

# 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

Champions Circle

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 & Caroom, 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  
20453 - AquaSource Utility, Inc.  
20892 - Guadalupe Blanco River Authority  
20936 - Village of Wimberley  
(Dual Certification)



*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 Source Utility, 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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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.

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**Si desea información en Español, puede llamar al 1-512-239-0200.**

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512-847-0025  
Prepared On: December 27, 2005  
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## **Legend**

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(Dual Certification)



*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:     Guadalupe-Blanco River Authority  
          933 E. Court St.  
          Seguin, TX 78155-5819**

**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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500 0 500 1000 Feet

*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: City of Woodcreek  
41 Champion Cir.  
Woodcreek, TX 78676**

**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.

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*Notice to Landowners*

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

To: Estelle Ervine Egnemoen Trust  
c/o Roger J. Engemoen, Jr. – Trustee  
1907 Georgia Landing Cove  
Austin, Texas 78746-7263

Date Notice Mailed: January 30, 2006

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*Notice to Landowners*

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TO PROVIDE SEWER UTILITY SERVICE IN HAYS COUNTY

To: Rachel Gumbert Trust  
c/o Melinda Gumbert Trustee  
16300 Ranch Road 12  
Wimberley, Texas 78676

Date Notice Mailed: January 30, 2006

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*Notice to Landowners*

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

To: H.E. Gumbert Jr.  
306 East Summit Drive  
Wimberley, Texas 78676

Date Notice Mailed: January 30, 2006

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To: Eugene Ervine Woolsey  
1000 South 18th Avenue  
Nashville, TN 37212

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Texas Commission on Environmental Quality

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

RECEIVED

PUBLISHER'S AFFIDAVIT

MAR 06 2006

STATE OF TEXAS

COUNTY OF Hays

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

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

Mary Saunders

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

Publisher

of the

Wimberley View

NAME OF NEWSPAPER

; that said

newspaper is regularly published in Hays

County(ies) and generally circulated in Hays

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

following date(s), to wit:

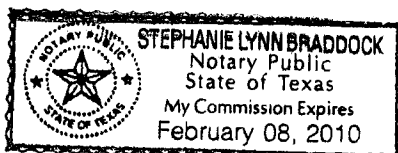
February 18, 2006 & February 22, 2006

Mary V. Saunders

Newspaper Representative's Signature

Subscribed and sworn to before me this 1st day of March, 2006, to certify which

witness my hand and seal of office.



Stephanie J. Braddock  
Notary Public in and for the State of Texas

Stephanie L. Braddock  
Print or Type Name of Notary Public

Commission Expires 2-08-10

# 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 6, 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

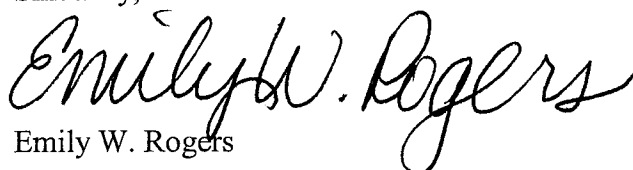
RE: Application of the Village of Wimberley to Amend Sewer CCN No. 20936 in Hays County, Texas; Application No. 35236-C; CN: 601642473; RN: 103107546.

Dear Ms. Blaschke:

On February 24, 2006, we provided you with the information that was requested by Mr. Holcomb's letter of January 23, 2006 in connection with this matter. In addition to that information, enclosed please find the original notice and publisher's affidavit from Wimberley View.

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

Sincerely,

  
Emily W. Rogers

EWR/bc

Enclosures

**RECEIVED**  
MAR 06 2006  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

Office of the Engineer, during regular business hours; 8:00 a.m. to 5:00 p.m., Monday through Friday. Drawings and Specifications may be purchased at one hundred dollars (\$100.00) per set made payable to CMA Engineering, Inc. by check and are non-refundable. No partial sets of Drawings and Specifications will be issued nor accepted. **BIDDING REQUIREMENTS:** A mandatory pre-bid conference will be held at the Office of the Engineer at 2:00 pm. on Wednesday, February 8, 2006. All Bids must be accompanied by a Bid Security made payable, without recourse, to DH Investment Company in an amount of five percent (5%) of Bidder's maximum Bid price in the form of a Cashier's check from a national or state bank or a Bid bond issued by a surety as a guarantee that if awarded the contract, the Bidder will enter into a Contract and execute bonds within 7 days of the Notice of Award. Bidders shall have completed at least three (3) similar projects in nature with the construction cost not less than \$1 million. All Work shall be guaranteed against defective workmanship and materials for a period of one (1) year from the date of final acceptance by the OWNER. Performance, payment and maintenance bonds shall each be issued in an amount equal to 100% of the Contract Amount as security for all the CONTRACTOR's obligations under the

action may affect you, you are encouraged to participate in this process. Comments from any member of the public may be presented in person or by mail at City Hall prior to the hearing or the public will be granted an opportunity to speak at the public hearing. Additional information concerning the proposed actions is available for public review at City Hall. The Village of Wimberley City Hall is located at 13210 Ranch Road 12, Wimberley, Texas. (43105/1a/14)

#### **NOTICE OF PROPOSED VARIANCE TO THE ZONING ORDINANCE**

Notice is hereby given that the Village of Wimberley Board of Adjustment will hold a public hearing on February 27th at 6:30 p.m. at the Wimberley City Hall, 13210 RR 12, Wimberley, TX, 78676, to consider a request for variance. (Case # BA 006-001) King Feed & Hardware, is located at 14210 Ranch Road 12, Wimberley, Texas. There are eight variances being requested. (1) Section 27.4C which describes minimum setbacks at the front of the property; (2) Section 27.6C which prohibits open storage of commercial materials. (3) Section 27.4 regarding building footprint; (4) Section 47.11B regarding required wall material; (5) Section 47.15D regarding required Dock Screening; (6) Section 23.1(H) regarding Underground Electric (7) Section 47.15(4) C

**Pres/Dir,  
Lila McCall  
Goodrich, Sec/  
Dir,  
Kenitha Dawn  
DeSaulnier, Dir.**  
(43098/1cc/14)

#### **PUBLIC NOTICE Rezoning Public Hearing**

Woodcreek Planning and Zoning Commission will hold a public hearing at Woodcreek City Hall, 41 Champion Circle on March 6, 2006 at 7:00 p.m. to consider rezoning a portion of Lot 19, Section 4 Brookmeadow from MF-1A to Commercial RR12. Application has been made for a lumber store at this location. Planning and Zoning will also consider changing the impervious cover restrictions on commercial zoning districts. All interested parties are invited to attend. (43116/1a/15)

#### **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

request is received from 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 512-239-0200. (43117/1a/15)

#### **PUBLIC NOTICE City of Dripping Springs Public Notice**

On February 28, 2006 at 5:30 PM in the City Council Chambers of the City of Dripping Springs, Texas, located at 550 E Hwy. 290, the City Council shall hold a Public Hearing giving all interested persons the right to appear and be heard on the proposed annexation into the City Limits of the City of Dripping Springs the following property described, to-wit: Tract 76 A-2, Replat of The Remainder of Tract 76A, Springlake and Subdivision of Reed Acreage If you have any questions regarding this annexation, contact Dripping Springs City Offices at 512-858-4725. (43126/a/15)

**PUBLIC NOTICE**  
THE STATE OF TEXAS  
THE COUNTY OF HAYS  
TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF PAUL F. BARBUTO, DECEASED, CAUSE NO 10258-P.

The undersigned Independent Executor of the Estate of PAUL F. BARBUTO, of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause #10258-P on the 14th

Fireplace mantels, table tops, etc.  
Call Rick Nation  
**847-2413**  
(nc/rm/16+)

#### **★ CHILD CARE**

**CHRISTIAN  
MOTHER'S DAY  
CARE** in Woodcreek. CPR certified, child care training certified. After schoolers & all ages. \$40-\$120. per week 847-0435 (43031/2cc/13)

**IN HOME DAY CARE**  
Available in Kyle. Call 512-644-3445 or 512-644-8132. (42938/1cc/14+)

#### **★ COMMERCIAL FOR LEASE**

**720 SQ. FT. OFFICE SPACE**  
Located at South River Center in Wimberley. Ideal for dance studio or general office space. 512-847-3688 for more information. (41127/a/tfn)

**1,040 SQ FT  
1,300 SQ. FT.**  
Office/Professional Spaces. Views, easy access & parking. Located off RR 12. Call Mike @ Wimberley Land Company 512-847-2291 (31847/a/14)

**DOWNTOWN WIMBERLEY**  
Commercial space for rent. 1 upstairs unit - \$400. 1 or 2 downstairs units \$195-\$225. 847-9588 or 512-665-9588 (43004/4p/16+)

**NICE 1500 SQ. FT.**  
Commercial building for lease across from Masonic Lodge. 847-1545, 844-0131 - Wimberley (43059/2p/14+)

**OFFICE SPACE**  
Dripping Springs. 840 sq. ft. Central location. Call 512-894-0039 for details. (42414/a/tfn)

**OFFICE/  
WAREHOUSE**  
1,000 to 2,000 sq. ft. available. \$500. & up Plaza del Sol Wimberley Call Clay at

(42505/4a/15+)

**RETAIL/OFFICE**  
800 sq. ft. - \$600  
2000 sq. ft. - \$1,500.  
Plaza del Sol  
Wimberley  
Call Clay at  
512-796-3958  
(39750/12cc/22+)

**THE LUMBERYARD**  
Creekside Office/  
Retail Space  
1 block from the  
Wimberley Square  
\$1.25/ft./mo + C.A.M.  
800-2,000 S.F.  
Contact Jamill  
Development  
512-474-6025  
(42253/2p/18+)

**RETAIL SPACE**  
Dripping Springs.  
Approx. 840 sq.ft.  
Central location.  
Call 512-894-0039  
for details.  
(42416/a/tfn)

**9600 SQ. FT.  
WAREHOUSE SPACE**  
DRIPPING SPRINGS  
Prime Location  
512-894-0039  
(41051/4a/18+)

**WIMBERLEY OFFICE SPACE**  
\$750.00 per mo.  
1600 sq. ft.  
office suite  
\*\*\*\*\*  
\$550. per mo.  
1150 sq. ft. office  
(2) to choose from  
\*\*\*\*\*  
Call for appointment  
Ruth 847-5099  
Owner/Agent  
(38442/a/tfn)

#### **★ COMMERCIAL FOR SALE**

**1500 SQ. FT.**  
Commercial building -  
4 offices. Recently  
updated. On Hwy 281  
in middle of Johnson  
City. \$160,000.  
512-293-9186  
(43121/1p/15+)

#### **★ FURNITURE**

**LEATHER SOFA**  
Good condition.  
Camel. 80"  
\$500. 847-1871  
(43123/1cc/15)

#### **★ GARAGE SALES**

**SAT., 2/18**  
Moving sale. 8 a.m.-  
Noon #12 Woodcreek

Everything you wanted  
is on

**SALE**  
**Complete  
Liquidation  
SEASONS ON  
MAIN**

13904 RANCH ROAD 12

25% to  
50% off

Antiques,  
Gifts,  
Decorative  
Items

RECEIVED

MAR 06 2006

TEXAS COMMISSION  
ON

ENVIRONMENTAL QUALITY

# THE CLASSIFIED

Saturday, February 18, 2006

Century News 858-4163

Wimberley View 847-2202

## ★ LEGAL & PUBLIC NOTICES

### NOTICE TO BIDDERS CONSTRUCTION OF WATER, WASTEWATER, AND DRAINAGE IMPROVEMENTS FOR BUSH RANCH PHASE 1

#### SECTIONS 1 AND 2 SCOPE OF WORK:

DH Investment Company will accept sealed bids for the construction of Water, Wastewater, and Drainage Improvements for Bush Ranch, Phase 1 Sections 1 and 2.

#### RECEIPT OF BIDS:

Sealed bids in envelopes are due at the Office of the Engineer: CMA Engineering, Inc. located at 14101 West Highway 290, Building 600, Austin, Texas 78737, (512)894-3230 no later than 2:00 p.m. on Wednesday,

February 20, 2006, at which time the bids will be opened and read aloud for furnishing all labor, material, equipment and performing all work required for construction of Water, Wastewater, and Drainage Improvements of Bush Ranch, Phase 1 Sections 1 and 2.

#### INFORMATION AND BIDDING DOCUMENTS:

Copies of bidding Drawings and Specifications may be inspected at and/or

Contract Documents. The OWNER reserves the right to waive all informalities and irregularities, and determine which Bid is lowest and best, and to award the Contract on this basis. It should be noted that time is of the essence.

The Notice of Award of Contract shall be given by the Owner within sixty (60) days after the bid opening. Bid Security must be enclosed with the bid. Bids without the Bid Security will not be considered. All Bids Securities will be returned to the respective bidders within twenty-five (25) days after bids are opened, except those which the Owner elects to hold until the successful bidder has executed the Contract. (42961/3a/14)

#### PUBLIC NOTICE

Notice is hereby given that the Planning & Zoning Commission of the Village of Wimberley will hold a public hearing at the Village of Wimberley City Hall on March 9, 2006, at 6:30 p.m. to consider a zoning request for the following properties: ZA06/003, Village of Wimberley Library, 400 FM 2325, Wimberley, TX for C-2 zoning. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing at its regular Council Meeting on March 16, 2006, at 6:30 p.m. to consider such zoning

regarding required Shrub Placement; (8) Section 8.5 E/ & 8.1B regarding Gross Floor Area. Comments from any member of the public may be submitted to the Board of Adjustment or in writing before the meeting. At the conclusion of the public hearing, the Board of Adjustment may grant or deny the requested variance. Additional information concerning these requested variances is available for public examination at the Village of Wimberley City Hall, 13210 RR 12, Wimberley, Texas 78676. (43099/1a/14)

#### PUBLIC NOTICE

Notice is hereby given in accordance with the provisions of the Texas Alcoholic Beverage Code that Chriswell's Private Club, Inc., is making application with the Texas Alcoholic Beverage Commission for a Private Club Registration Permit, Food and Beverage Certificate and a Beverage Cartage Permit to be located at 203 Stillwater, Suite 6, 7, Wimberley, Hays County, Texas. Erik Keith

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 Village of Wimberley's City Hall, 13210 Ranch Road 12, Wimberley, Texas 78676 and phone # 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 person 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

law at the address below. Dated this 14th day of February, 2006, Billie Jean Marie Barbuto, Independent Executor of the Estate of Paul F. Barbuto, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P. O. Box 917, Dripping Springs, Texas 78620. (43128/1a/15)

## ★ ANTIQUES

### KLOCK WERKS DOES YOURS?

Selling, buying & repairing antique clocks. 512-449-8288 (32087/4p/15+)

## ★ AUTOS

### '99 CHEVROLET C

2500 crew cab, 107,000+ miles, 2 wheel drive, 5.7 liter, gooseneck, ranch hand bumpers. New front brakes, water pump, etc. \$7,900. 847-2322 (43108/2cc/16)

CASH: For Cars & Trucks - running or not 512-753-9142 (37472/12p/23+)

## ★ BUILDING MATERIALS

### ROUGH SAWN HARDWOODS

Pecan, cedar, oak Up to 36" widths, 10' lengths, various

## Gary Job Corps, San Marcos

Is currently looking for Aggressive, Energetic Professional to work Career and Technology

### Machinist Instructor

Qualified applicants must be young adults ages 16 program and operate equipment: CNC mills, CNC Lathes, horizontal press, surface grinders

Applicant must have diploma/GED and five Certification

We offer an excellent benefit with a complete

If you are interested person, fax or email your

## Gary Job Co

Attn: Human Resources

2800 Airport

San Marcos, TX

512-396-6

Email: GaryJCO@job

Job closing date February

EOE M

floors, vaulted ceilings, 600 sq. ft. \$490. month 512-496-6736 (42887/4cc/19+)

PRESTIGIOUS OFFICE SPACE Convenient Landmark Location in HOMESTEAD OFFICE PARK 1126 sq. ft. • 4 offices & reception area. Call Carter Investments 512-894-0038

# Austin American-Statesman

PO#:

Ad ID#: 1273903

Acct#: 5124728021

Account Name: BICKERSTAFF HEATH  
SMILEY

BICKERSTAFF HEATH SMILEY  
816 CONGRESS AVE #1700  
POLLAN KEVER & MCDANIEL LLP  
AUSTIN, TX 78701-2443

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,  
State of Texas, on this day personally appeared:

CARLY ANN CHAPKO

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published  
in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos,  
Burleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales,  
Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington,  
and Williamson Counties, who being duly sworn by me, states that the attached advertisement  
was published in said newspaper on the following date(s), to wit:

First Published: 2/2/2006

Last Published: 2/9/2006

Times Published: 2

Classification: Legal Notices (9980)

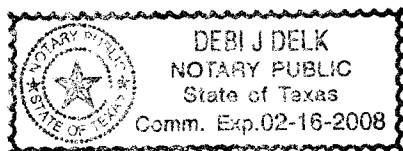
Lines: 87

Cost: \$762.12

and that the attached is a true copy of said advertisement.

Carly Ann Chapko

SWORN AND SUBSCRIBED TO BEFORE ME, this the 10 day of Feb, 2006.



Debi J Delk

Notary Public in and for  
TRAVIS COUNTY, TEXAS

*Austin American-Statesman*  
305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3832

Friday, February 10, 2006 9:26 AM

**9986 Legal Notices**

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

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.

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  
MG-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.

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Si desea información en Español, puede llamar al 1-512-239-0200.



Texas Commission on Environmental Quality

APPLICATION NO. 35236-C

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Travis

Before me, the undersigned authority, on this day personally appeared  
Steph Hutchinson

who being by me duly sworn, deposes and says that (s)he is the  
Legal Notices Rep of the  
TITLE

Austin American Statesman; that said  
NAME OF NEWSPAPER

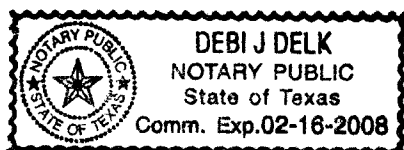
newspaper is regularly published in Travis + Hays  
County(ies) and generally circulated in Travis + Hays

County (Counties), Texas; and that the attached notice was published in said newspaper on the  
following date(s), to wit:

February 2 + 9, 2006

[Signature]  
Newspaper Representative's Signature

Subscribed and sworn to before me this 16 day of Feb, 2006, to certify which  
witness my hand and seal of office.



Debi J Delk  
Notary Public in and for the State of Texas

Debi J Delk  
Print or Type Name of Notary Public

Commission Expires 2-16-08

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

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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.

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Si desea información en Español, puede llamar al 1-512-239-0200.



43540

**Non-scanable, call  
CR @ 512.936.7180  
for copies**

# **Attachment No. 2**

## **Maps of Proposed Service Area**

**Application by the Village of Wimberley to  
Amend Sewer CCN No. 20936**

2

# Attachment No. 4

## Inspection Information

Application by the Village of Wimberley to  
Amend Sewer CCN No. 20936

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 black 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.

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Dry ditch         | <input type="checkbox"/> Normally flowing creek | <input type="checkbox"/> Bay               |
| <input type="checkbox"/> Dry creek channel | <input type="checkbox"/> River                  | <input type="checkbox"/> Wetland/Marsh     |
| <input type="checkbox"/> Spring fed creek  | <input type="checkbox"/> Lake                   | <input type="checkbox"/> Other (identify): |
| <input type="checkbox"/> Playa             | <input type="checkbox"/> 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<br>(X) Commercial lab<br>Name: <u>Aqua Tech</u><br>( ) 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<br><br>Type primary flow measuring device:<br><u>Irrigation Flowmeter</u><br>_____<br>_____<br><br>Flow accuracy check attached:<br>( ) Yes (X) No<br><br>If no, provide explanation.<br><br>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.

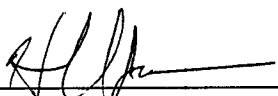
Based on the record review, Blue Hole did not collect soil samples prior to 9/1/01 for the low pressure dosing fields. Also, a requirement remains in the permit for an emergency generator to be provided at the lift station. An emergency generator is not provided, but the lift station is reportedly on 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  
Wm 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<br><br>$\frac{(\text{recorded value} - \text{calculated value}) (100)}{\text{calculated value}}$ |                       |
| 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



Alt. Laboratory:  
1. PO Box 35N  
K. TX 78640  
E. 295-3179  
Fax 2, 295-8169

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 thick 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 (aut)*

Darrin K. Thane  
Laboratory Manager

DKT:am

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



Aqua-Tec Laboratory:  
(979) 778-3179  
E-mail:  
aquatec@bryber.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#  | A118728      | Date Collected   | 12/7/2001 | Time Collected | 13:00 | Collected By | CLT | Type | Flow |
| 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       | A 405.1  |

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

John Brien (Vice President)

WWD/13321-001/00

Print

55

□ TXG (General)?

☐ Registration No.?:

☐ ... assign a unique ID?

☐ Complaint No.?

11

# HJANUS

100% 95% 90% 85% 80% 75% 70% 65% 60% 55% 50% 45% 40% 35% 30% 25% 20% 15% 10% 5% 0%

**BLUE HOLE MANAGEMENT, LTD**

# BLUE HOLE MANAGEMENT

105 

1813

DOM

WLD

DS

4/11/00

6/12/01

CCI

© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 101–107



1

GRB 

Chronic NC

Date Manager Signs Report: 7/6/01

Case Manager Signs Report: 7/6/01

Date Investigation Letter: 7/6/01

Type Investigation Letter: **NOV**

Date Report to EPA: \_\_\_\_\_

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

| Date | Investigation | Citation | 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 |
|------|---------------|----------|----------|------------------------|--------------------------|--------------------------------|--------------------------------------|--------------------------------|-----------------------------------|---|-----------------------|-----------------------|--------------|
|      |               |          |          |                        |                          |                                |                                      |                                |                                   |   |                       |                       |              |

COMMENTS to complete the data entry form.

RECEIVED

JAN 10 2012

TNRCC  
FIELD OPERATIONS DIVISION

Regulated Entity ID (Primary): \* **WQ0013321-001**

Region ID: \* 11

# HJANUS

100

**BLUE HOLE MANAGEMENT LTD**

**BLUE HOLE MANAGEMENT**

© 1997 Sony Music Entertainment Inc.

05

813



**DOM**

WLD

SD

4/11/00

6/12/01

CCP

2

— *Fig. 1. Diagram of the experimental setup.*




GRB

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

RECEIVED

JAN 10 2112

TNRCC  
FIELD OPERATIONS DIVISION

# Attachment No. 5

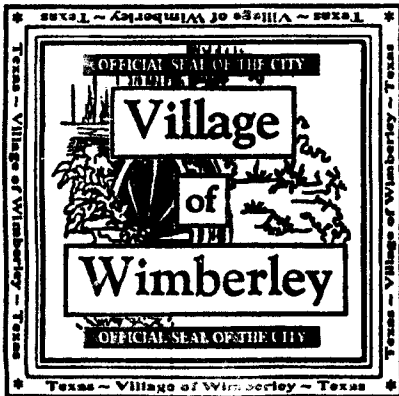
Interlocal Agreement between the  
Village of Wimberley and GBRA, and  
Operating Agreement between the  
Village of Wimberley and GBRA

## CERTIFICATION

I, Moira Martin, Village Secretary of the Village of Wimberley, Texas,  
hereby certify that the attached document is a true and correct copy of the  
April 2, 2002 Interlocal Agreement between the Guadalupe Blanco River  
Authority and the Village of Wimberley.

To certify which, witness my hand and seal of office this 29 day of  
December, 2005.

  
\_\_\_\_\_, Village Secretary





**INTERLOCAL AGREEMENT BETWEEN THE GUADALUPE-BLANCO  
RIVER AUTHORITY AND THE VILLAGE OF WIMBERLEY**

STATE OF TEXAS           §  
                                  §  
COUNTY OF HAYS       §

This Interlocal Agreement ("Agreement") is entered into as of the 2<sup>nd</sup> day of April, 2002 (the "Effective Date") by and between the GUADALUPE-BLANCO RIVER AUTHORITY ("GBRA") a conservation and reclamation district and political subdivision of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution by special act of the Legislature formerly compiled at Article 8280-106, Vernon's Annotated Civil Statutes and the VILLAGE OF WIMBERLEY, Texas ("WIMBERLEY"), each organized and existing under Texas law and acting in a lawful manner through their authorized representatives.

**RECITALS**

WHEREAS, WIMBERLEY and the GBRA desire to enter into an interlocal cooperation agreement in accordance with the terms and provisions of Chapter 791, Texas Govt. Code ("Interlocal Cooperation Act"); and

WHEREAS, Texas law allows governmental entities to enter into interlocal agreements to increase the efficiency and effectiveness of local governments by authorizing them to contract with one another; and

WHEREAS, WIMBERLEY has applied for a Certificate of Convenience and Necessity ("CCN") to provide retail sewer service for the residents and businesses within the requested area covered by the CCN; and

WHEREAS, WIMBERLEY desires to have the GBRA develop, design, finance, construct, permit, operate and maintain sewer facilities on behalf of WIMBERLEY; and

WHEREAS, WIMBERLEY has determined that contracting with the GBRA to operate and maintain sewer facilities on behalf of WIMBERLEY will increase the efficiency and effectiveness of the retail sewer service provided to its residents and businesses; and

WHEREAS, the GBRA has reviewed the needs of WIMBERLEY and determined that it can efficiently and effectively develop, design, finance, construct, permit, operate and maintain sewer facilities in the service area of WIMBERLEY's CCN; and

WHEREAS, WIMBERLEY and the GBRA have heretofore entered into that certain agreement dated April 2, 2002 (the "Operating Agreement") wherein GBRA has agreed to develop, design, finance, permit, construct, operate and maintain a sewer

system to provide retail sewer service to residents and businesses located within WIMBERLEY's CCN service area.

**WHEREAS**, WIMBERLEY's City Council has reviewed and voted to accept the terms of this Agreement by a duly constituted quorum of the City Council at a properly noticed and called meeting of the City Council; and

**WHEREAS**, the Board of Directors of the GBRA has reviewed and voted to accept the terms of this Agreement by a duly constituted quorum of the GBRA Board at a properly noticed and called meeting of the GBRA Board.

### **AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

#### **1. Definitions**

**"WIMBERLEY"**. The term WIMBERLEY refers to Village of Wimberley, the City Council of the Village of Wimberley and any and all officers and/or employees of the Village of Wimberley.

**"CCN" or "Certificate of Convenience and Necessity"**. The terms CCN and Certificate of Convenience and Necessity refer to the CCN permit requested and to be issued by the Texas Natural Resource Conservation Commission to WIMBERLEY for the provision of retail sewer service to the Customers within the territorial boundaries of the CCN.

**"Customer"**. The term Customer generally refers to any residential or business user of retail sewer service within the service area of WIMBERLEY's CCN.

**"Services"**. The term Services refers to the retail sewer service provided by the GBRA to WIMBERLEY in accordance with the Operating Agreement.

#### **2. Commitments of the GBRA**

- (a) In consideration of the mutual covenants contained herein, and upon approval of the Operating Agreement by GBRA and WIMBERLEY, GBRA will, in accordance with the terms and conditions of said agreement, develop, design, finance, permit and construct any and all capital improvements necessary to own, operate and maintain sewer facilities for WIMBERLEY and to provide retail sewer service to Customers within the service area of WIMBERLEY's CCN.
- (b) GBRA agrees to support WIMBERLEY's Application for a CCN with technical and legal support services; provided, however, GBRA shall have

the right to provide input to WIMBERLEY on all material issues relating to WIMBERLEY's Application for a CCN and should WIMBERLEY and GBRA fail to reach agreement on any such material issue, GBRA shall have the sole and exclusive right and discretion to withdraw its legal and technical support services of WIMBERLEY's Application for a CCN.

3. **Commitments of WIMBERLEY**

In consideration of the mutual covenants contained herein, and in accordance with the terms and conditions of the Operating Agreement, WIMBERLEY hereby agrees to provide GBRA with the exclusive right to service any and all Customers within the service area of WIMBERLEY's CCN for the provision of Services for so long as this Agreement and the Operating Agreement are in effect.

4. **Compensation**

Compensation paid by WIMBERLEY and Customers to GBRA for the development, design, financing, permitting, construction, operation and maintenance of the sewer facilities shall be in accordance with the Operating Agreement.

5. **Term of the Agreement**

The term of this Agreement shall commence on the Effective Date and continue in effect for so long as the Operating Agreement remains in effect.

6. **Termination of the Agreement**

Neither Party shall have the right to terminate this Agreement for so long as the Operating Agreement remains in effect. This Agreement shall terminate upon the termination of the Operating Agreement.

7. **Indemnification**

**ONLY TO THE EXTENT PERMITTED BY TEXAS LAW, EACH PARTY SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS THE OTHER PARTY, ITS OFFICIALS, OFFICERS, TRUSTEES, AGENTS, AND EMPLOYEES, BOTH PRESENT AND FUTURE, FROM ANY CLAIMS, EXPENSES, COSTS (INCLUDING, BUT NOT LIMITED TO, ALL COSTS OF DEFENSE, SUCH AS FEES AND CHARGES OF ATTORNEYS, EXPERT WITNESSES AND OTHER PROFESSIONALS AND ALL COURT OR ARBITRATION OR OTHER DISPUTE RESOLUTION COSTS), DEMANDS, JUDGMENTS, CAUSES OF ACTION, SUITS OR LIABILITY OF ANY NATURE, INCLUDING, BUT NOT LIMITED TO, CLAIMS FOR BODILY INJURY, DEATH AND PROPERTY DAMAGE WHICH MAY ARISE FROM THE NEGLIGENT OPERATION OF THE SEWER FACILITIES. THIS**

**INDEMNIFICATION OBLIGATION SHALL SURVIVE THE TERMINATION OF THE AGREEMENT.**

**8. No Liability for Torts**

Each Party to this Agreement agrees that it shall have no liability for the actions or omissions of the employees, agents, or trustees of the other Party, and each Party is solely responsible for the actions and omissions of its own employees, trustees, or agents. Each Party specifically waives any claim, obligation, or cause of action for the tortious conduct of the other Party.

**9. Amendments to Agreement**

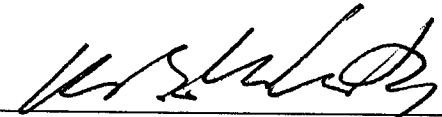
This Agreement can only be amended in writing by mutual agreement of the Parties.

**10. Severability**

All provisions to this Agreement are declared to be severable, in the event that any one section or provision is held to be illegal or unconstitutional.


IN WITNESS WHEREOF, the undersigned Village of Wimberley, Texas and the Guadalupe-Blanco River Authority hereto, through their authorized representatives, execute this Interlocal Agreement in duplicate.

**GUADALUPE-BLANCO RIVER AUTHORITY**

By:   
William E. West, Jr., General Manager

Date: 4/15/02

**VILLAGE OF WIMBERLEY, TEXAS**

By:   
Linda Hewlett  
Mayor

Date: April 2, 2002

STATE OF TEXAS

§

§

COUNTY OF GUADALUPE

§

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared William E. West, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the GUADALUPE-BLANCO RIVER AUTHORITY, a conservation district and political subdivision, and that he executed the same as the act of such conservation district and political subdivision for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15<sup>th</sup> day of April, 2002.



Christy S. Dietert  
Notary Public  
The State of Texas

STATE OF TEXAS

§

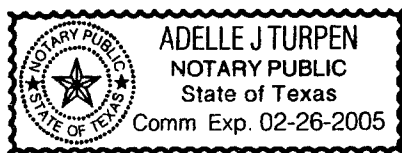
§

COUNTY OF HAYS

§

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Linda Hewlett known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the Village of Wimberley, and that she executed the same as the act of the Village of Wimberley for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 2<sup>nd</sup> day of April, 2002.



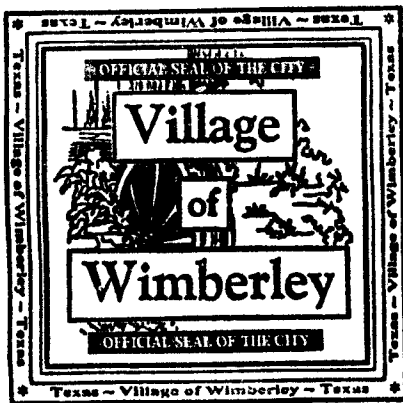
Adelle J. Turpen  
Notary Public  
The State of Texas

## CERTIFICATION

I, Moira  
MARTIN, Village Secretary of the Village of Wimberley, Texas,  
hereby certify that the attached document is a true and correct copy of the  
April 2, 2002 Operating Agreement between the Guadalupe Blanco River  
Authority and the Village of Wimberley.

To certify which, witness my hand and seal of office this 29<sup>th</sup> day of  
December, 2005.

*Moira Martin*  
Village Secretary



**OPERATING AGREEMENT BETWEEN  
VILLAGE OF WIMBERLEY, TEXAS  
AND  
GUADALUPE-BLANCO RIVER AUTHORITY**

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**OPERATING AGREEMENT BETWEEN  
VILLAGE OF WIMBERLEY, TEXAS  
AND  
GUADALUPE-BLANCO RIVER AUTHORITY**

This Operating Agreement Between Village of Wimberley, Texas and Guadalupe-Blanco River Authority (this "Operating Agreement") is made and entered into as of the 2<sup>nd</sup> day of April, 2002, (the "Effective Date") by and between the Village of Wimberley, Texas ("Wimberley"), and the GUADALUPE-BLANCO RIVER AUTHORITY ("GBRA"), a conservation and reclamation district and political subdivision of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution by special act of the Legislature, formerly compiled at Article 8280-106, Vernon's Annotated Civil Statutes.

**RECITALS**

Wimberley has applied for a Sewer Certificate of Convenience and Necessity which will authorize Wimberley to provide retail sewer service within the territory shown by the map attached as Exhibit 1 (the "Wimberley Service Area").

This Operating Agreement provides for the development, permitting, design, construction operation and maintenance of a Wastewater Project by GBRA for Wimberley for retail sewer service to Users within the Wimberley Service Area.

**AGREEMENT**

For and in consideration of the mutual promises, covenants, obligations, and benefits described in this Operating Agreement, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, GBRA and Wimberley agree as follows:

**ARTICLE I**

**DEFINITIONS**

**"Annual Debt Service Requirement"** means the total principal and interest scheduled to come due on all Bonds during each twelve month period ending on August 31 of each year, plus a debt service coverage factor as determined by GBRA and provided by the Bond Resolution but not to exceed 10% of such principal and interest unless GBRA and Wimberley mutually agree upon a greater percentage, less interest to be paid out of Bond proceeds as permitted by the applicable Bond Resolution, if any.

**"Annual Operation and Maintenance Requirement"** for a project means the total amount budgeted by GBRA for each twelve month period ending on August 31 of each year to pay all estimated Operation and Maintenance Expenses for that project.