

Honey Creek TLAP

- ▶ GEAA Response



Key Steps Leading to Contested Case Hearing

Contested Case Hearing and TCEQ Final Decision

- ▶ State Office of Administrative Hearings (SOAH) Preliminary Hearing
- ▶ Discovery Period
- ▶ Hearing on the Merits
- ▶ Administrative Law Judge Proposal for Decision (ALJ PFD)
- ▶ =180 days SOAH Prelim Hearing to ALF PFD
- ▶ TCEQ Commissioner meeting 44 days from Request for Hearing; Preliminary Hearing in January, Contested Case Hearing in March/April; ALJ Proposal for Decision in June 2021.
- ▶ TCEQ Commissioner Final Decision

GEAA Hearing Request

- ▶ Itemize issues GEAA raised in still contesting.
- ▶ Describe GEAA as an organization; List GEAA members that have standing in their own right and explain why they have standing.
- ▶ Request hearing.

GEAA Standing = Affected Person + Member of GEAA

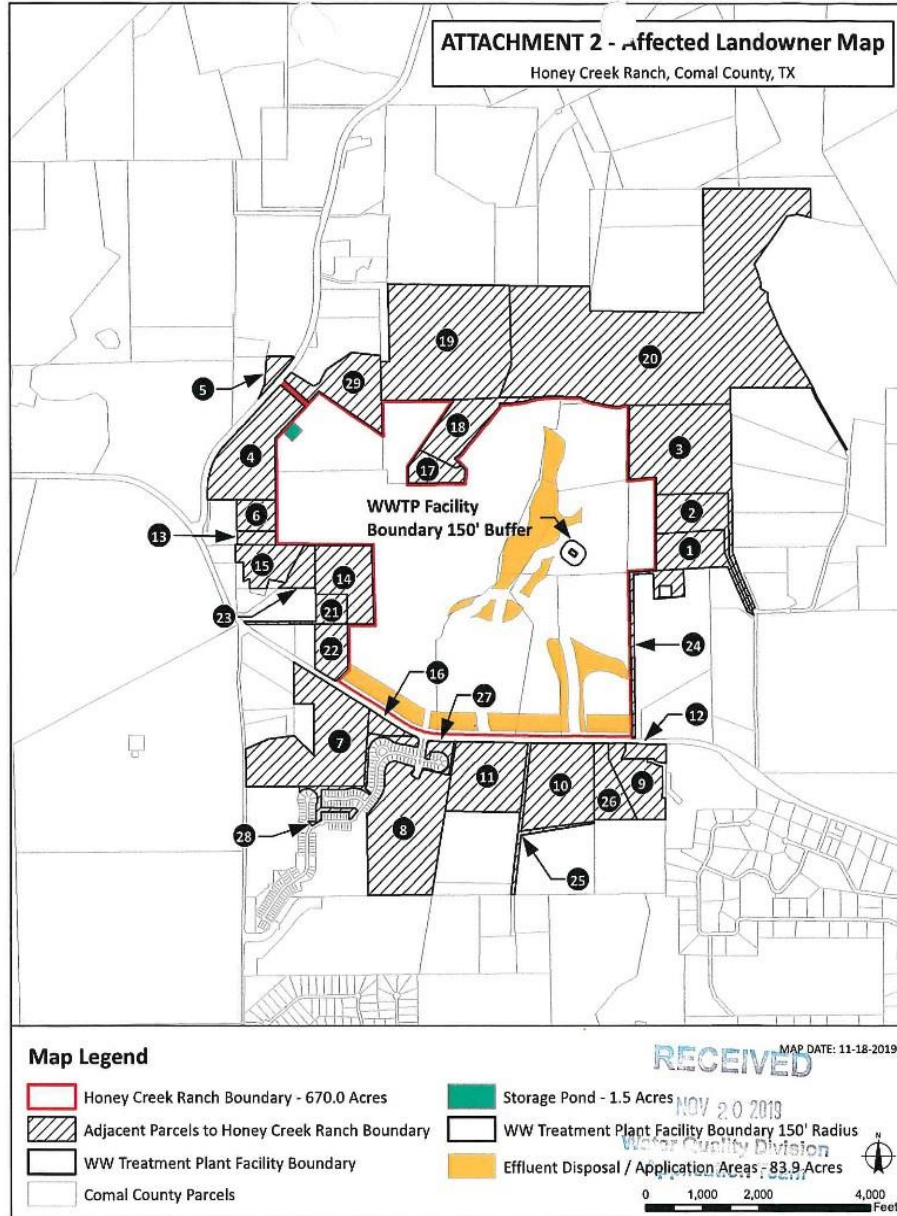
- ▶ Affected person = a person who has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the administrative hearing. An interest common to members of the general public does not qualify as a personal justiciable interest. Texas Water Code 5.115; 30 Tex. Admin. Code 55.103.
- ▶ Personal justiciable interest: 1) location and distance relative to the proposed facility or activity 2) how and why the requestor believes he or she will be adversely affected by the proposed facility in a manner not common to members of the general public. 30 TAC 55.201(d)(2).
- ▶ Commission may consider...the likely impact of the regulated activity on the health, safety, and use of the property of the hearing requestor...any other expert reports, affidavits, opinions, or data submitted by the applicable deadline. Texas Water Code 5.115.

TCEQ Standing Helpful Items

- ▶ Individual owns property within 1 mile of the facility; Individual's activities or interests that will be affected by application.
- ▶ Individual's use of property and/or active use of natural resource for recreational, commercial, scientific and religious purposes.
- ▶ Use is continuing.
- ▶ Use would be impacted by granting of application.

Items to include in hearing requests

- ▶ Name, address, phone number.
- ▶ Description of use of property or other legal interest that will be impacted by wastewater treatment plant and subsurface drip irrigation disposal of wastewater.
- ▶ Photos of use property/use of property.
- ▶ At later date will be required to provide same information as sworn testimony.



TCEQ File0378

Attachment 3 – List of Affected Landowners

1. George R & Susan Diane Wyatt
135 Woodland Ranch Rd
Boerne, TX 78015

2. George R & Susan Diane Wyatt
136 Woodland Ranch Rd
Boerne, TX 78015

3. George R & Susan D Wyatt
1573 Limestone Ledge
Spring Branch, TX 78070

4. Gladys Friesenhahn Appelt
1215 Warden St
Fort Worth, TX 76126

5. Thomas W & Diane Conlee
645 Park Road 31
Spring Branch, TX 78070

6. Mary Friesenhahn
208 Majestic Grove
San Antonio, TX 78258

7. Susan R Schwartz
35240 Blanco Rd
Bulverde, TX 78163

8. Two Seventy Seven Limited
8023 Vantage Dr Suite 1200
San Antonio, TX 78230

9. Kathryn Agold Clomperlik
14435 N Lupon Rd
Saint Hedwig, TX 78152

10. Maxine Agold Gervin
530 Inca Way
Sallinas, CA 93906

11. Jeanette Agold Blount
26251 SH 46 W
Spring Branch, TX 78070

12. Archdiocese of S.A.
25781 SH 46 W
Spring Branch, TX 78070

13. Mary Friesenhahn
208 Majestic Grove
San Antonio, TX 78258

14. Agnes B Roca & Greg T
Elmendorf
PO Box 4066
Bergheim, TX 78004

15. Kenneth J. Manhoff
27450 SH 46 W
Spring Branch, TX 78070

16. Susan R. Schwartz
35240 Blanco Rd
Bulverde, TX 78163

17. Curtis N. Turner
874 Park Road 31
Spring Branch, TX 78070

18. Curtis N. Turner
874 Park Road 31
Spring Branch, TX 78070

19. Steven & Bonnie Akob
1030 Park Road 31
Spring Branch, TX 78070

20. Texas Parks & Wildlife
4200 Smith School Rd
Austin, TX 78744

21. Agnes B Roca & Greg T
Elmendorf
PO Box 4066
Bergheim, TX 78004

22. Agnes B Roca & Greg T
Elmendorf
PO Box 4066
Bergheim, TX 78004

23. Boy Wonder LTD
717 W Ashby Pl
San Antonio, TX 78212

24. Dennis E & Joanne Dawson
1 Double D Ln
Spring Branch, TX 78070

25. Maxine Agold Gervin et. al
% Agold Ranches
7502 Linfield St
San Antonio, TX 78238

26. James W. Agold
104 H Coggins Ln
Jonesborough, TN 37659

27. Two Seventy Seven Limited
8023 Vantage Dr Suite 1200
San Antonio, TX 78230

28. Two Seventy Seven Limited
8023 Vantage Dr Suite 1200
San Antonio, TX 78230

29. Kenneth W & Geraldine B
Friesenhahn
111 Tomahawk Cir
Cibola, TX 78108

NOV 20 2019
Water Quality Division
Application Team

TCEQ File0378

Example Description of Standing Member

Jane and John Doe (“Does”), 1234 Madeup Street, Beautiful, Texas, (512-xxx- xxxx) are group members that use and enjoy their property along A Pristine Hill Country Creek for multiple activities that rely on the high quality water of the creek including recreation, wildlife habitat, bee cultivation, agricultural use, religious services, scientific study, and archaeological studies. The Doe’s property is approximately 1.5 miles downstream of the proposed wastewater facility and surrounds both sides of the creek. The Does rely on water from their domestic water well for water for their home. The Does will be affected by the proposed wastewater facility in a manner not common to members of the general public because they own property on along the creek and frequently recreate in the creek from their property. The water of the creek is exceptionally clear when it runs through their property and much of their use of their property relies on the clean water in the creek. The Does are affected persons because they have a personal justiciable interest related to the use and enjoyment of their property on the creek. Because the proposed wastewater facility will change the quality of water in the creek there is a reasonable relationship between their interest in the use and enjoyment of their property as abutting a clear and clean creek and the permitting of a wastewater discharge into the creek. Because the water supply for their home is provided by their well, there is a reasonable relationship between their interest in clean and safe drinking water for their home and the permitting of a wastewater facility introducing wastewater adjacent to the creek a short distance upstream from their water supply well. As affected persons with interests that will be affected by the proposed facilities the Doe’s request a contested case hearing.