County and one in Comal County.

However, the project's engineer, Paul Schroeder, this week referred to the Kendall County sites as "potential locations" and said the Comal County well would serve Unit 1 of the project, which includes 18 homes on 14 acres.

The Unit 1 plat filed by Trio Residential Developers last month is being reviewed by Public Works Director Ronald C. Emmons.

He noted the project's density couldn't exceed one home per four acres if its water came from wells in Kendall County, according to Cow Creek Groundwater Conservation District rules, but that no such pumping restrictions exist in Comal County.

zeke@express-news.net

2012 Annual Drinking Water Quality Report

A TCEQ Superior recognized water system.

FAIR OAKS RANCH UTILITIES:

Phone No.: 210-698-7685 or (866) 258-2505

Dear Customer:

We are pleased to present to you a summary of the quality of water provided by Fair Oaks Ranch Utilities for the period of January 1 to December 31, 2012. The Safe Water Drinking Act Amendments of 1996 (SWDA) require utilities to make this annual report to its customers with information regarding our water source, what it contains, and the health risks our testing and treatment is designed to prevent. We hope it advances your understanding of drinking water issues and heightens awareness of the need to protect precious water resources.

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the following pages. We hope this information helps you become more knowledgeable about what is in your drinking water.

During calendar year 2012, Fair Oaks Ranch Utilities pumped 242,086,600 gallons from the Trinity Aquifer and received 275,879,000 gallons from the Guadalupe Blanco River Authority for its 2543 residential and commercial customers. That represents an average of 556.5 gallons per customer per day, 116.8 gallons per customer per day less than in 2011.

We are committed to providing you the safest, most reliable and cost effective water supply.



Special Notice:

Infants, some elderly, or immunocompromised persons such as those undergoing chemotherapy for cancer; persons who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders, can be particularly at risk from infections. You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. You should seek advice about drinking water from your physician or health care providers. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe drinking Water Hotline (800-426-4791).



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Public Participation Opportunities

Do you have questions concerning your drinking water? If so, you may attend the monthly City Council meetings held at City Hall, on the third Thursday of the month at 7:00 PM. There is an open forum where your questions and concerns are heard. You may also contact Ron Emmons at (210) 698-7685 or via e-mail remmons@fairoaksranchtx.org. Also visit the City's webpage www.fairoaksranchtx.org.

En Español

Este reporte incluye información importante sobre el agua para tomar. Para asistencia en español, favor de llamar al teléfono **210-698-7685**.

Enclosure 5 Express News Article on Regulatory Stalemate:

San Antonio Express-News

A jurisdiction stalemate has developed

By Zeke MacCormack STAFF WRITER

May 29, 2014

A proposed development just outside the small city of Fair Oaks Ranch highlights the absence of a formal agreement — despite a state requirement for one — stipulating whether the city or Kendall County regulates new subdivisions there.

The question has become more than academic for the development's opponents, who might find an ally in a county government not inclined to approve an infrastructure-building arrangement envisioned by the developer.

A 2001 state law mandates that cities and counties designate which one will oversee subdivision platting in a city's extraterritorial jurisdiction, the areas just beyond city limits where limited municipal authority is exercised.

The law was meant to streamline development in ETJs by eliminating bureaucratic redundancy and conflicting city/county requirements.

Kendall County and Fair Oaks Ranch officials concur on the need to replace their 2002 "interlocal agreement," which expired in 2007. It called for the city to regulate subdivisions in its ETJ.

Despite trading proposals for a new agreement for years, they had not come to terms by last fall, when Trio Residential Developers proposed 635 homes on a 345-acre parcel off Ammann Road.

The lack of the state-mandated pact might have stayed on the backburner if the City Council had granted the developer's request to annex the parcel just north of current city limits on the borders of Kendall and Comal counties.

However, the council unanimously rejected the annexation petition last month in the face of intense public opposition to the project, which has since broadened to also lobby county leaders.

Opponents contend that adding up to 1,700 new residents would overburden roads, local groundwater supplies and emergency services, diminishing their quality of life.

Interlocal agreement or not, City Manager John Hobson this week said, "We are asserting our right to have jurisdiction over subdivisions in our ETJ."

However, Kendall County Attorney Don Allee suggested the county also might exercise some authority there, since Trio is exploring the creation of a Public Improvement District (PID) to encompass its project. Such a district would allow the developer to sell bonds to finance the construction of infrastructure like roads, waterlines and a sewage treatment plant, then levy a property tax on future homeowners within its borders to repay the bonds.

The PID was part of a development agreement that city leaders signed with the property owner in November on The Reserve, but no petition to create one has been filed with the city. County leaders gave the idea a cool reception at a recent meeting with Trio officials.

"We basically, in a nutshell, told them we aren't interested," Kendall County Judge Darrel Lux said. "I don't believe it's the county's business to be involved in those types of taxing districts."

The Texas local government code says a developer may petition either a city or a county to form a PID, but Allee said Wednesday, "I think the point could be made that, if it's in the ETJ, the county would need to approve it."

David Earl, attorney for Trio, said his client is proceeding with the project, although no decision has been made on whether to pursue a PID. "They're exploring their options," he said.

Until he researches the issue, Earl declined comment on whether Trio would need county approval to form a PID.

Also at the May 20 meeting, county officials say, Trio officials declared their intention to draw groundwater for The Reserve from wells to be dug in Comal County, where pumping is unregulated due to the lack of a groundwater management district.

Enclosure 5 (cont)

Fair Oaks Ranch project raises water concerns in Comal County

By Zeke MacCormack

May 7, 2014 | Updated: May 7, 2014 9:48pm

The Reserve at Fair Oaks Ranch is exactly the kind of proposed development that Rep. Doug Miller long has cited in calls to create a groundwater conservation district in Comal County.

Only 86 residences could be built on the 345-acre site northeast of the small city of Fair Oaks Ranch if its wells are dug in Kendall County, under Cow Creek Groundwater Conservation District rules.

But a sliver of the subdivision reaches into Comal County. No pumping limits would affect a public water supply system fed by wells dug in that section, which would allow the developer to realize plans to build 635 homes.

“I’ve been warning people for the past 20-plus years of the need to be self-regulated, if you will, and to prevent something like this,” said Miller, a New Braunfels Republican who has served on the Edwards Aquifer Authority board.

Most Hill Country counties are in groundwater districts, which can limit pumping, require registration of large wells and establish water conservation plans.

After seeing Comal County residents defeat referenda aimed at creating a district there twice since 1995, Miller introduced a bill in the Legislature’s last session to create one without going before voters. It passed in the House, but died in the Senate. He’s revising the bill to try again.

Miller had acted against a backdrop of rapid residential and commercial growth and state pressure to regulate pumping in Comal County, the western portion of which is designated as a priority groundwater management area where the Trinity Aquifer is forecast to fall short of demand.

“What is happening in Fair Oaks is a prime example of what I'm trying to prevent — potentially unregulated and unmanaged groundwater pumping on a large scale,” Miller said. “Opponents don't want any more government and are afraid that the district will be overreaching in its power.”

After four years of litigation, the Texas Commission on Environmental Quality recently gave up its efforts to force Comal and Travis counties to create groundwater districts or join existing ones in neighboring counties.

TCEQ spokeswoman Andrea Morrow said Miller's bill and local efforts to form a district in Comal County influenced the agency's decision to drop the issue in January.

Critics of unregulated pumping expressed disappointment at the move.

“We would have liked to see the process continue,” said Milan J. Michalec, president of the Hill Country Alliance, a nonprofit dedicated to protecting natural resources. “There should be a district there and pumping should be managed by the appropriate authority.”

Larry Hull, a member of a stakeholders' group formed in Comal County in 2011, said having a district would give the county a voice in the state's water policy debate, promote conservation and help secure funding to study the Trinity Aquifer.

His group is working to refine Miller's bill and build support for it. In its current draft, it calls for creating a district funded by pumping and groundwater management fees but without the authority to meter private wells or levy a property tax.

“Everyone is in agreement that we have a critical groundwater problem,” Hull said. “Groundwater conservation districts are the state's method to manage groundwater.”

Faced with overwhelming public opposition to the project, the Fair Oaks council April 17 unanimously rejected a request to annex The Reserve filed by the landowner, R. W. Pfeiffer Properties LLC, on behalf of Trio Residential Developers of Austin.

“You can't wave money at Mother Nature and make it rain,” resident Mary McConnell said. “It's a very sensitive resource around here. We could be in some deep trouble if we're not careful.”

Marc Frease of Trio didn't return calls inquiring about his plans for the site. City Manager John Hobson said Tuesday that Trio officials have requested a meeting on the project, set for Thursday.

A development agreement signed last fall with the city calls for 635 homes on the parcel, a scale that would be possible only if the water comes from Comal County, officials say. That scenario upsets directors of the Cow Creek district and their constituents in Kendall County, who fear wells supplying The Reserve would draw down the surrounding water table.

“It would erode the ability of the Cow Creek to manage the groundwater,” said Michalec, who also serves on the Cow Creek board. “The water source doesn't respect county boundaries.”

zeke@express-news.net

January 2013
SFR-053/08

Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 83rd Texas Legislature

...

Hill Country PGMA

Administrative efforts to establish GCDs for western Comal County and southwestern Travis County are presently in the contested case hearing process. As previously reported, the ED petitioned the Commission in July 2010 with a primary and an alternate recommendation to establish groundwater management in the Hill Country PGMA. In the petition, the ED's primary recommendation was for TCEQ creation of a new GCD that would include the portions of Comal, Hays, and Travis counties within the Hill Country PGMA. The ED's alternate recommendation in the petition was for TCEQ to recommend the portion of western Comal County in the PGMA be added to the Trinity Glen Rose Groundwater Conservation District and the southwestern portion of Travis County in the PGMA be added to the Barton Springs/Edwards Aquifer Conservation District.

The matter was referred to SOAH and, after mailed and published notice, a preliminary hearing was held in San Marcos on October 28, 2010. At the hearing, several participants raised notice issues and the issue of TCEQ jurisdiction and authority to create a new GCD over the existing Hays Trinity GCD by noting an August 26, 2010 Office of the Attorney General (OAG) opinion about overlapping GCD boundaries. In the opinion, the OAG responded that two different political subdivisions may not exercise jurisdiction over the same territory at the same time and for the same purpose. On November 1, 2010, SOAH ordered the ED to file a status report about compliance with notice provisions by November 30, 2010, instructed those who wanted to participate to file position statements by November 30, 2010, and set a preliminary schedule.

On November 30, 2010, the ED filed a response that recommended the primary recommendation to create a new Comal, Hays, and Travis GCD not be considered, the alternate recommendation to add the western Comal territory to the Trinity Glen Rose GCD and to add the southwestern Travis territory to the Barton Springs/Edwards Aquifer Conservation District be elevated and vetted through the hearing process, and the other report-evaluated options for GCDs for the Comal and Travis territories also be vetted through the hearing process. The ED acknowledged that some stakeholders were not provided mailed notice, that subsequent mailed notice should be provided, and that a second preliminary hearing may be in order. On December 15, 2010, SOAH issued an order

cancelling the preliminary schedule and instructing the ED to republish notice for a second preliminary hearing.

The ED mailed and published notice for the second SOAH preliminary hearing that was held on April 6, 2011 at the Hays County Courthouse. At the second preliminary hearing, SOAH considered and ruled on jurisdictional matters, ruled on eight participants who wanted to become parties or clarify party status, heard requests to abate the hearing until the end of the 83rd Legislature in 2013, and adopted a hearing schedule. SOAH issued an order on April 13, 2011 memorializing the second preliminary hearing and requesting the parties file responses by April 26, 2011 to the request for hearing abatement.

Since that time, the hearing has been abated three times. On May 4, 2011, the hearing was abated until December 1, 2011, which was six months after the conclusion of the 82nd Legislature. On December 6, 2011, the hearing was abated for another eight months, until August 1, 2012, to allow for and encourage local actions to continue, and to allow for the TCEQ to adopt applicable rule revisions. On August 7, 2012, the hearing was abated for another 11 months, until July 1, 2013, after the conclusion of the 83rd Legislature, to allow for and encourage local actions. By July 1, 2013, SOAH has ordered the ED to file a status report and a motion to extend the period of abatement, withdraw the ED's petition, or set a hearing on merits.

Enclosure 7 Article on 2014 Termination of TCEQ Effort on Western Comal County:

New Braunfels Herold Zeitung

State drops water district push

Posted: Wednesday, April 23, 2014 11:59 pm

State drops water district push By Greg Bowen New Braunfels Herald-Zeitung

The Texas Commission on Environmental Quality (TCEQ) has dropped its effort to force the creation of a groundwater conservation district (GCD) to protect the stressed Trinity Aquifer in western Comal County.

TCEQ had been pushing a plan to put the Trinity territory in western Comal under the authority of the Bexar County-based Trinity Glen Rose GCD.