

TCEQ DOCKET NO. 2020-0308-MWD

APPLICATION BY
Cherryville GP, Inc and Cherryville
#5 LTD FOR NEW TPDES PERMIT
NO. WQ0015738001

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BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS AND RESPONSE TO
MOTIONS FOR RECONSIDERATION

I. RECOMMENDATION

The Commission find Michael and Nancy Ohlendorf, San Marcos River Foundation (SMRF), and Texas Rivers Protection Association (TRPA) as affected persons.

The Executive Director recommends the Commission refer the following issues to SOAH for a CCH:

- Issue 1. Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards (RTC Response 9, 21, 23, 24, 26, 27, 29, 31, 33, 37, 38, 48, and 49).*
- Issue 2. Whether the proposed discharge will cause algae blooms (RTC Response 24 and 27).*
- Issue 3. Whether the draft permit contains sufficient protection to prevent nuisance odors from operation of the proposed wastewater treatment plant and discharge (RTC Response 24).*
- Issue 4. Whether the proposed discharge will comply with the applicable antidegradation requirements (RTC Response 9, 21, 23, 24, and 29).*
- Issue 5. Whether the proposed discharge, as authorized by the draft permit, will impair existing uses of Dickerson Creek and the San Marcos River (RTC Response 26, 31, 33, 34, 37, 38, and 44).*
- Issue 6. Whether the draft permit is protective of groundwater and drinking water (RTC Response 26, 31, 33, 34, 37, 38, and 44).*

- Issue 7. Whether the draft permit is protective of aquatic life (RTC Response 9, 24, and 29).*
- Issue 8. Whether the draft permit will adversely affect recreational uses (RTC Response 24 and 27).*
- Issue 9. Whether the Applicant properly described the discharge route (RTC Response 7).*
- Issue 10. Whether the permit will be protective of the requesters' use and enjoyment of their property (RTC Response 16, 39, 42, 49).*
- Issue 11. Whether the Applicant sufficiently demonstrated need for the volume requested in its application for a new discharge permit under TWC § 26.0282 (RTC Response 12).*
- Issue 12. Whether the Applicant complied with all notice requirements (RTC Response 40).*

The Executive Director recommends the Commission deny all requests for reconsideration.

II. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Response to Hearing Requests on the application Cherryville GP, Inc and Cherryville #5 LTD for new TPDES Permit No. WQ0015738001. Attachment A includes satellite maps of the area for Commission consideration.

The following persons submitted timely hearing requests:

Caldwell County Judge Hoppy Haden	Tri-Community Water Supply Corp.	Janie Barrientos
Greater Edward Aquifer Alliance	Wimberley Valley Watershed Association	Randy M. Bunker
San Marcos River Foundation	Cristen Andrews	Melanie Caldwell
Texas Rivers Protection Association	James Keith Baker	Dana Coble
	Donald Barkmeyer	Cheri Courtney
	Janet Barkmeyer	Mark Courtney
		Brian T. Davila
		Simona Davila

Kori Dunaway	Keith Maddox	Barbara Shelton
Lacey Ellis	Monica Maddox	Sharan Smith
Tommy Forester	Wayne and Delane Mayfield	Pat Gunn Spencer
Lillie Gifford	Jack Mercer	Holly and Terry Taylor
Nora Gonzales	Linda Webb-Mercer	Randall Terrell
Ynocencio Gonzales	Larry Milka	Billy Turner
Madonna Gorner	Tony Miller	Amy Vasquez
Robert Grantham	Jim and Layne Ober	Robert Vasquez
Miguel Guerra	Michael and Nancy Ohlendorf	Mike and Suzi Vordenbaum
Ed Hensley	Rodney Purswell	Elizabeth and Joseph Weeks
Linda Hinkle	Dale Ryder	Annie Williams
Elaine Irish	Rick Salisbury	Concerned Citizen
Marie Mackey	Rachel Sanborn	
Robert Mackey		

Cristen Andrews submitted a Motion for Reconsideration.

III. FACILITY DESCRIPTION

Cherryville has applied to the TCEQ for a new TPDES permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed .038 million gallons per day (MGD) in the Interim phase, a daily average flow not to exceed 0.072 MGD in the Interim II phase, and a daily average flow not to exceed 0.16 MGD in the Final phase. The proposed wastewater treatment facility will serve the proposed Cherryville Municipal Utility District (MUD) service area, which will consist primarily of family residential subdivisions with commercial developments.

If the Permit is issued the proposed Cherryville Wastewater Treatment Facility (Facility) will be a membrane bioreactor (MBR) system and will serve the proposed Cherryville Municipal Utility District (MUD) service area, which will consist primarily of family residential subdivisions with commercial developments. Treatment units in the Interim I phase will include two fine screens, an equalization basin, two MBR basins, a sludge digester, and three ultraviolet light (UV) disinfection units. Treatment units in the Interim II phase will include two fine screens, an anoxic basin, three MBR basins, a sludge digester, and four UV disinfection units. Treatment units in the Final phase will

include two fine screens, an anoxic basin, three MBR basins, sludge digester, and five UV disinfection units. The facility has not been constructed.

The facility site will be located approximately 600 feet south of the intersection of Dickerson Road and State highway 80, east of State highway 80, in Caldwell County, Texas 78655.

If the draft permit is issued, the treated effluent will be discharged to Dickerson Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Dickerson Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC § 307.5 and the TCEQ *Procedures to Implement the Texas Surface Water Quality Standards* (TSWQS) (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water-quality limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

In a case such as this, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with TSWQS for pH when the discharge authorized is from a minor facility and the unclassified waterbodies have minimal or limited aquatic life uses. This conservative assumption is based on TCEQ

sampling conducted throughout the state that indicates that instream buffering quickly restores pH levels to ambient conditions.

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

Segment No. 1808 is not currently listed on the state's inventory of impaired and threatened waters (the 2014 CWA § 303(d) list).

The effluent limitations in the Interim I, Interim II, and Final phases of the draft permit, at Outfall 001, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/l total suspended solids (TSS), 3.0 mg/l ammonia nitrogen (NH₃-N), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The permittee shall utilize an UV system for disinfection purposes and shall not exceed a daily average *E. coli* limit of 126 CFU or MPN per 100 ml. The effluent limitations in the draft permit will maintain and protect existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

The draft permit includes a requirement for the permittee to comply with the requirements of 30 TAC § 309.13(a) through (d) and, by ownership of the required buffer zone area, the requirements of 30 TAC §309.13(e).

The proposed draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the facility is hauled by a registered transporter and disposed of at a TCEQ-permitted landfill, Austin Wastewater Processing Facility, Permit No. 2384, in Travis County. The proposed draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

IV. PROCEDURAL BACKGROUND

The TCEQ received the permit application on September 5, 2018 and declared it administratively complete on December 27, 2018. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on January 24, 2019 in the *Lockhart*

Post-Register, Caldwell County, Texas. The Combined Notice of Public Meeting and the Notice of Application and Preliminary Decision (NAPD) was published in the *Lockhart Post-Register* on June 13, 2019, Caldwell County, Texas. A public meeting was held on July 16, 2019 at the Prairie Lea Independent School District Auditorium in Prairie Lea, Texas. The public comment period ended at the close of the Public Meeting. The Executive Director's Final Decision and Response to Comments was mailed on January 13, 2020. The Hearing Request/Request for Reconsideration period ended on February 12, 2020.

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

V. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

Response to Requests

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

Responses to hearing requests must specifically address:

whether the requestor is an affected person;

which issues raised in the hearing request are disputed;

whether the dispute involves questions of fact or of law;

whether the issues were raised during the public comment period;

whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

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

a maximum expected duration for the contested case hearing.

30 TAC § 55.209(c).

Hearing Request Requirements

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

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments, and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment. 30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

request a contested case hearing;

list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Requirement that Requestor be an Affected Person/"Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

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

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

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

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

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

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

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

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

30 TAC § 55.203.

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

the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;

the analysis and opinions of the executive director; and

any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

involves a disputed question of fact or a mixed question of law and fact;

was raised during the public comment period by an affected person whose hearing request is granted; and

is relevant and material to the decision on the application.

30 TAC § 50.115(c).

VI. ANALYSIS OF THE REQUESTS

Analysis of the Hearing Requests

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

A. Whether the Individual Requesters Meet the Affected Person Requirements

1. *Persons the Executive Director Recommends the Commission Find are Affected Persons*

Michael and Nancy Ohlendorf

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find Michael and Nancy Ohlendorf are affected persons.

Michael and Nancy Ohlendorf submitted a timely hearing request in writing, provided the required contact information, and raised the issues that are the basis of their hearing request in their timely comments.

In their hearing requests Michael and Nancy Ohlendorf stated, among other things, that recreational uses, cattle grazing, and use and enjoyment of their property will be adversely affected by the proposed discharge. Based on the property description provided, Michael and Nancy Ohlendorf's property is located within close proximity to the proposed facility and the discharge route. In addition, their property is identified in the applicant's affected landowners map. The Executive Director has determined that Michael and Nancy Ohlendorf demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their location, issues raised, and their personal justiciable interest affected by the application, the Executive Director that the Commission find that Michael and Nancy Ohlendorf are affected persons because they meet the criteria set out in 30 TAC 55.203.

Michael and Nancy Ohlendorf raised Issues 1 through 14 in their hearing requests.

2. *Persons the Executive Director Recommends the Commission Find are NOT affected Persons.*

Requestors who are not in relative proximity to the proposed facility or outfall

The Executive Director reviewed the factors in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission finds the individuals listed in this section are NOT affected persons. They submitted timely hearing requests in writing; provided the required contact information; and raised the issues that are the basis of their hearing requests in their timely comments. However, they did not demonstrate a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application that is not common to members of the general public.

Though the hearing requestors stated they were personally affected by the permit application and stated issues relevant to the application, according to the addresses they provided, they are not located with relative proximity to the proposed facility or outfall location. Based on the location of their properties, the Executive Director recommends that the Commission find that the following hearing requestors are not affected persons because they do not meet the criteria set out in 30 TAC § 55.203:

Cristen Andrews, Miguel Guerra, Jim and Layne Ober, Dale Ryder, Rachel Sanborn, and Randall Terrell.

Cristen Andrews expressed concern about rental properties she owns along the San Marcos River. Miguel Guerra stated that his business depends on people recreating along the San Marcos River. Randell Terrell and Jim and Layne Ober expressed concern about recreational use of the San Marcos River being impaired. However, the point of discharge is 3.73 miles away from the San Marcos River. Given the distance from the proposed discharge point to the San Marcos River and the small effluent volume (a maximum of 160,000 gallons per day), it is unlikely these requestors will be adversely affected in a manner not common to members of the general public.

Requestors who are not in relative proximity to the proposed facility or outfall and did not state how they would be personally affected by the permit application.

The Executive Director reviewed the factors in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission finds the individuals listed in this section are NOT affected persons. They submitted timely hearing requests in writing; provided the required contact information; and raised the issues that are the basis of their hearing requests in their timely comments. However, they did not demonstrate a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application that is not common to members of the general public.

According to the addresses these hearing requestors provided, they are not located with relative proximity to the proposed facility or outfall location. In addition the hearing requestors did not demonstrate a personal justiciable interest because they did not state how they would be personally affected by the permit application in their hearing requests. Based on the location of their properties and not identifying how they would be personally affected by the permit application, the Executive Director recommends that the Commission find that the following hearing requestors are not affected persons because they do not meet the criteria set out in 30 TAC § 55.201(d) and § 55.203:

James Keith Baker, Donald Barkmeyer, Janet Barkmeyer, Randy M. Bunker, Cheri Courtney, Kori Dunaway, Lacey Ellis, Lillie Gifford, Robert Grantham, Judge Hoppy Haden, Marie Mackey, Robert Mackey, Keith Maddox, Monica Maddox, Larry Milka, Rodney Purswell, Rick Salisbury, Pat Gunn Spencer, Holly and Terry Taylor, Elizabeth and Joseph Weeks, Annie Williams, Concerned Citizen.

Requestors who did not provide a property location

The hearing requestors listed below did not provide any information regarding the location of their property relative to the either the outfall or the wastewater treatment plant; the only addresses they provided were Post Office Boxes. Because the ED cannot determine whether they have a personal justiciable interest that is not in common with the general public, the Executive Director recommends that the

Commission find that the following people are not an affected person because they do not meet the criteria set out in 30 TAC § 55.203:

Janie Barrientos, Melanie Caldwell, Dana Coble, Cheri and Mark Courtney, Brian T. Davila, Simona Davila, Tommy Forester, Nora Gonzales, Ynocencio Gonzales, Madonna Gorner, Ed Hensley, Linda Hinkle, Elaine Irish, Wanye and Delane Mayfield, Jack Mercer, Tony Miller, Barbara Shelton, Sharan Smith, Billy Turner, Amy Vasquez, Robert Vasquez, Mike and Suzi Vordenbaum, Linda Webb-Mercer.

B. Whether the Groups/Organizations Requesters Meet the Affected Person Requirements

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015 must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request 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; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

San Marcos River Foundation (SMRF)

1) Whether the group or association submitted timely comments on the application.

SMRF submitted timely comments on the Cherryville application. The ED recommends that the Commission find that SMRF has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

Kevin Holmes

Kevin Holmes is a SMRF member who has standing in his own right. SMRF's hearing request stated that Mr. Holmes would be adversely affected in a manner not common to the general public by the proposed discharge because the proposed

discharge would interfere with the use of his property for agricultural purposes and interfere with the enjoyment of his property through odors. Based on the property description provided, Mr. Holmes's property is located within close proximity to the proposed facility and the discharge route. In addition, his property is identified in the applicant's affected landowners map. Based on the location of Mr. Holmes's property, issues raised, and his personal justiciable interest affected by the application, The ED recommends the Commission find that he does have standing to request a hearing in his own right.

Michael and Nancy Ohlendorf

Michael and Nancy Ohlendorf are SMRF members who have standing in their own right. SMRF's hearing request stated that the Ohlendorns would be affected in a manner not common to the general public by the proposed discharge because, among other things, recreational uses, cattle grazing, and use and enjoyment of their property would be adversely affected by the proposed discharge. Based on the description provided, Michael and Nancy Ohlendorf's property is located within close proximity to the proposed facility and the discharge route. In addition, their property is identified in the applicant's affected landowners map. Based on the location of their property, the ED recommends the Commission find that Michael and Nancy Ohlendorf do have standing to request a hearing in their own right.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to the hearing request, "SMRF is a non-profit dedicated to protecting public access and preserving the flow, beauty, and purity of the San Marcos River since 1985."

The ED recommends that the Commission find that SMRF has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by SMRF does not require the participation of any individual member of the SMRF. Thus, the ED has determined that SMRF has met this requirement for associational standing.

Because SMRF did not meet all four requirements for associational standing the ED recommends the **Commission find that SMRF is an affected person.**

SMRF raised Issues 1-9 and 11-14 in its hearing request.

Texas Rivers Protection Association (TRPA)

1) Whether the group or association submitted timely comments on the application.

TPRA submitted timely comments on the Cherryville application. The ED recommends that the Commission find that TPRA has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

Michael and Nancy Ohlendorf

Michael and Nancy Ohlendorf are SMRF members who have standing in their own right. TPRA's hearing request stated that the Ohlendorfs would be affected in a manner not common to the general public by the proposed discharge because, among other things, recreational uses, cattle grazing, and use and enjoyment of their property would be adversely affected by the proposed discharge. Based on the description provided, Michael and Nancy Ohlendorf's property is located within close proximity to the proposed facility and the discharge route. In addition, their property is identified in the applicant's affected landowners map. Based on the location of their property, the ED recommends the Commission find that Michael and Nancy Ohlendorf do have standing to request a hearing in their own right.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to the hearing request, "TRPA is a non-profit organization whose mission is to protect the flow, water quality, and natural beauty of the rivers of Texas. TRPA sponsors river clean-ups, engages in public outreach and education to its members and the public concerning preservation of water quality in Texas rivers and streams, and participates in wastewater permitting cases."

The ED recommends that the Commission find that TPRA has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by TPRA does not require the participation of any individual member of the TPRA. Thus, the ED has determined that TPRA has met this requirement for associational standing.

Because TPRA did not meet all four requirements for associational standing the ED recommends the **Commission find that TRPA is an affected person.**

TRPA raised Issues 1-9 and 11-14 in its hearing request.

Greater Edward Aquifer Alliance (GEAA)

(1) Whether the group or association submitted timely comments on the application.

GEAA submitted timely comments on the Cherryville application. The ED recommends that the Commission find that GEAA has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The only identified member of the GEAA is Annalisa Peace. According to the address provided, the property is not located with relative proximity to the proposed facility or outfall location. In addition the hearing requestor did not demonstrate a personal justiciable interest because it did not state how Ms. Peace would be personally affected by the permit application in their hearing requests. While the hearing request stated that GEAA has members who would be affected by effluent, it did not provide the names and property locations of these members. The ED recommends the Commission find that Ms. Peace does not have standing to request a hearing in her own right because the hearing request did not identify a personal justiciable interest and because the location of her property. Therefore, the ED has determined that the GEAA has not met this this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to the hearing request, "GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it."

The ED recommends that the Commission find that GEEA has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by GEAA does not require the participation of any individual member of the GEAA. Thus, the ED has determined that GEAA has met this requirement for associational standing.

Because GEAA did not meet all four requirements for associational standing the ED recommends the **Commission find that GEAA is not an affected person.**

Wimberley Valley Watershed Association (WVWA)

(1) Whether the group or association submitted timely comments on the application.

WVWA submitted timely comments on the Cherryville application. The ED recommends that the Commission find that WVWA has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The only identified member of the WVWA is David Baker. According to the address provided, the property is not located with relative proximity to the proposed facility or outfall location. In addition, the hearing requestor did not demonstrate a personal justiciable interest because it did not state how Mr. Baker would be personally affected by the permit application in their hearing requests. The ED recommends the Commission find that Mr. Baker does not have standing to request a hearing in her own right because the hearing request did not identify a personal justiciable interest

and because the location of his property. Therefore, the ED has determined that the WVWA has not met this this requirement for associational standing.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

According to the hearing request, "WVWA is a 501(c)(3) nonprofit organization that advocates for watershed health and protection across the Hill Country, especially by way of promoting One Water solutions where applicable."

The ED recommends that the Commission find that WVWA has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by WVWA does not require the participation of any individual member of the WVWA. Thus, the ED has determined that WVWA has met this requirement for associational standing.

Because WVWA did not meet all four requirements for associational standing the ED recommends the **Commission find that WVWA is not an affected person.**

Tri-Community Water Supply Corp. (TCWSC)

***A water supply corporation is a member or shareholder owned association. Therefore, the ED is treating TCWSC as a group or association in its analysis.**

(1) Whether the group or association submitted timely comments on the application.

TCWSC submitted timely comments on the Cherryville's application. The ED recommends that the Commission find that TCWSC has met this requirement for associational standing.

(2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The only identified member of the TCWSC is Robert Grantham. According to the physical address provided, the property is not located with relative proximity to the proposed facility or outfall location. In addition the hearing requestor did not demonstrate a personal justiciable interest because it did not state how Mr. Grantham

would be personally affected by the permit application in a way not common to the general public. The ED recommends the Commission find that Robert Grantham does not have standing to request a hearing in his own right because the hearing request did not identify a personal justiciable interest and the location of this property. Therefore, the ED has determined that the TCWSC has not met this this requirement for associational standing.

TCWSC expressed concern about its water wells at the San Marcos River. However, the point of discharge is 3.73 miles away from the San Marcos River. Given the distance from the proposed discharge point to the San Marcos River and the small effluent volume (a maximum of 160,000 gallons per day), it is unlikely TCWSC will be adversely affected in a manner not common to members of the general public.

(3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

TCWSC did not state the organization's purpose in its hearing request. The ED recommends that the Commission find that TCWSC has met this requirement for associational standing.

(4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by TCWSC does not require the participation of any individual member of the TCWSC. Thus, the ED has determined that TCWSC has met this requirement for associational standing.

Because TCWSC did not meet all four requirements for associational standing the ED recommends the **Commission find that TCWSC is not an affected person.**

C. Whether the Governmental Entity Meets the Affected Person Requirements.

Caldwell County Judge Hoppy Haden

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining if a person is an affected person, and recommends the Commission find Caldwell County Judge Hoppy Haden is not an affected person.

Judge Haden submitted a letter that requested a hearing, but did not raise any issues or show how the county is an affected person as a governmental entity

Additionally, Judge Haden failed to demonstrate that it has authority under state law over issues raised in the application as required for governmental entities at 30 TAC § 55.203(c)(7). The ED therefore recommends the **Commission find that the Caldwell County Judge Hopy Haden is not an affected person.**

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

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.¹ The issues raised for this application and the Executive Director's analysis and recommendations follow.

Issue 1. Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards (RTC Response 9, 21, 23, 24, 26, 27, 29, 31, 33, 37, 38, 48, and 49).

This issue involves a disputed mixed question of fact and law, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 2. Whether the proposed discharge will cause algae blooms (RTC Response 24 and 27).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

¹ Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

Issue 3. Whether the draft permit contains sufficient protection to prevent nuisance odors from operation of the proposed wastewater treatment plant and discharge (RTC Response 24).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 4. Whether the proposed discharge will comply with the applicable antidegradation requirements (RTC Response 9, 21, 23, 24, and 29).

This issue involves a disputed mixed question of fact and law, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 5. Whether the proposed discharge, as authorized by the draft permit, will impair existing uses of Dickerson Creek and the San Marcos River (RTC Response 26, 31, 33, 34, 37, 38, and 44).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 6. Whether the draft permit is protective of groundwater and drinking water (RTC Response 26, 31, 33, 34, 37, 38, and 44).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 7. Whether the draft permit is protective of aquatic life (RTC Response 9, 24, and 29).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 8. Whether the draft permit will adversely affect recreational uses (RTC Response 24 and 27).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 9. Whether the Applicant properly described the discharge route (RTC Response 7).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 10. Whether the permit will be protective of the requesters' use and enjoyment of their property. (RTC Response 16, 39, 42, 49).

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael W. Ohlendorf who the Executive Director recommends the Commission find is an affected person. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 11. Whether the Applicant sufficiently demonstrated need for the volume requested in its application for a new discharge permit under TWC § 26.0282. (RTC Response 12).

This issue involves a disputed mixed question of fact and law, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 12. Whether the Applicant complied with all notice requirements (RTC Response 40).

This issue involves a disputed mixed question of fact and law, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Michael and Nancy Ohlendorf, SMRF, and TRPA, who the Executive Director recommends the Commission finds are affected persons. The Executive Director recommends the Commission refer this issue to SOAH.

Issue 13. Whether the draft permit contains sufficient provisions to prevent adverse impacts to water quality from contamination due to spills. (RTC Response 15 and 17).

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The draft permit includes effluent limits that the wastewater treatment facility must meet. If Cherryville does not comply with the terms of the draft permit, which prohibits unauthorized discharges it may be subject to enforcement. The Executive Director recommends the Commission not refer this issue to SOAH.

Issue 14. Whether the permit should contain provisions to limit discharge and require reuse of wastewater (RTC Response 14, 18, 19).

This issue involves a disputed question of fact, and was not withdrawn, however, it is not relevant and material to the issuance of the draft permit. The ED's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state. The ED recommends not referring this issue to SOAH.

VII. CONTESTED CASE HEARING DURATION

If there is a contested case hearing on this application, the Executive Director recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.

VIII. REQUESTS FOR RECONSIDERATION

Cristen Andrews file a request for reconsideration. The issues were raised during the comment period were addressed in the Executive Director's RTC. For those issues that are relevant and material issues of fact, the Executive Director recommends referral to SOAH of those issues for full consideration during a contested case hearing. The proposed permit complies with all applicable statutes and regulations, and the requesters did not provide any additional information that would cause the Executive Director to alter his recommendation to issue the permit. Consequently, the Executive Director recommends denial of the request for reconsideration.

The issues raised by Ms. Andrews are as follows:

- Whether the draft permit is protective of aquatic life (RTC response 9, 24, and 29).
- Whether the proposed discharge will cause algae blooms (RTC Response 24 and 27).
- Whether the permit should contain provisions to limit discharge and require reuse of wastewater (RTC Response 14, 18, 19).
- Whether the draft permit is protective of groundwater and drinking water (RTC Response 26, 31, 33, 34, 37, 38, and 44).
- Whether the proposed discharge will affect the economy (RTC Response 46).
- Whether the proposed discharge will increase flooding (RTC Response 48).

IX. CONCLUSION

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission deny the request for reconsideration.

2. The Executive Director recommends that the Commission find Michael and Nancy Ohlendorf, San Marcos River Foundation, and Texas Rivers Protection Association are affected persons and grant their hearing requests.
3. The Executive Director recommends that the Commission find that all other requestors are not affected persons and deny their hearing requests.
4. If referred to SOAH, the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.
5. If referred to SOAH, concurrently refer the matter to Alternative Dispute Resolution.
6. If referred to SOAH, refer the following issues as raised by an affected person as identified by the Executive Director:
 - Issue 1. Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards.*
 - Issue 2. Whether the proposed discharge will cause algae blooms.*
 - Issue 3. Whether the draft permit contains sufficient protection to prevent nuisance odors from operation of the proposed wastewater treatment plant and discharge.*
 - Issue 4. Whether the proposed discharge will comply with the applicable antidegradation requirements.*
 - Issue 5. Whether the proposed discharge, as authorized by the draft permit, will impair existing uses of Dickerson Creek and the San Marcos River.*
 - Issue 6. Whether the draft permit is protective of groundwater and drinking water.*
 - Issue 7. Whether the draft permit is protective of aquatic life.*
 - Issue 8. Whether the draft permit will adversely affect recreational uses.*

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker
Executive Director

Robert Martinez, Director
Environmental Law Division



By: _____

Hollis Henley, Staff Attorney
Environmental Law Division
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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on June 8, 2020, the "Executive Director's Response to Hearing Requests" for Permit No. WQ0015738001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Hollis Henley, Staff Attorney
Environmental Law Division
State Bar No. 24066672

Cherryville GP, INC. and Cherryville #5, LTD.

TPDES Permit No. WQ0015738001

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



Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 5/28/2020
CRF: 0030335
Cartographer: Noah Sharp

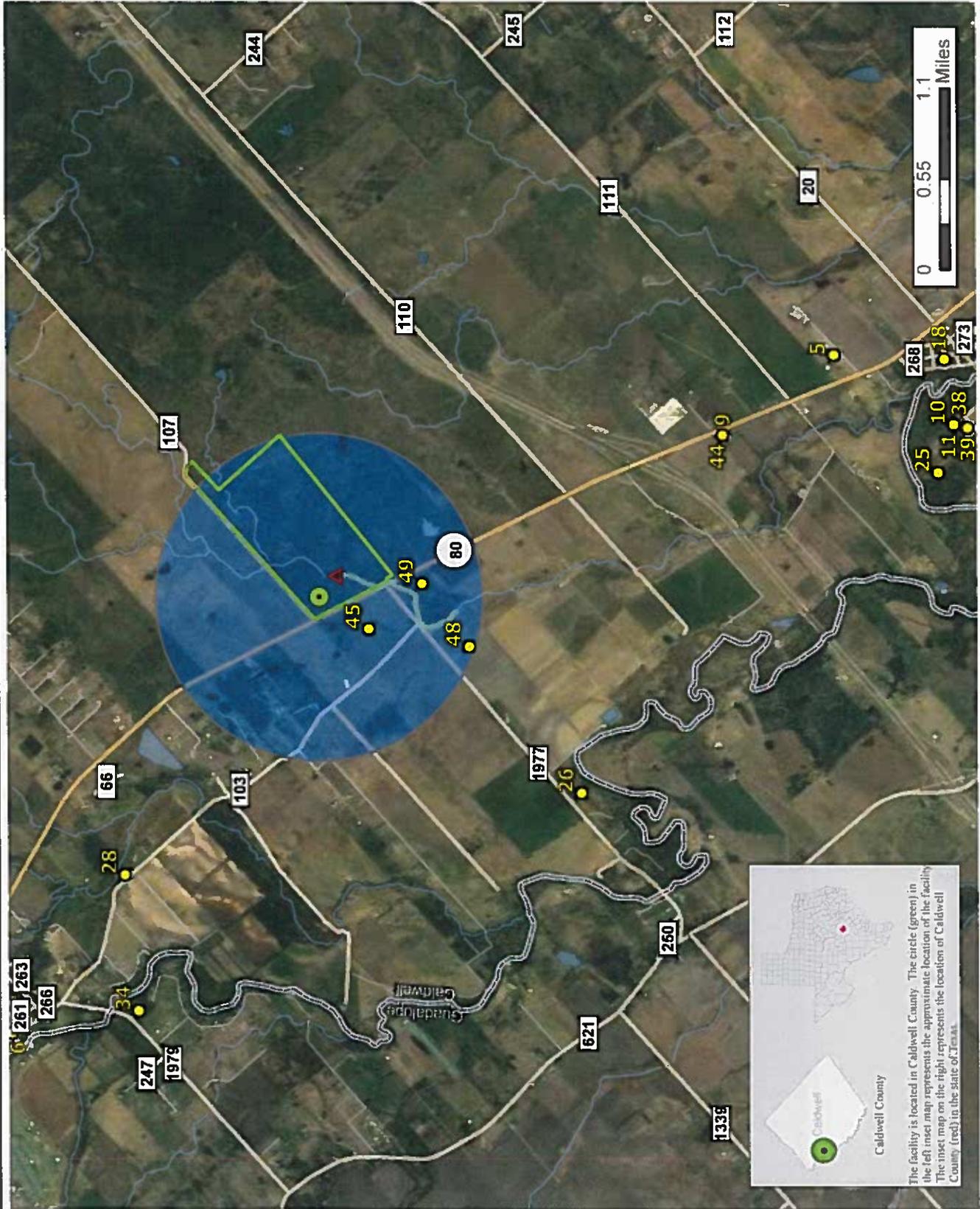


- Requestors
- ▲ Outfall
- Facility
- Facility Property Boundary
- 1 mi Radius
- 1 mi Discharge Route
- Watercourses
- Waterbodies

Please see Map Appendix A for a complete list of requestors.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OL.S). OL.S obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.



The facility is located in Caldwell County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Caldwell County (red) in the state of Texas.

Cherryville GP, INC. and Cherryville #5, LTD.

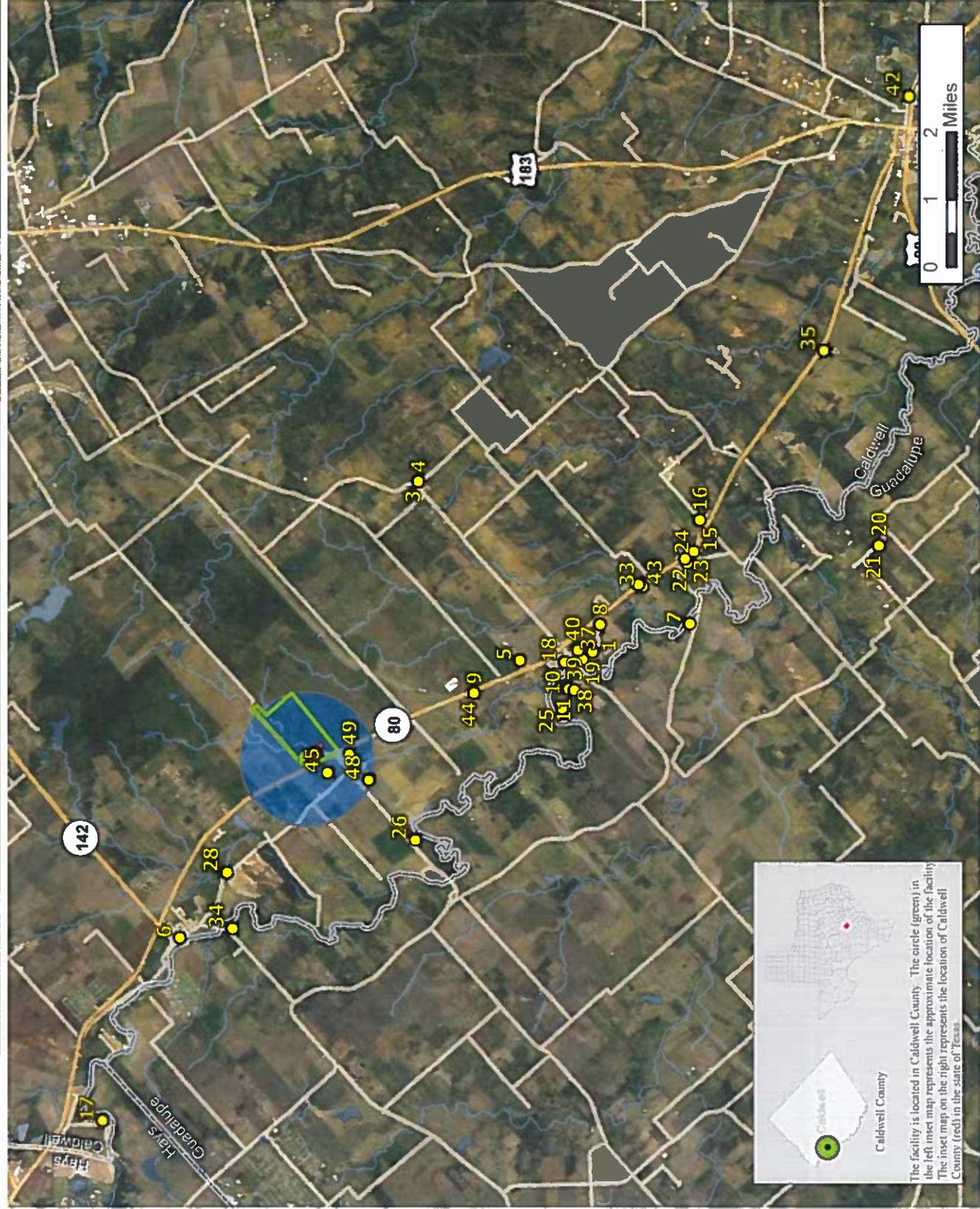
TPDES Permit No. WQ0015738001

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



Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 5/28/2020
CRF: 0040435
Cartographer: Noah Sharp



- Requestors
- ▲ Outfall
- Facility
- Facility Property Boundary
- 1 mi Radius
- 1 mi Discharge Route
- Watercourses
- Waterbodies

Please see Map Appendix A for a complete list of requestors.

Source: The location of the facility was provided by the TCFQ Office of Legal Services (OL 5). OL 5 obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 231-0880.

Caldwell County

The facility is located in Caldwell County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Caldwell County (red) in the state of Texas.

Cherryville GP, INC. and Cherryville #5, LTD.

TPDES Permit No. WQ0015738001

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



Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P O Box 13087
Austin, Texas 78711-3087
Date 5/28/2020
CRF 00030435
Cartographer Neah Shoop

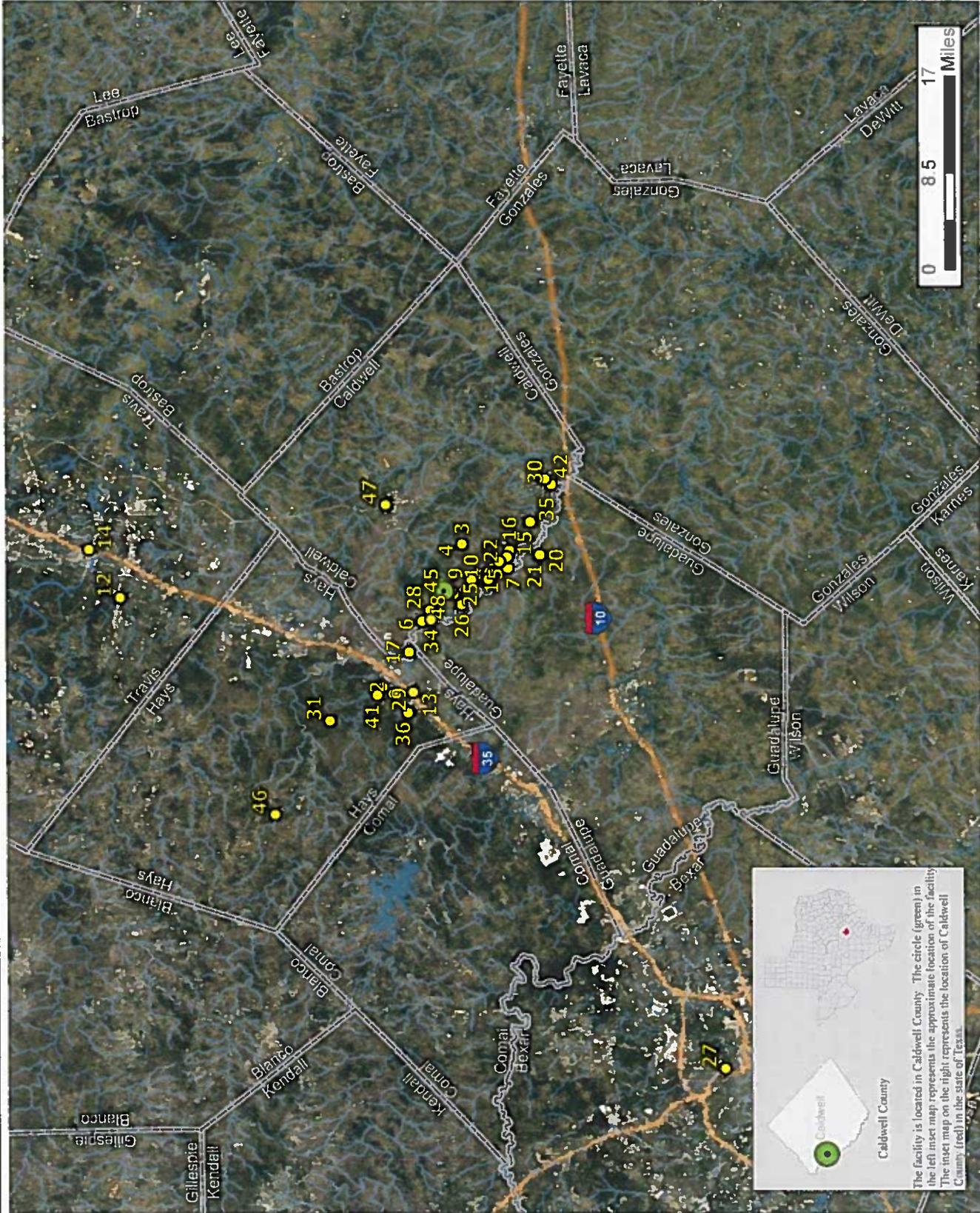


- Requestors
- ▲ Outfall
- Facility
- Facility Property Boundary
- 1 mi Radius
- 1 mi Discharge Route
- Watercourses
- Waterbodies

Please see Map Appendix A for a complete list of requestors.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OL S). OL S obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.



The facility is located in Caldwell County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Caldwell County (red) in the state of Texas.

Appendix A

Number	NAME	ADDRESS	CITY	STATE	ZIP	Distance from Facility (Miles)	Distance from Outfall (Miles)
1	Cristen Andrews	291 South Main Street	Fentress	TX	78622-	4.58	4.4
2	James Keith Baker	727 Belvin St	San Marcos	TX	78666-4301	10.71	10.23
3	Donald Barkmeyer	61 Acorn Rd	Lockhart	TX	78644-4306	4.45	4.3
4	Janet Barkmeyer	61 Acorn Rd	Lockhart	TX	78644-4306	4.45	4.3
5	Janie Barrientos	PO BOX 88	Fentress	TX	78622-88	3.48	3.35
6	Randy M. Bunker	205 Main St	Martindale	TX	78655-	3.26	3.42
7	Melanie Caldwell	362 Redbird Lane	Kingsbury	TX	78636--	6.02	5.9
8	Dana Coble	749 S Main	Fentress	TX	78622--	4.78	4.65
9	Concerned Citizen	10511 San Marcos Hwy	Lockhart	TX	78644-4353-4353	2.66	2.54
10	Cheri Courtney	401 River Grove Rd	Fentress	TX	78622--	4.01	3.9
11	Cheri & Mark Courtney	401 River Grove Rd	Fentress	TX	78622--	4.01	3.9
12	Kelly Davis (SOS)	4701 W Gate Blvd	Austin	TX	78745-1479-1479	28.7	28.79
13	Kori Dunaway	1101 Leah Ave. Apt 1106	San Marcos	TX	78666-7633-7633	9.32	9.46
14	Lacey E. Ellis	1112 E 9th St Unit B	Austin	TX	78702-2611-2611	31.65	31.73
15	Tommy Forester (TCWSC)	7761 FM 671	Praire Lea	TX	78661--	6.51	6.37
16	Lillie Gifford	2850 Plant Rd	Praire Lea	TX	78661--	6.82	6.68
17	Tom Goynes (TRPA)	444 Pecan Park Dr	San Marcos	TX	78666-8544-8544	6.18	6.33
18	Robert W. Grantham (TCWSC)	92 Ward St	Fentress	TX	78622--	4.08	3.96
19	Miguel Guerra	291 S Main St	Fentress	TX	78622--	4.52	4.4
20	Marie Mackey	4839 Gander Slough Rd	Kingsbury	TX	78638-2321-2321	9.1	8.94
21	Robert L. Mackey	4839 Gander Slough Rd	Kingsbury	TX	78638-2321-2321	9.1	8.94
22	Keith Maddox	6803 San Marcos Hwy	Praire Lea	TX	78661-9800-9800	6.34	6.21
23	Monica Maddox	6803 San Marcos Hwy	Praire Lea	TX	78661-9800-9800	6.34	6.21
24	Larry Milka	197 Mustang St	Praire Lea	TX	78661--	6.34	6.21
25	Jim & Layne Ober	1900 River Grove Rd	Fentress	TX	78622--	3.85	3.75
26	Michael W. Ohlendorf (Ben O Corp)	1845 FM 1977	Martindale	TX	78655--	2	2.01
27	Annalisa Peace (GEAA)	1809 Blanco Rd	San Antonio	TX	78212-2616-2616	48.87	48.94
28	Rodney Purswell	3385 SE River Rd	Martindale	TX	78655-3008-3008	2.07	2.22
29	Dale Ryder	800 N LBJ Dr Apt 411	San Marcos	TX	78666-4691-4691	10.03	10.18
30	Rick Salisbury	813 S. Magnolia Ave	Luling	TX	78648-3347-3347	13.33	13.19
31	Rachel Sanborn (SMRF)	309 Summit Pass	San Marcos	TX	78666-8734-8734	15.22	15.37
32	Sharan J. Smith	96 S Main St.	Fentress	TX	78622--	4.33	4.2
33	Pat Gunn Spencer	7553 Hwy 80	Praire Lea	TX	78661--	5.6	5.46
34	Pat Gunn Spencer	9515 FM 1979	Martindale	TX	78655--	2.76	2.91
35	Holly & Terry Taylor	3457 San Marcos Hwy	Luling	TX	78648-1743-1743	9.78	9.63
36	Randall Terrell	733 Willow Creek Circle	San Marcos	TX	78666-5059-5059	11.17	11.31
37	Billy Turner	105 South Main St	Fentress	TX	78622--	4.34	4.22
38	Amy & Robert Vasquez	401 River Grove Rd	Fentress	TX	78622--	4.33	4.2
39	Amy & Robert Vasquez	475 River Grove Rd	Fentress	TX	78622--	4.09	3.98
40	Mike & Suzi Vordenbaum	144 Dauchy St	Fentress	TX	78622--	4.33	4.2
41	Dianne H. Wassenich (SMRF)	11 Tanglewood ST	San Marcos	TX	78666-3016-3016	10.87	1.02
42	Elizabeth A. & Joseph A. Weeks	113 Elm Ave	Luling	TX	78648-2003-2003	13.3	13.15
43	Elizabeth A. & Joseph A. Weeks	7574 San Marcos Hwy	Praire Lea	TX	78661--	5.55	5.42
44	Annie Williams	10511 San Marcos Hwy	Lockhart	TX	78644-4353-4353	2.66	2.54
45	Kevin Holmes	12939 San Marcos Highway	Martindale	TX	78655--	0.36	0.39
46	David Baker	1405 Mount Sharp Road	Wimberley	TX	78676-4308-4308	24.77	24.93
47	Hoppy Haden	110 S. Main St.	Lockhart	TX	78644-2703-2701	9.17	9.11
48	Michael and Nancy Ohlendorf	Address not Given				0.64	0.55
49	Michael and Nancy Ohlendorf	Address not Given				0.96	0.93

The following requestors only provided Post Office Box address: Janie Barrientos, Melanie Caldwell, Dana Coble, Cheri and Mark Courtney, Brian T. Davila, Simona Davila, Tommy Forester, Nora Gonzales, Ynocencio Gonzales, Madonna Gorner, Ed Hensley, Linda Hinkle, Elaine Irish, Wanye and Delane Mayfield, Jack Mercer, Tony Miller, Barbara Shelton, Sharan Smith, Billy Turner, Amy Vasquez, Robert Vasquez, Mike and Suzi Vordenbaum, Linda Webb-Mercer.

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CHERRYVILLE GP, INC. / CHERRYVILLE #5, LTD. DOCKET NO.
2020-0308-MWD; PERMIT NO. WQ0015738001

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REQUESTER(S) / INTERESTED PERSONS

See attached list

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David Baker
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Melanie Caldwell
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Amy Vasquez
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