

Control Number: 43540



Item Number: 2

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014

43540

**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

RECEIVED

OCT 15 AM 9:21  
PUBLIC UTILITY COMMISSION  
FILING CLERK**TRANSMITTAL OF ADMINISTRATIVE RECORD**

**DATE:** September 13, 2006

**TO:** SOAH Natural Resources Docket Clerk

**FROM:** *SB* Steve Brachel, Final Documents Team

**RE:** Village of Wimberley  
SOAH Docket No. 582-06-2906; TCEQ Docket No. 2006-0373-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find certified copies of the following documents:

- ☒ 1. the application;
- ☒ 2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Steve Brachel at (512) 239-2207 or Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

RECEIVED  
OFFICE OF  
PUBLIC UTILITY  
COMMISSIONS  
OCT 14 AM 8:40

J

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

THRU: *TH* Doug Holcomb, P.E., Section Manager  
Utilities & Districts Section  
Water Supply Division

FROM: *TB* Tammy Holguin-Benter, Team Leader  
*4/12/06* Utilities & Districts Section  
Water Supply Division

DATE: April 13, 2006

CHIEF CLERK'S OFFICE

2006 APR 24 11 44 AM

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY

SUBJECT: Docket No. 2006-0373-UCR Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

CN: 601642473; RN: 103107546

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings and request that a hearing be scheduled.

We received protests from Aqua Utilities, Inc. dba Aqua Texas, Inc. and Aqua Development, Inc. (Aqua Texas), NAPD, Ltd., First Baptist Church, and the City of Woodcreek

Aqua Texas claimed that it has a justiciable interest as an "Affected Person" as defined by Texas Water Code Chapter 13 and the rules of the Commission. Also, the City of Woodcreek claims that a large percent of the proposed service area is in the ETJ of the City of Woodcreek. The First Baptist Church and NAPD, Ltd. indicated that they would be adversely affected since their properties is located within the proposed service area.

Pursuant to Section 13.246(h), Roger J. Engemoen, Jr., Trustee for Estelle Ervine Engemoen Trust, requested an exclusion of the 148.221 acres located within the proposed service area.

Staff estimates 25 people to attend this hearing.

The staff assigned to this case are:

Technical - *BD* Brian Dickey & *CP* Elsie N. Pascua

Legal -

If we may be of further service regarding this matter, please call.

*Tammy Benter*  
Tammy Holguin-Benter, Team Leader

THB/ENP/BD/ac

cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter  
TCEQ Agency Communications; ATTN: Andy Saenz, Manager  
TCEQ Chief Clerk's Office; ATTN: Melanie Mohair  
TCEQ Legal Division; ATTN: Daniel Klein

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a  
Texas Commission on Environmental Quality document,  
which is filed in the permanent records of the Commission.  
Given under my hand and the seal of office on

*LaDonna Castanuela* SEP 12 2006  
LaDonna Castanuela, Chief Clerk  
Texas Commission on Environmental Quality

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

**CERTIFIED MAIL**

April 13, 2006

Ms. Emily W. Rogers, Attorney  
Bickerstaff, Heath, Pollan & Caroom, LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701

Re: Docket No. 2006-0373-UCR; Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

CN: 601642473; RN: 103107546

Dear Ms. Rogers:

The Texas Commission on Environmental Quality (TCEQ) has received protests for the application referenced above. The Commission's Chief Clerk has assigned Docket No. 2006-0373-UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing on whether a CCN should be amended.

The Staff is protesting the application on its motion for lack of service request from the landowners within the proposed service area. In addition, we received protests from Aqua Utilities, Inc. dba Aqua Texas, Inc. and Aqua Development, Inc. (Aqua Texas), NAPD, Ltd., First Baptist Church, and the City of Woodcreek

Pursuant to Section 13.246(h), Roger J. Engemoen, Jr., Trustee for Estelle Ervine Engemoen Trust, requested an exclusion of the 148.221 acres located within the proposed service area.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review this CCN application, the staff of the TCEQ may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions about this process or what material you should bring with you to the hearing, please contact Ms. Elsie N. Pascua at (512) 239-5367 or Mr. Brian Dickey at (512) 239-0963.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Holguin-Benter, Team Leader  
Utilities & Districts Section  
Water Supply Division

THB/ENP/BD/ac

cc: Attached Mailing List

Mailing List (Application No. 35236-C)  
Village of Wimberley

Mr. Paul Terrill III  
Hazen & /Terrill, P.C.  
810 West 10<sup>th</sup> Street  
Austin, Texas 78701

Representing: Aqua Utilities, Inc. dba Aqua Texas, Inc. and  
Aqua Development, Inc. (Aqua Texas), and the City of  
Woodcreek.

Ms. Emily Rogers  
Bickerstaff, heath, Smiley  
Pollan, Kever, & McDaniel, LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701

Representing: Village of Wimberley

Stephen Klepfer, Mayor  
Village of Wimberley  
P.O. Box 2027  
Wimberley, Texas 78676

Roger J. Engemoen, Jr., Trustee  
Estelle Ervine Engemoen Trust  
1907 Georgia Landing Cove  
Austin, Texas 78746

Michael D. Stevens  
Fitzgerald, Majors & Stevens  
150 RR 3237  
P. O. Box 727  
Wimberley, Texas 78676

Representing: NAPD, Ltd. and First Baptist Church

TCEQ:

Region 11, Water Program Manager  
Elsie N. Pascua, MC-153, Water Supply Division  
Brian Dickey, MC-153, Water Supply Division

52490

# Bickerstaff, Heath, Pollan & Caroom, L.L.P.

816 Congress Avenue

Suite 1700

Austin, Texas 78701

(512) 472-8021

Fax (512) 320-5638

www.bickerstaff.com

March 27, 2006

Via Messenger

Elsie N. Pascua, Staff Auditor  
Utilities & Financial Review Team  
Utilities & Districts Section  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. F, 3<sup>rd</sup> Fl.  
Austin, Texas 78753

**RECEIVED**

MAR 27 2006

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

Re: Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

Dear Ms. Pascua:

As requested by your letter of February 28, 2006, please find enclosed the map showing Wimberley's corporate boundaries, extraterritorial jurisdiction (ETJ), and propose CCN service area. Also enclosed is a listing of all landowners from the current tax rolls of the Hays County Central Appraisal District.

You also request that the Village submit proof of landowner consent. You rely on House Bill (H.B.) 2876 and the adopted changes to the Texas Commission on Environmental Quality's (TCEQ) Chapter 291 rules relating to CCN for support that the TCEQ cannot extend a city's CCN beyond its ETJ without landowner consent. The Village does not agree with your interpretation that landowner consent is required for the Village's application.

Section 15 of H.B. 2876 specifically limited the applicability of the changes in law to applications filed on or after January 1, 2006. Moreover, the new revisions to the Chapter 291 rules cannot and do not apply retroactively to applications filed before January 1, 2006. The Commission, in response to comments on those rules, states: "The applications that were submitted prior to January 1, 2006 will be governed by the procedural requirements in effect as of December 31, 2005." 30 TEX. REG. 8965. The Village's application was filed before January 1, 2006, and therefore is not required to obtain landowner consent.

Ms. Elsie N. Pascua  
March 27, 2006  
Page 2

Nevertheless, the Village is continuing with its efforts to obtain landowner consent.

If you have any questions or concerns, please contact me at 512-472-8021.

Sincerely,

A handwritten signature in cursive script that reads "Emily Rogers". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent. The ink appears to be black or dark blue.

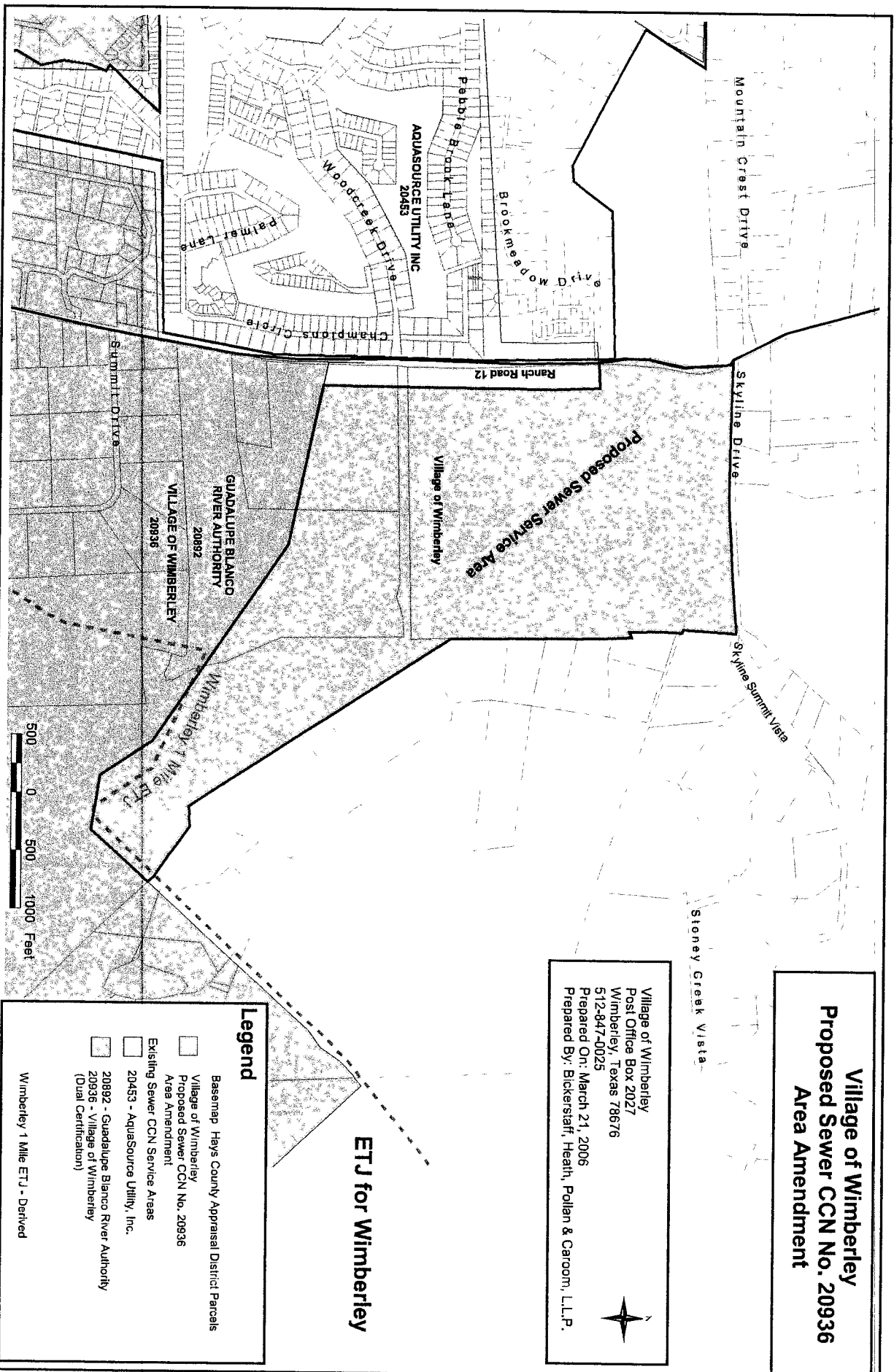
Emily W. Rogers

EWR/bc

Enclosures

# Village of Wimberley Proposed Sewer CCN No. 20936 Area Amendment

Village of Wimberley  
Post Office Box 2027  
Wimberley, Texas 78676  
512-847-0025  
Prepared On: March 21, 2006  
Prepared By: Bickerstaff, Heath, Pollan & Caroom, L.L.P.



ETJ for Wimberley

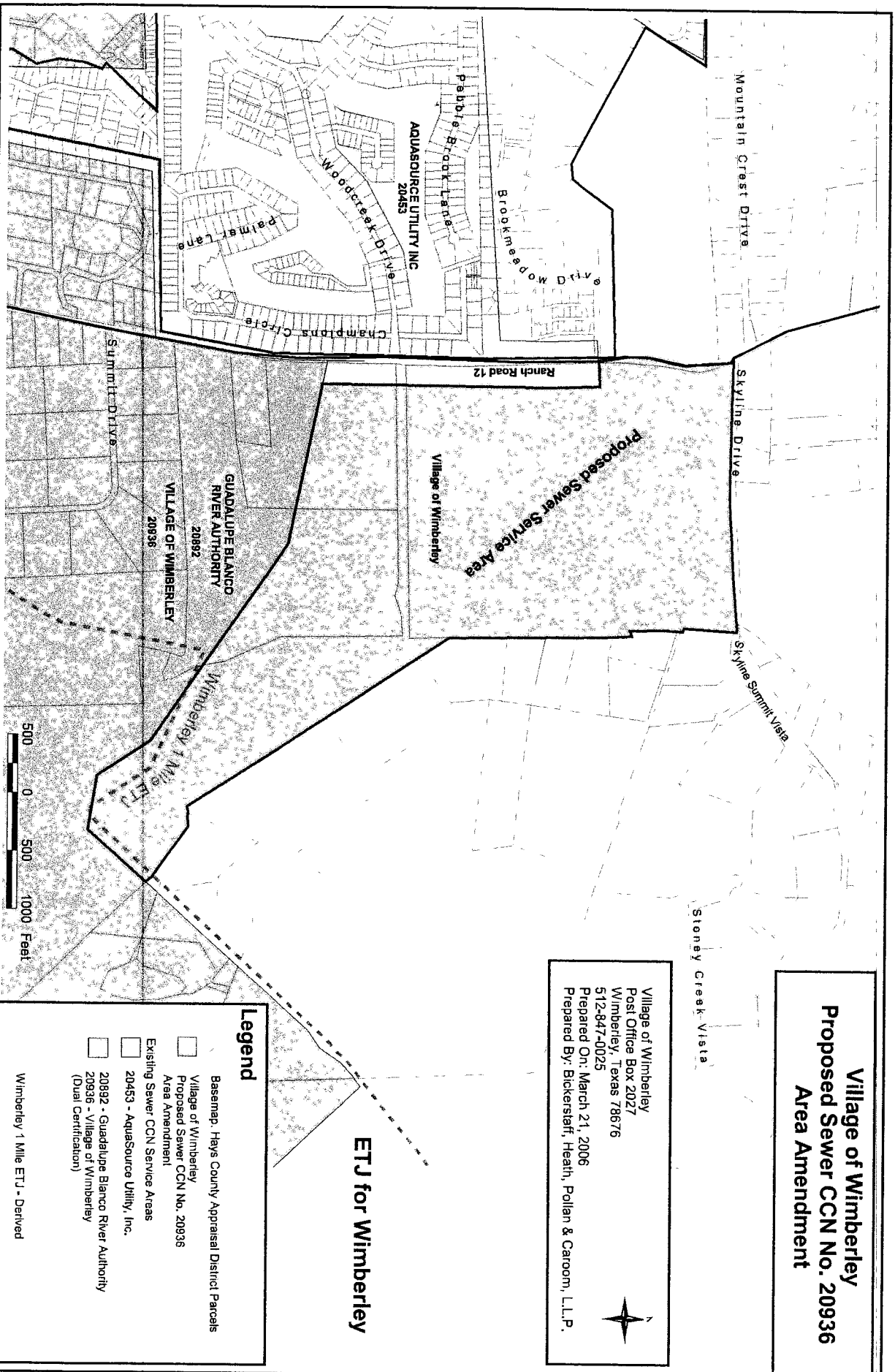
## Legend

- ☐ Basemap: Hays County Appraisal District Parcels
- ☐ Village of Wimberley
- ☐ Proposed Sewer CCN No. 20936 Area Amendment
- ☐ Existing Sewer CCN Service Areas
- ☐ 20453 - AquaSource Utility, Inc.
- ☐ 20892 - Guadalupe Blanco River Authority
- ☐ 20936 - Village of Wimberley (Dual Certification)
- ☐ Wimberley 1 Mile ETJ - Derived



# **Village of Wimberley** **Proposed Sewer CCN No. 20936** **Area Amendment**

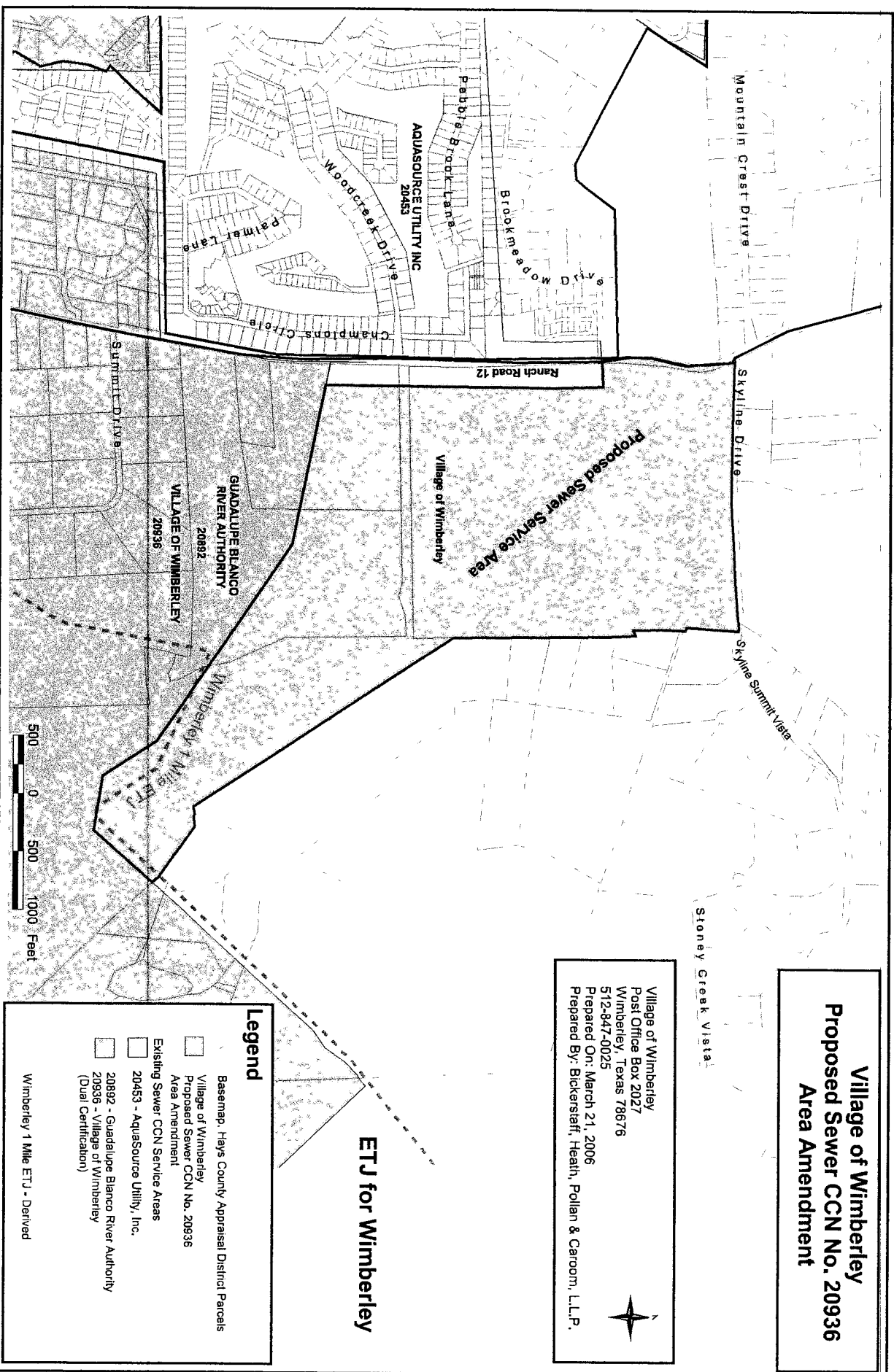
Village of Wimberley  
 Post Office Box 2027  
 Wimberley, Texas 78676  
 512-847-0025  
 Prepared On: March 21, 2006  
 Prepared By: Bickerstaff, Heath, Pollan & Caroom, L.L.P.



**ETJ for Wimberley**

# **Village of Wimberley** **Proposed Sewer CCN No. 20936** **Area Amendment**

Village of Wimberley  
 Post Office Box 2027  
 Wimberley, Texas 78676  
 512-847-0025  
 Prepared On: March 21, 2006  
 Prepared By: Bickerstaff, Heath, Pollan & Caroom, L.L.P.



**ETJ for Wimberley**

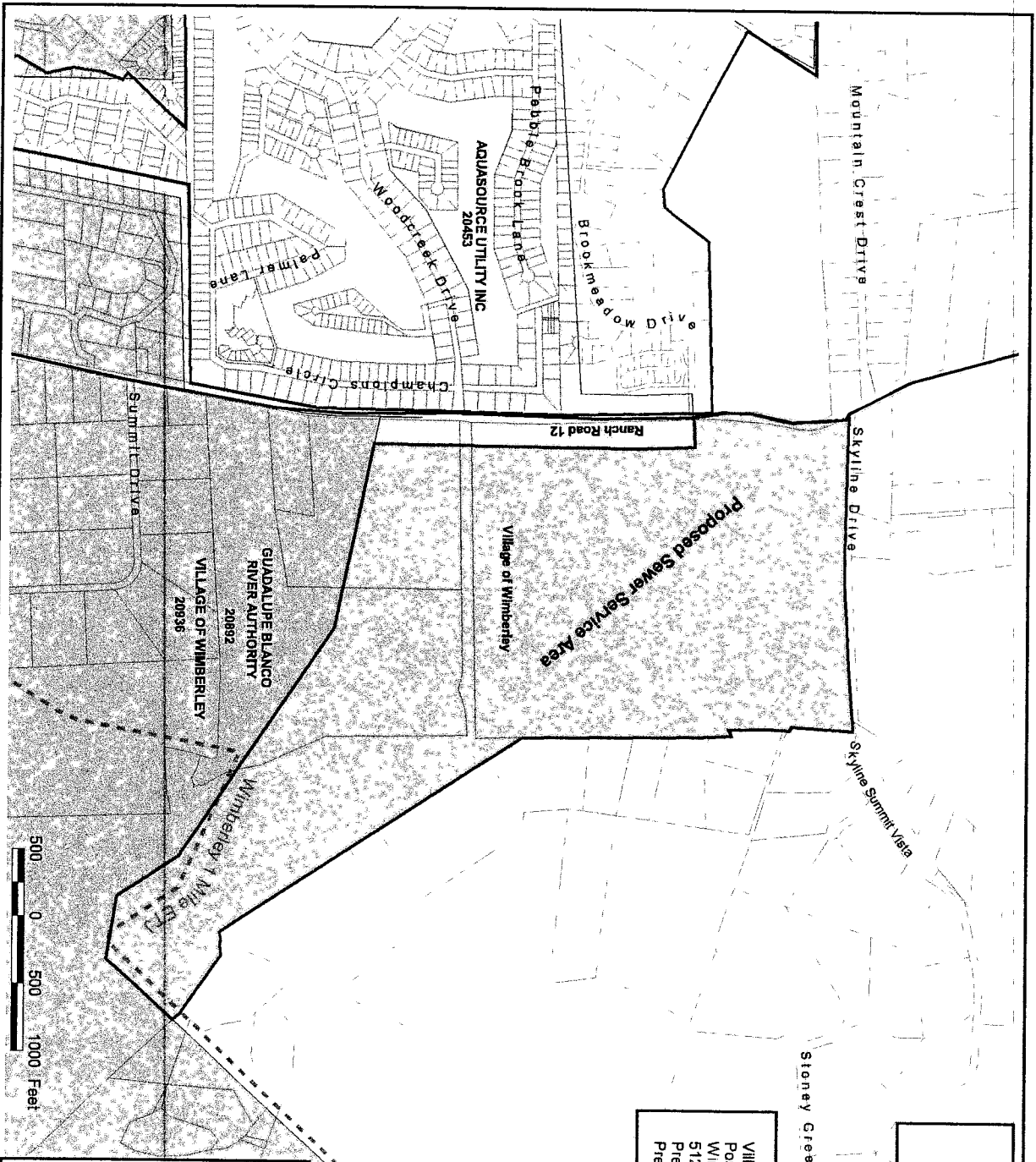
## **Legend**

- ☐ Basemap, Hays County Appraisal District Parcels
- ☐ Village of Wimberley
- ☐ Proposed Sewer CCN No. 20936
- ☐ Area Amendment
- ☐ Existing Sewer CCN Service Areas
- ☐ 20453 - Aquasource Utility, Inc.
- ☐ 20892 - Guadalupe Blanco River Authority
- ☐ 20936 - Village of Wimberley (Dual Certification)

Wimberley 1 Mile ETJ - Derived

# **Village of Wimberley** **Proposed Sewer CCN No. 20936** **Area Amendment**

Village of Wimberley  
 Post Office Box 2027  
 Wimberley, Texas 78676  
 512-847-0025  
 Prepared On: March 21, 2006  
 Prepared By: Bickerstaff, Heath, Pollan & Caroom, L.L.P.



## **ETJ for Wimberley**

### **Legend**

- ☐ Basemap - Hays County Appraisal District Parcels
- ☐ Village of Wimberley
- ☐ Proposed Sewer CCN No. 20936 Area Amendment
- ☐ Existing Sewer CCN Service Areas
- ☐ 20453 - Aquasource Utility, Inc.
- ☐ 20892 - Guadalupe Blanco River Authority (Dual Certification)
- ☐ 20936 - Village of Wimberley
- ☐ Wimberley 1 Mile ETJ - Derived

txcountydata.com

Texas' Largest Online Property Records Database

**R16486**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

GUMBERT H E JR  
306 E SUMMIT DR  
WIMBERLEY, TX  
78676

**Property Situs Address**

306 E SUMMIT DR  
WIMBERLEY, TX  
78676

**Legal Description**

A0310 JOHN MARKS  
SURVEY, ACRES  
1.00

**Taxing Entities**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

**Exemptions**

HS - Homestead  
OA - Over 65

**Deed**

Book:  
Page:  
Type:

Account Number	Abstract/Subdivision	Neighborhood
10-0310-0015-00000-8	A0310 - John Marks Survey	

**Value Information**

Type	Value
Total Land HS/NHS	\$4,880
Total Productivity Market	\$0
Total Improvement HS/NHS	\$267,180
<b>Total Market Value</b>	<b>\$272,060</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

Cont Style ☐ Foundation ☐ Ext. Finish ☐ Int. Finish ☐


**R15533**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

ENGEMOEN ESTELLE  
ERVINE TRUST  
ENGEMOEN ROGER  
J JR TRUSTEE  
1907 GEORGIA  
LANDING CV

AUSTIN, TX 78746-  
7263

**Property Situs  
Address****Legal Description**

A0249 CLEMENT  
HENSON SURVEY,  
ACRES 144.75

**Taxing Entities** ☐**Exemptions** ☐**Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book: 1014  
Page: 882  
Type: CVD  
08/11/93

**Account Number****Abstract/Subdivision****Neighborhood**

10-0249-0003-  
00000-8

A0249 - Clement  
Henson Survey

**Type****Value**

Total Land HS/NHS	\$0
Total Productivity Market	\$624,050
Total Improvement HS/NHS	\$2,000
<b>Total Market Value</b>	<b>\$626,050</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Main Area Building Attributes**


**R15532**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

ENGEMOEN ESTELLE  
ERVINE TRUST  
ENGEMOEN ROGER  
J JR TRUSTEE  
1907 GEORGIA  
LANDING CV

**Property Situs Address**

16500 RR 12  
WIMBERLEY, TX  
78676

**Legal Description**

A0249 CLEMENT  
HENSON SURVEY,  
ACRES 1.00

AUSTIN, TX 78746-  
7263

**Taxing Entities** ☐**Exemptions** ☐**Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book: 1014  
Page: 882  
Type: CVD  
08/11/93

**Account Number**

10-0249-0002-  
00000-8

**Abstract/Subdivision**

A0249 - Clement  
Henson Survey

**Neighborhood****Type****Value**

Total Land HS/NHS	\$4,310
Total Productivity Market	\$0
Total Improvement HS/NHS	\$82,070
<b>Total Market Value</b>	<b>\$86,380</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

Main Area Building Assessments



Texas' Largest Online Property Records Database

**R13281**

- Datasheet
- Assessment History
- Land Information
- Improvements
- Improvement Sketch
- Location Map

**Hays**

- County Info
- Account Search
- Owner Search
- Address Search
- Property ID Search



**Search**

- New County

**Assistance**

- FAQs
- Links
- Forms

**Property Description**

Owner Address	Property Situs Address	Legal Description
ENGEMOEN ESTELLE ERVINE TRUST ENGEMOEN ROGER J JR TRUSTEE 1907 GEORGIA LANDING CV  AUSTIN, TX 78746-7263		A0085 THOMAS CRAINSHAW SURVEY, ACRES 2.82
Taxing Entities 	Exemptions 	Deed
GHA - Hays County SWI - Wimberley ISD EH8 - Wisd-Ced RSP - Special Road FWI - Wimberley Fire Hays Co Es Dist #4 EWI - Wimberley Hays Co Es Dist 3		Book: 1014 Page: 882 Type: CVD 08/11/93
Account Number	Abstract/Subdivision	Neighborhood
10-0085-0014-00000-8	A0085 - Thomas Crainshaw Survey	

**Value Information**

Type	Value
Total Land HS/NHS	\$0
Total Productivity Market	\$12,160
Total Improvement HS/NHS	\$0
<b>Total Market Value</b>	<b>\$12,160</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.


**R13280**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

WOOLSEY EUGENE  
ERVINE  
1000 S 18TH AVE  
NASHVILLE, TN  
37212

**Property Situs Address****Legal Description**

ABS 85 THOMAS  
CRAINSHAW SURVEY  
312.08 AC  
GEO#90600976

**Taxing Entities** ☐

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

**Exemptions** ☐**Deed**

Book: 955  
Page: 001  
Type: CVD  
10/20/92

**Account Number**

10-0085-0013-  
00000-8

**Abstract/Subdivision**

A0085 - Thomas  
Crainshaw Survey

**Neighborhood****Type****Value**

Total Land HS/NHS	\$3,340
Total Productivity Market	\$1,040,450
Total Improvement HS/NHS	\$94,220
<b>Total Market Value</b>	<b>\$1,138,010</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Cont Style** ☐ **Foundation** ☐ **Ext. Finish** ☐ **Int. Finish** ☐

S

R




**R16484**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

WOOLSEY EUGENE  
ERVINE  
1000 S 18TH AVE  
NASHVILLE, TN  
37212

**Property Situs Address****Legal Description**

ABS 310 JOHN  
MARKS SURVEY 2.82  
AC GEO#90602552

**Taxing Entities** ☒**Exemptions** ☒**Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book: 955  
Page: 001  
Type: CVD  
10/20/92

**Account Number****Abstract/Subdivision****Neighborhood**

10-0310-0011-  
00000-8

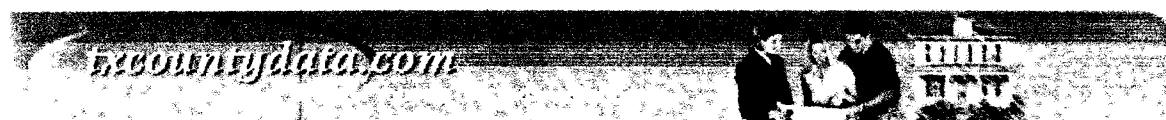
A0310 - John Marks  
Survey

**Type****Value**

Total Land HS/NHS	\$0
Total Productivity Market	\$9,430
Total Improvement HS/NHS	\$0
<b>Total Market Value</b>	<b>\$9,430</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Cont Style** ☒ **Foundation** ☒ **Ext. Finish** ☒ **Int. Finish** ☒

**R15531**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

WOOLSEY EUGENE  
ERVINE  
1000 S 18TH AVE  
NASHVILLE, TN  
37212

**Property Situs Address****Legal Description**

ABS 249 CLEMENT  
HENSON SURVEY  
5.39 AC  
GEO#90602033

**Taxing Entities** ☐

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

**Exemptions** ☐**Deed**

Book: 955  
Page: 001  
Type: CVD  
10/20/92

**Account Number**

10-0249-0001-  
00000-8

**Abstract/Subdivision**

A0249 - Clement  
Henson Survey

**Neighborhood**

Type	Value
Total Land HS/NHS	\$0
Total Productivity Market	\$18,030
Total Improvement HS/NHS	\$0
<b>Total Market Value</b>	<b>\$18,030</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Cont Style** ☐ **Foundation** ☐ **Ext. Finish** ☐ **Int. Finish** ☐

txcountydata.com

Texas' Largest Online Property Records Database

**R19320**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Property Description**

Owner Address	Property Situs Address	Legal Description
WOOLSEY EUGENE ERVINE 1000 S 18TH AVE NASHVILLE, TN 37212		ABS 525 ELI HILL SURVEY 1.19 AC GEO#90603998

**Taxing Entities** ☒**Exemptions** ☒**Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wlsd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book: 955  
Page: 001  
Type: CVD  
10/20/92

Account Number	Abstract/Subdivision	Neighborhood
10-0525-0006-00000-8	A0525 - Eli Hill Survey	

**Value Information**

Type	Value
Total Land HS/NHS	\$3,980
Total Productivity Market	\$0
Total Improvement HS/NHS	\$0
Total Market Value	\$3,980

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Main Area Building Attributes**

Cont Style ☒ Foundation ☒ Ext. Finish ☒ Int. Finish ☒

**R19317**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

GUMBERT RACHEL TRUST  
% MELINDA GUMBERT TRUSTEE  
16300 RANCH RD  
12

**Property Situs Address**

16300 RR 12  
WIMBERLEY, TX  
78676

**Legal Description**

A0525 ELI HILL  
SURVEY, ACRES  
1.00

WIMBERLEY, TX  
78676

**Taxing Entities**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

**Exemptions**

HS - Homestead  
OA - Over 65

**Deed**

Book: 1279  
Page: 374  
Type: CVD  
12/12/96

**Account Number**

10-0525-0003-  
00000-8

**Abstract/Subdivision**

A0525 - Eli Hill  
Survey

**Neighborhood****Type****Value**

Total Land HS/NHS	\$5,690
Total Productivity Market	\$0
Total Improvement HS/NHS	\$119,080
<b>Total Market Value</b>	<b>\$124,770</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

txcountydata.com

Texas' Largest Online Property Records Database

**R19318**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

GUMBERT RACHEL  
TRUST  
% MELINDA  
GUMBERT TRUSTEE  
16300 RANCH RD  
12

**Property Situs Address**

RR 12  
WIMBERLEY, TX  
78676

**Legal Description**

A0525 ELI HILL  
SURVEY, ACRES  
21.00

WIMBERLEY, TX  
78676

**Taxing Entities****Exemptions****Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book: 1279  
Page: 374  
Type: CVD  
12/12/96

**Account Number****Abstract/Subdivision****Neighborhood**

10-0525-0004-  
00000-8

A0525 - Eli Hill  
Survey

**Value Information**

Type	Value
Total Land HS/NHS	\$0
Total Productivity Market	\$119,590
Total Improvement HS/NHS	\$0
Total Market Value	\$119,590

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.


**R19319**

- \* Datasheet
- \* Assessment History
- \* Land Information
- \* Improvements
- \* Improvement Sketch
- \* Location Map

**Hays**

- \* County Info
- \* Account Search
- \* Owner Search
- \* Address Search
- \* Property ID Search

**Search**

- \* New County

**Assistance**

- \* FAQs
- \* Links
- \* Forms

**Owner Address**

GUMBERT H E JR  
306 E SUMMIT DR  
WIMBERLEY, TX  
78676

**Property Situs Address****Legal Description**

A0525 ELI HILL  
SURVEY, ACRES  
61.318

**Taxing Entities****Exemptions****Deed**

GHA - Hays County  
SWI - Wimberley  
ISD  
EH8 - Wisd-Ced  
RSP - Special Road  
FWI - Wimberley  
Fire Hays Co Es Dist  
#4  
EWI - Wimberley  
Hays Co Es Dist 3

Book:  
Page:  
Type:

**Account Number****Abstract/Subdivision****Neighborhood**

10-0525-0005-  
00000-8

A0525 - Eli Hill  
Survey

**Type****Value**

Total Land HS/NHS	\$0
Total Productivity Market	\$199,450
Total Improvement HS/NHS	\$0
<b>Total Market Value</b>	<b>\$199,450</b>

\* This value information is preliminary and not certified. These values should not be used in the estimation of taxes as they are subject to change. Prior year certified value information can be obtained by selecting the "Assessments" option.

**Main Area Building Attributes**

<b>Cont Style</b>	<b>Foundation</b>	<b>Ext. Finish</b>	<b>Int. Finish</b>
-------------------	-------------------	--------------------	--------------------

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 28, 2006

Ms. Emily W. Rogers, Attorney  
Bickerstaff, Heath, Pollan & Caroom, LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701

Re: Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

Dear Ms. Rogers:


This letter is being sent to all cities with pending CCN applications. Recent legislation was enacted through House Bill 2876, 79<sup>th</sup> Regular Session of the 2005 Texas Legislature, which may affect the outcome of your referenced pending application(s). The Texas Commission on Environmental Quality (TCEQ) also adopted changes to Title 30, *Texas Administrative Code*, Chapter 291, on December 14, 2005, to implement this new legislation into its rules. Based on these rule changes, the TCEQ will not extend that city's CCN beyond its extraterritorial jurisdictional boundary (ETJ) without the consent of all landowners in the requested area whose property falls outside the city's ETJ. Therefore, the following additional information will be required to complete the processing of your pending application(s) and to help us determine if your application(s) will be affected by these changes:

- (1) Please provide a map to showing the following:
  - a) the city's corporate boundaries;
  - b) the city's extraterritorial jurisdictional (ETJ) boundary; and
  - c) the proposed CCN service area(s).
- (2) Please submit a copy of the current tax rolls of the applicable central appraisal district(s) listing all landowners in the requested area whose property(ies) fall(s) outside of the city's ETJ boundary, and proof of consent to be included in the proposed CCN from all such landowners.

If your city is requesting to provide both water and sewer service, you must provide this information on a separate map for each type of service being requested.

Please provide this information to our office by **March 26, 2006**. Failure to provide this information by the requested date will delay the processing of your application. You may contact me at (512) 239-5367 if you have questions regarding the information in this letter or your pending application.

Sincerely,

  
Elsie N. Pascua, Staff Auditor  
Utilities & Financial Review Team  
Utilities & Districts Section

EP/ac

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

January 3, 2002

Mr. Kirby Perry, President  
Blue Hole Management, Ltd.  
P.O. Box 5544  
Austin, Texas 78763

Re: Comprehensive Compliance Evaluation (CCI) at:  
Blue Hole Wastewater Treatment Plant (WWTP), #1 Blue Hole Rd., Near CR 173 and FM 3237,  
Wimberley (Hays County), Texas  
Permit No.: WQ0013321-001;

Dear Mr. Perry:

On November 28, 2001, Mr. Herschel Janus of the Texas Natural Resource Conservation Commission (TNRCC) Austin Region Office conducted an investigation of the above-referenced wastewater treatment plant to evaluate compliance with applicable requirements for wastewater treatment. No violations were documented during the investigation. However, several areas of concern were noted and should be addressed prior to potential future investigations. Attached is a listing of the areas of concerns observed.

The TNRCC appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Herschel Janus in the Austin Region Office at 512-339-2929.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. John Young".

Wm. John Young  
Water Section Manager  
Austin Region Office

WJY/hej

cc: Jon Clayton, Blue Hole Management, Ltd.



## **SUMMARY OF INVESTIGATION FINDINGS**

**Blue Hole WWTP,  
#1 Blue Hole Rd. Near CR 173 and CR 3237, Wimberley (Hays County), Texas  
TNRCC ID No.: WQ0013321-001  
Investigation Date: November 28, 2001**

### **Areas of Concern**

1. **WQ0013321-001, Section VI, Provision 8; 30 Tex. Admin. Code Section §319.5 - Required sampling location and frequency of analysis or measurement.**

During the investigation, it was observed that annual soil samples were obtained on November 27, 2001 based on the chain of custody documentation provided during the investigation. These samples should have been obtained and reported prior to the end of September 2001. A response to the previous investigation indicated that the soil samples would be obtained as required. Soil samples were not obtained prior to the end of September. However, it was observed that the reporting forms provided by the TNRCC were not received until after September 2001.

It is Blue Hole Management's responsibility to ensure that samples are obtained and reported in accordance with the permitted requirements.

2. **WQ0013321-001, Section VI, Provision 21; 30 Tex. Admin. Code Section §305.125(1) - Standard Permit Conditions.** The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

During the investigation, no backup generator was present as required per Section VI, Provision 21 of the permit. This issue was discussed during the previous investigation and Blue Hole Management's response was that the system is on a dual grid power supply and that a back up generator is not necessary. Since that time, Blue Hole has received a renewal on the permit, but the requirement is still in the permit for the back up generator.

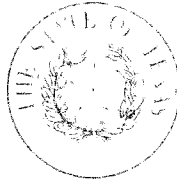
In order to address this concern, Blue Hole Management must have the permit requirement removed, or documentation in writing from the TNRCC Wastewater Permitting Section that indicates the system in place demonstrates compliance with the permit provision.

3. **WQ0013321-001, Section IV, Condition B, 30 Tex. Admin. Code §319.5 - Required sampling location and frequency of analysis or measurement.**

Due to weather conditions, a sample for BOD was not collected during the investigation. Additionally, the November analytical results were not available. Chain of custody documentation indicates a sample was obtained on 11/27/01. Since that time, a sample was collected on December 7, 2001, but results received on December 21, 2001 yielded inconclusive results.

As noted during the previous investigation's, there have been violations of the sampling requirement and exceedance of the effluent limitation for BOD. Future violations in these area's may result in more formal enforcement action. Blue Hole Management must collect samples monthly as required. Additionally, any excursion of the BOD limitation should be reported to this office.

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*  
March 6, 2006

Ms. Emily W. Rogers, Attorney  
Bickerstaff, Heath, Pollan & Caroom, LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701

Re: Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

CN: 601642473; RN: 103107546

Dear Ms. Rogers:

Your application for the Village of Wimberley to amend their sewer CCN was received on December 30, 2005, and has been accepted for filing. Thank you for providing the items we requested with your February 24, 2006, letter. Ms. Elsie Pascua has been assigned to perform the technical review.

After further technical review additional financial, technical or other information may also be requested through future correspondence.

If you have any questions, please contact Ms. Elsie Pascua at 512/239-5367, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Holguin-Benter".

Tammy Holguin-Benter, Team Leader  
Utilities & Districts Section  
Water Supply Division

THB/KLB/ac



# Bickerstaff, Heath, Pollan & Caroom, L.L.P.

816 Congress Avenue

Suite 1700

Austin, Texas 78701

(512) 472-8021

Fax (512) 320-5638

www.bickerstaff.com

February 24, 2006

Via Messenger

Karen Blaschke  
Utilities & Districts Section MC-153  
Water Supply Division  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. F, 3<sup>rd</sup> Fl.  
Austin, Texas 78753

RECEIVED  
FEB 24 2006  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

RE: Application of the Village of Wimberley to Amend Sewer CCN No. 20936 in Hays County, Texas; Application No. 35236-C; CN: 601642473; RN: 103107546.

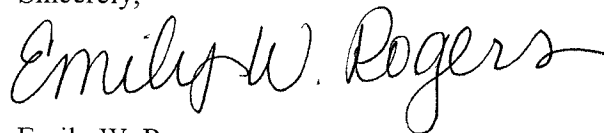
Dear Ms. Blaschke:

As requested by Mr. Holcomb's letter of January 23, 2006, please find enclosed four copies of the notices mailed to the neighboring utilities and landowners, and of the newspaper notice along with the affidavit.

The January 23<sup>rd</sup> letter also states that the Village must also provide landowner consent for all proposed area located outside the Village's current extraterritorial jurisdiction. However, the Village is not required to obtain landowner consent for those areas. While Section 5 of HB 2876 requires landowner consent for any CCNs that extend beyond the ETJ of a municipality, Section 5 is not applicable to the Village's application because the Village submitted its application to the Commission before January 1, 2006. According to Section 15 of HB 2876, changes made by new law only apply to applications for CCNs or for amendments to CCNs submitted to the TCEQ on or after January 1, 2006. Nevertheless, the Village is currently working with the landowners in the area in order to obtain consent.

If you have any questions or concerns, please contact me at 512-472-8021.

Sincerely,



Emily W. Rogers

EWR/bc

Enclosures



**TNRCC CENTRAL RECORD CODING:**

( ) Files Series & TNRCC ID: MWD/13321-001/CO  
File Folder: CO - Compliance  
( ) If No TNRCC ID, County Name:

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**  
**DOMESTIC OR INDUSTRIAL WASTEWATER TREATMENT FACILITY**  
**COMPREHENSIVE COMPLIANCE INVESTIGATION REPORT**

**A. GENERAL INFORMATION:**

<b>Regulated Entity Name:</b> Blue Hole Management, Ltd.		<b>Authorization ID(s):</b> WQ0013321-001
<b>Facility Name:</b> Blue Hole Wastewater Treatment Plant (WWTP)		TX0000000 (X) N/A TPDES Permit: ( ) Yes (X) No
<b>Is current mailing address the same as listed on the WQ or TPDES permit?</b> (X) Yes ( ) No If no, list the correct mailing address:		<b>Investigation Date:</b> 11/28/2001
		<b>Investigation Notification Date:</b> 11/22/2001 ( ) N/A
<b>Region:</b> 11- Austin Region	<b>County:</b> Hays - 105	<b>Exit Interview Date:</b> 11/28/2001 <b>Contact(s):</b> Mr. Jon Clayton, (Blue Hole - 512-847-9127); Mr. Kirby Perry
<b>Type Waste:</b> (X) Domestic ( ) Industrial	<b>Classification:</b> ( ) WW Major ( ) WW 92-500 Minor ( ) WW Other Minor (X) WW Land Disposal	<b>Investigation Targeting Criteria:</b> ( ) Mandatory (X) Discretionary
<b>Type Investigation:</b> (X) CCI - Full Scale ( ) CCM - Modified	<b>Outstanding Alleged Violations:</b> (X) Yes ( ) No	<b>Formal Enforcement for Alleged Violations:</b> ( ) Yes ( ) N/A - No alleged violations (X) No

**B. FACILITY CONTACT(S):**

Name	Title	Phone No.	Contacted (Yes/No)
Mr. Jon Clayton	D Operator	512-847-5550	Y
Mr. Kirby Perry	President	512-231-1910	Y

- C. **TREATMENT SYSTEM:** List facility size, type, units, and/or attach schematic. If land disposal, include description of disposal method.

Wet well → imhoff tank → settling chamber → secondary chamber → discharge to low pressure dosing system

Wastewater is collected via gravity flow from the Deer Creek Nursing Home on FM 3237. The wastewater collects at a wet well lift station and then is pumped to the imhoff tank. The drainage area is in the Blanco River Segment 1813 of the Guadalupe River Basin.

If the permit has interim and final limits, indicate phase in effect. (X) Applicable ( ) N/A  
The CCI was conducted under interim effluent limitations and monitoring requirements.

Describe any plant modifications and/or collection system upgrades since the last comprehensive compliance investigation.

(X) Applicable ( ) N/A

Reported new flow meter and inlet screen.

- D. **INVESTIGATION SAMPLE RESULTS:** ( ) N/A - No samples/measurements taken

Outfall & Parameter	Measured Value	Permit Limit	Type Sample	COC ID No.	Primary Source of Wastewater
001Flow	none	.015 MGD	instant.		Domestic
BOD mg/l	*not done	100	grab	9611	
VSS mg/l	not done	n/a	grab	9611	
pH su	not done	≥6.0 - ≤9.0	grab		

Severe rainfall prior to the investigation as well as on-going rainfall at the time of the visit made the site inaccessible without four wheel drive. No samples obtained. An event was rescheduled for 12/5/01. Due to family emergency, the sample event could not be conducted. Mr. Clayton was contacted on 12/7/01 and requested to obtain a sample. He indicated that he would obtain a sample and provide results. The results were received on December 21, 2001. Mr. Clayton's sample results were inconclusive.

- E. **RECEIVING WATER:** (X) N/A - Land disposal facility

Name of receiving water: None

Type of receiving water:

- |                       |                            |                       |
|-----------------------|----------------------------|-----------------------|
| ( ) Dry ditch         | ( ) Normally flowing creek | ( ) Bay               |
| ( ) Dry creek channel | ( ) River                  | ( ) Wetland/Marsh     |
| ( ) Spring fed creek  | ( ) Lake                   | ( ) Other (identify): |
| ( ) Playa             | ( ) Tidal stream           |                       |

If the receiving water was not observed, provide an explanation below. If observed, describe the condition of the receiving water at the time of the investigation. Identify such conditions as foaming, floating materials, sludge deposits, or color and turbidity which appears either naturally or as a result of the discharge. Also, indicate the observed presence or absence of fish and other aquatic life in the area of the discharge, and comment on flow conditions in the receiving water.

Comments/Observations: None

F. **FACILITY EVALUATION:** S = Satisfactory N/E = Not Evaluated  
M = Marginal N/A = Not Applicable  
U = Unsatisfactory

Provide information in Sections G and/or H for all M or U ratings. Comments for S and N/E ratings are optional.

Eval	Category	Eval	Category
S	Compliance with 75/90 rule	M	Self-monitoring procedures
S	Infiltration/Inflow	S	Laboratory procedures/QA-QC records (X) Commercial lab Name: <u>Aqua Tech</u> ( ) In-house lab
S	Compliance with flow limits	M	Self-monitored effluent quality
S	Unauthorized discharges (plant/collection system)	N/E	Region-documented effluent quality
S	Certified operator	N/A	Receiving water
N/A	Industrial waste contribution for domestic WWTP	S	Sludge disposal/records
N/E	Operations and maintenance	M	Irrigation practices/records
N/E	Flow measurement  Type primary flow measuring device: <u>Irrigation Flowmeter</u> _____ _____  Flow accuracy check attached: ( ) Yes (X) No  If no, provide explanation.  No on-going irrigation. No flow.	N/A	Compliance schedule
		N/A	Other (identify): _____

G. **ALLEGED VIOLATIONS:** (X) Applicable ( ) N/A  
If alleged violations were noted during the investigation, list the alleged violations on a Summary of Investigation Findings form and attach the summary to this report.  
See attachment.

H. **OTHER COMMENTS:** (X) Applicable ( ) N/A As found in the file review, a previous investigation was conducted on June 12, 2001. Prior to that event, an investigation was conducted on April 11, 2000. The current permit was issued on June 13, 2001 and is valid through February 1, 2005. During the previous investigation, violations were alleged for an exceedance on a permitted limitation, failure to obtain samples on a monthly basis, failure to sample sludge and analyze for TCLP, PCBs, metals, and fecal coliform, inoperable flow meter, and failure to obtain annual soil samples from the low pressure dosing field (LPD). A response was received by this office on August 14, 2001 and compliance letter was sent. Mr. Jon Clayton was present during the investigation. Mr. Clayton is a level "D" certified wastewater treatment plant operator I provided him a copy of the customer service survey and the pamphlet entitled "The TNRCC Has Inspected Your Business..".

We began the investigation with a record review of the plant monitoring and reporting requirements including the special and standard provisions of Permit No. WQ0013321-001. Mr. Clayton had a current permit available during the investigation. We also reviewed issues relating to the previous CCI and response to the alleged violations received on August 14, 2001.



In response to the previous alleged violations, Mr. Clayton had indicated that a replacement flow meter had been installed, soil and sludge samples had been obtained and that a backup generator was not necessary at the lift station since it was on a dual supply power grid. We discussed the response to the issues found during the previous CCI and the information obtained during this CCI. First, Mr. Clayton had flow meter records and pH readings available in his daily operating log. Based on the available records reviewed, flow and pH are being monitored in accordance with permitted requirements. The next item reviewed was sludge records. Sludge has been hauled by Keith Weidner, TNRCC Registration number 20801. Trip tickets were available and indicated that some sludge has been land applied at a registered beneficial land use (BLU) site. Testing had not been done as indicated in Mr. Clayton's response, however, the new permit became effective on June 13, 2001. Based on the effective date of the renewed permit, and the response date to the NOV, corrective action to date has been adequate. A sample for toxicity characteristics leaching procedure (TCLP) and for poly chlorinated biphenyl's (PCBs) had been collected on 11/27/01. Blue Hole has until 6/13/01 to collect their sample for fecal coliform and metal constituents. Soil samples from the irrigation area were also collected on 11/27/01. A copy of the chain of custody document was available. Analytical results were not available at the time of the investigation. Mr. Clayton was informed that he should contact the Enforcement Division concerning the reporting forms for the previous fiscal year. The forms he had were received after 9/01 for the 2001 reporting period. I informed him that this was an area of concern since he had indicated that soil samples had been submitted. On 12/3/01, Mr. Clayton contacted me and indicated he had discussed this issue with Ms. Meri Matl in the Enforcement Division and would be sending her a copy of the analytical report for the soil samples collected on 11/27/01. The last issue discussed was that a requirement that an emergency generator be available for the lift station. No emergency generator is available. However, the lift station is reportedly on a dual power grid. I indicated that the new permit has the requirement for an emergency generator and that this was an issue of concern. We concluded with a review of his monthly analytical records for BOD analysis. He is sampling for BOD monthly as required.

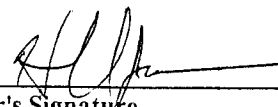
Based on the record review, Blue Hole did not collect soil samples prior to 9/1/01 for the low pressure dosing fields. Also, a requirement remains in the permit for an emergency generator to be provided at the lift station. An emergency generator is not provided, but the lift station is reportedly on a dual power feed from the electric company. Lastly, one BOD sample was reported as 110 mg/l, slightly over the 100 mg/l requirement. Since the slight BOD excursion in August, the BOD samples have been within required parameters.

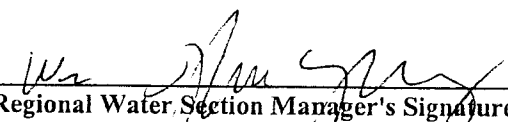
We concluded the investigation for that day. An on-site inspection of the plant could not be conducted. Significant rainfall the day before and during the investigation made the access to the plant a problem without a proper vehicle. Mr. Clayton indicated access was possible, but preferred that the road not be damaged. We agreed that a follow-up visit would be conducted. We scheduled a follow-up visit for 12/5/01, but due to a Clayton family emergency, a site visit was not conducted. On 12/7/01, I contacted Mr. Clayton and requested he obtain a sample for BOD. Mr. Clayton indicated he would obtain the sample. On 12/21/01, I contacted Mr. Clayton. He was not available, but his wife indicated the sample was collected and she would contact the laboratory and have a copy of the results faxed to this office.

**I. REGIONAL OFFICE ACTION TAKEN: (X) Applicable () N/A**

Blue Hole Management, Inc. will receive a general compliance letter. Blue Hole Management has made some recordkeeping and sampling improvements since the previous investigation. However, specific areas of concern will be included with the general compliance letter in regards to the annual soil samples and reporting being appropriately submitted, inclusion of the emergency generator on the permit without an emergency generator being present, and resampling due to the inconclusive result on the December sample for BOD.

**J. CENTRAL OFFICE ACTION REQUESTED: () Applicable (X) N/A**

  
Investigator's Signature  
Herschel Janus  
Investigator's Name (printed or typed)

  
Regional Water Section Manager's Signature  
William John Young  
Manager's Name (printed or typed)  
Signature Date: 1/2/02

**ATTACHMENT**

**ACCURACY CHECK**

**FLOW INDICATING/RECORDING EQUIPMENT**

Items Checked	Information Collected
Outfall 001	
Type of primary flow measuring device	Mechanical Flow Meter
Type of secondary flow measuring device	
Time	
Head	( ) inches ( ) feet
Recorded flow at time listed	
Calculated flow	
Reference for calculated flow	
Percent error  $\frac{(\text{recorded value} - \text{calculated value}) (100)}{\text{calculated value}}$	
Date of last calibration	
Calibration performed by	

Comments: No flow was occurring at the time of the investigation.

# Attachment 1

Analytical Results for 12/7/2001 Sample for BOD

**Blue Hole WWTP**  
**Permit No. WQ0013321-001**  
**Date of Inspection: 11/28/2001**

Main Laboratory:  
635 Phil Gramm Blvd.  
Bryan, TX 77807  
(979) 778-3707  
Fax (979) 778-3193



AL Laboratory:  
1 401-35N  
F 12 78640  
C 243-3179  
Fax 243-8169

December 19, 2001

Blue Hole Management Ltd.,  
Attn: Jon Clayton  
P. O. Box 331  
Wimberly, TX 78676

Dear Mr. Clayton:

This letter is in reference to the BOD result for sample AI18729. This sample was setup in a three dilution series. Each dilution had a higher final dissolved oxygen reading than the initial dissolved oxygen reading. As the amount of sample in the bottle increased, so did the final dissolved oxygen reading. This is the opposite of what is seen on typical BOD/CBOD samples. This phenomenon is only observed when something in the sample is releasing oxygen, such as hydrogen peroxide or possibly chlorine dioxide.

Please evaluate your process to see if a chemical such as the ones mentioned above could have been in the sample. It was also noted that the sample was very high on chlorine.

If you have any questions regarding this sample, please do not hesitate to contact me. If you wish to run another BOD before the end of this month, please call as our BOD setup days have changed slightly to accommodate the holidays. Thank you.

Sincerely,

*Darrin K Thane (mtd)*

Darrin K. Thane  
Laboratory Manager

DKT:am

635 Phil Gramm Blvd.  
Bryan, Texas 77807  
(979) 778-3707  
Fax (979) 778-3193



Laboratory:  
778-3179  
E-mail:  
aquatec@briar.com

Blue Hole Management, Ltd.  
Attn: John Clayton  
P.O. Box 331  
Wimberly, Texas 78676

12/19/2001

Page 1

1/Month

Blue Hole WTP Effluent

Sample ID#	AI18729	Date Collected	12/7/2001	Time Collected	13:00	Collected By	CLT	Type	Test
Field Data:	pH Std units	Cl Residual mg/L		DO mg/L		Flow mgd			

Blue Hole WTP Effluent

Analysis	MDL	Result	Units	Analyst	Start Date	Start Time	Method #
Biochemical Oxygen Demand (5day)	2	Inconclusive	mg/L	TL	12/7/2001	8:30	1051

A handwritten signature in dark ink, appearing to read "John Brien", is written over a horizontal line.

John Brien (Vic. Pres.)

**Print**

Regulated Entity ID (Primary): \* **W00012224**

☐ Complaint No.?

Retention Code:

Type Lab Sample Taken:

10

**When you complete adding violations or if there are no violations, scroll down to the second page and click on COMMENTS to complete.**

	Viol	Cat	Corrective Action Code	Date Compliance Plan Due	Date Compliance Plan Submitted	Date Compliance Plan Approval Letter	Date Compliance to be Achieved	Date Compliance Documentation Due	Date Compliance Documentation Submitted	Date Follow-up Notice	Date Violation Closed	Type Closure

**RECEIVED**  
**JAN 10 2012**  
**TNRCC**  
**FIELD OPERATIONS DIVISION**

COMMENTS to complete the data entry form.

### Chronic NC:

Date Report to EPA.

100

COMMENTS:

NOV SENT TO BLUE HOLE MANAGEMENT

FOLLOW-UP NOV ANALYTICAL RESULTS OF BOD EXCEED ALLOWABLE

OPTIONAL FACILITY DATA:

Executive Official Name: KIRBY PERRY  
 Regulated Entity Mail Address:   
 Regulated Entity City:   
 Regulated Entity State:   
 Regulated Entity Zip:   
 Facility Address:   
 Facility City:   
 Facility State:   
 Facility Zip:   
 1st Contact Person: ION CLAYTON  
 1st Contact Phone No.: 512)847-912  
 2nd Contact Person: KIRBY PERRY  
 2nd Contact Phone No.: 512)231-191

OPTIONAL MANAGEMENT DATA:

Date Report Submitted for Peer Review: 7/3/01  
 Date Peer Review Completed:   
 Date Report Submitted to Admin.:   
 Date Report Due to Manager:   
 Date Report Submitted to Manager:   
 Date Report Due to Central Office:   
 Date Current CCI/CCM Scheduled:   
 Date Next CCI/CCM Due:

RECEIVED

JAN 10 2002

TNRCC  
FIELD OPERATIONS DIVISION

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 23, 2006

Ms. Emily W. Rogers, Attorney  
Bickerstaff, Heath, Pollan & Caroom, LLP  
816 Congress Avenue, Suite 1700  
Austin, Texas 78701

Re: Application from the Village of Wimberley to Amend Sewer Certificate of Convenience and Necessity (CCN) No. 20936 in Hays County; Application No. 35236-C

CN: 601642473; RN: 103107546

Dear Ms. Rogers:

Your CCN application for the Village of Wimberley, received on December 30, 2005, has been assigned Application No. 35236-C, but has not been accepted for filing. Please refer to this number in future correspondence.

The next step towards having your application accepted is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Hays County. It is the responsibility of the applicant to provide correct notice of the application to any utilities within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. You will also be required to provide mailed notice to all landowners of more than 25 acres in your proposed CCN area pursuant to commission order dated October 21, 2004. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies. Check the notices carefully before mailing or publishing.

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) one copy of the landowner notice and map sent to each landowner; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals and each landowner has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Include the enclosed location map delineating the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner.



Ms. Emily Rogers, Attorney

Page 2

January 23, 2006

In addition to the notice requirements you will also be required to provide landowners consent for all proposed area located outside the Village of Wimberley's current extraterritorial jurisdiction.

These items must be completed and returned by **February 24, 2006**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

If you have any questions, please contact Ms. Karen Blaschke at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E., Section Manager  
Utilities & Districts Section  
Water Supply Division

DH/KLB/ac

Enclosures

cc: Ms. Elsie Pascua, TCEQ  
TCEQ Region 11 Office

*Notice for Publication*  
NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN) TO PROVIDE SEWER  
UTILITY SERVICE IN HAYS COUNTY

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County.

The proposed utility service area is located approximately 1 mile north of downtown Wimberley, Texas, and is generally bounded on the north by Skyline Dr.; on the east by Caliche Rd.; on the south by E. Summit Dr.; and on the west by RR 12. The total area being requested includes approximately 250 acres and 0 current customers.

A copy of the proposed service area map is available at the Village of Wimberley's City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676 and Phone Number 512/847-0025

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

*Notice to Neighboring Systems and Cities*

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN HAYS COUNTY

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2006  
(Neighboring System or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County.

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Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN HAYS COUNTY

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2006  
(Landowner)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

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# Village of Wimberley Proposed Sewer CCN No. 20936 Area Amendment

Stoney Creek Vista

Mountain Crest Drive

Skyline Drive

Skyline Summit Vista

Brookmeadow Drive

Pebble Brook Lane

AQUASOURCE UTILITY INC  
20453

Woodcreek Drive

Palmer Lane

Ranch Road 12

Proposed Sewer Service Area

Village of Wimberley

GUADALUPE BLANCO  
RIVER AUTHORITY

20892

VILLAGE OF WIMBERLEY  
20936

Summit Drive



Village of Wimberley  
Post Office Box 2027  
Wimberley, Texas 78676  
512-847-0025  
Prepared On: December 27, 2005  
Prepared By: Bickerstaff, Heath, Pollan & Carroom, L.L.P.

## Legend

Basemap: Hays County Appraisal District Parcels



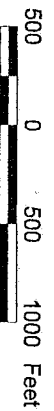
Village of Wimberley  
Proposed Sewer CCN No. 20936  
Area Amendment



Existing Sewer CCN Service Areas



20892 - Guadalupe Blanco River Authority  
20936 - Village of Wimberley  
(Dual Certification)





Texas Commission on Environmental Quality

APPLICATION NO. \_\_\_\_\_

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OATH

I, \_\_\_\_\_, being duly sworn, file this form as \_\_\_\_\_ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public  
Commission Expires \_\_\_\_\_



Texas Commission on Environmental Quality

APPLICATION NO. \_\_\_\_\_

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,

who being by me duly sworn, deposes and says that (s)he is the \_\_\_\_\_ of the

TITLE

\_\_\_\_\_ ; that said

NAME OF NEWSPAPER

newspaper is regularly published in \_\_\_\_\_

County(ies) and generally circulated in \_\_\_\_\_

County (Counties), Texas; and that the attached notice was published in said newspaper on the

following date(s), to wit: \_\_\_\_\_

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, to certify which  
witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_



Texas Commission on Environmental Quality

APPLICATION NO. \_\_\_\_\_

AFFIDAVIT OF NOTICE TO LANDOWNERS

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to  
the following entities:

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OATH

I, \_\_\_\_\_, being duly sworn, file this form as  
\_\_\_\_\_ (indicate relationship to applicant, that is, owner,  
member of partnership, title of officer of corporation, or other authorized representative of applicant); that  
in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the  
notices given with this application, and have complied with all notice requirements in the application and  
application acceptance letter; and that all such statements made and matters set for therein are true and  
correct.

\_\_\_\_\_  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its'  
attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify  
which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public  
Commission Expires \_\_\_\_\_





Texas Commission on Environmental Quality

APPLICATION NO. 35236-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF TRAVIS

Village of Wimberley, Texas has provided individual notice to the following entities:

	DATE
<u>Aqua Development, Inc.</u>	<u>1-30-06</u>
<u>Aqua Source Utility, Inc.</u>	<u>1-30-06</u>
<u>Guadalupe-Blanco River Authority</u>	<u>1-30-06</u>
<u>City of Woodcreek</u>	<u>1-30-06</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

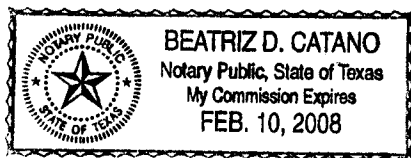
OATH

I, Emily W. Rogers, being duly sworn, file this form as Attorney for Wimberley, Texas (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Emily W. Rogers  
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 31<sup>st</sup> day of January, 2006 to certify which witness my hand and seal of office.



Beatriz D. Catano  
Notary Public in and for the  
State of Texas

Beatriz D. Catano  
Print or Type Name of Notary Public  
Commission Expires 2-10-08

*Notice to Neighboring Systems and Cities*

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE SEWER UTILITY SERVICE IN HAYS COUNTY**

**To: Aqua Development Inc.  
1421 Wells Branch Pkwy, Ste. 105  
Pflugerville, TX 78660-3230**

**Date Notice Mailed: January 30, 2006**

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately 1 mile north of downtown Wimberley, Texas, and is generally bounded on the north by Skyline Dr.; on the east by Caliche Rd.; on the south by E. Summit Dr., and on the west by RR 12. The total area being requested includes approximately 250 acres and 0 current customers. See the enclosed map of the proposed service area.

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Water Supply Division  
Utilities and Districts Section, MC-153  
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