



Control Number: 44066



Item Number: 16

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

44066

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RECEIVED



2015 JAN -6 PM 12: 12

PUBLIC UTILITY COMMISSION  
FILING CLERK

**NOTICE OF HEARING**  
**HARVEST HILLS TREATMENT, LTD.**  
**SOAH Docket No. 582-09-4289**  
**TCEQ Docket No. 2009-0612-UCR**

**APPLICATION.** Harvest Hills Treatment, Ltd., 8400 Blanco Road, Suite 204, San Antonio, Texas 78216, has applied with the Texas Commission on Environmental Quality (TCEQ) to decertify a portion of Certificate of Convenience and Necessity (CCN) No. 20973 from Green Valley Special Utility District (SUD) and to obtain a sewer CCN in Guadalupe County, Texas (Application No. 36353-C).

**CONTESTED CASE HEARING.** The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application at:

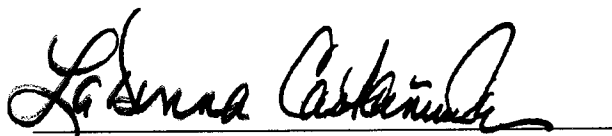
**10:00 a.m. – August 20, 2009**  
**William P. Clements Building**  
**300 West 15th Street, 4th Floor**  
**Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

**INFORMATION.** For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512- 475-3445, at least one week prior to the hearing.

Issued: July 20, 2009

  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

**MAILING LIST**  
**HARVEST HILLS TREATMENT, LTD.**  
**SOAH Docket No. 582-09-4289**  
**TCEQ Docket No. 2009-0612-UCR**

Mark Zeppa  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436  
*Representing the Green Valley SUD*

The Honorable Glenn Hild, Mayor  
City of Marion  
P.O. Box 158  
Marion, Texas 78124

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

***Via electronic mail:***

Shana Horton, Staff Attorney, Environmental Law Division (MC 173)  
Heidi Graham, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
Blas Coy, Office of Public Interest Counsel (MC 103)

**STATE OFFICE OF ADMINISTRATIVE HEARINGS  
300 WEST 15TH STREET, STE. 502  
AUSTIN, TEXAS 78701  
(512) 475-4993  
FAX (512) 475-4994  
DOCKET (512) 475-3445**

**CONFIRMATION OF REQUEST TO DOCKET CASE**

TO: EMILY REYNA  
TX COMM ON ENVIRONMENTAL QUALITY

VIA FACSIMILE 239-811

FROM: NATALIE HOWARD  
DEPUTY CLERK

DATE: May 19, 2009

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>
582-09-4286 2009-0445-UCR	City of South Houston	07/07/09	10 am
582-09-4287 2009-0580-UCR	SJWTX Inc	07/13/09	10 am
582-09-4288 2009-0505-UCR	Double Diamond Utilities	08/04/09	10 am
582-09-4289 2009-0612-UCR	Harvest Hills Treatment	08/20/09	10 am

**Hearing Location**

S.O.A.H.  
W.P. Clements Bldg  
300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor  
Austin, TX 78701

All parties will be notified in the event of a change of location of the hearing.  
Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please call.

\*\* Transmit Conf. Report \*\*

P.1

May 19 2009 8:08

Line Number: 1 TCEQ

Fax: 5122391209

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
94754994	NORMAL	19, 8:08	0'28"	2	# O K	

(Revised - 11/06/06)		FOR SOAH USE ONLY	(req. form)
Date complete request received by SOAH:	Proceeding date set by SOAH:	SOAH Docket Number & type of case:	

## REQUEST TO DOCKET CASE (Please type or print)

## PLEASE CHECK ACTION REQUESTED:\*\*

☒ SETTING OF HEARING ☐ ASSIGNMENT OF ALJ \* ☐ ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION\*)REFERRING AGENCY NAME: TCEQ AGENCY NO.: \_\_\_\_\_ AGENCY'S FILE/CASE NO.: 2009-0612-UCRNAME/STYLE OF THE CASE: HARVEST HILLS TREATMENT, LTD.DATE APPLICATION FILED AT AGENCY: \_\_\_\_\_ DOCKET NO. SUFFIX, if applicable: UCRPROCEEDING DATE(S) REQUESTED (Include range of dates if possible): AUGUST 20, 2009EXPECTED NUMBER OF HOURS (if less than a day) OR DAYS NEEDED FOR PROCEEDING: \_\_\_\_\_ HOURS 11 DAYS☐ ADMIN. FINE ☐ GRIEVANCE ☐ ENFORCEMENT ☐ CONTRACT CLAIM (Govt Code 2260) ☐ OTHER \_\_\_\_\_SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN. SEATING FOR 10 PEOPLE

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED: \_\_\_\_\_

☐ PREHEARING CONFERENCE REQUESTED ☐ INTERPRETER NEEDED (See 1 TAC 165.43(g))☐ CASE FILE and/or ☐ HEARING IS CONFIDENTIAL (Specify applicable statute): \_\_\_\_\_NAME OF INDIVIDUAL SENDING REQUEST FORM: EMILY REYNA PHONE NO.: 239-3304 FAX NO.: 239-3311

## PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: ☐ SELF ☒ ATTORNEY  
☐ OTHER, if so, relationship: \_\_\_\_\_REPRESENTATIVE'S NAME: SHANA HORTON

PARTY'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE No.: (512) 239-1088  
(Direct Phone Number Please)

FAX No.: \_\_\_\_\_

PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY  
☐ OTHER, if so, relationship: \_\_\_\_\_

REPRESENTATIVE'S NAME: \_\_\_\_\_

PARTY'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE No.: \_\_\_\_\_  
(Direct Phone Number Please)

FAX No.: \_\_\_\_\_

## PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS  
ATTN: Deputy Clerk  
William P. Clements Building  
300 West 15th Street, Suite 504  
Austin, Texas 78701

OR

Post Office Box 13025  
Austin, Texas 78711-3025  
Docket Phone No. (512) 475-3445  
Fax No. (512) 475-4994

\*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION). A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.

OCC FAXED TO SOAH ON May 19, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk  
THRU: Doug Holcomb, P.E. Section Manager  
Utilities & District Section  
Water Supply Division

DATE: May 12, 2009

Tammy Benter, Team Leader  
Utilities Financial Review Team  
Utilities & District Section  
Water Supply Division

Vera Poe, P.E., Team Leader  
Utilities Technical Review Team  
Utilities & District Section  
Water Supply Division

FROM: Heidi Graham  
Utilities Technical Review Team  
Water Supply Division

CHIEF CLERK'S OFFICE

2009 MAY 13 AM 9:53

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

SUBJECT: Application from Harvest Hills Treatment, LTD.. A1893, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 20973 from Green Valley Special Utility District (SUD) and to Obtain a Sewer CCN, in Guadalupe County; Application No. 36353-C

2009-0612-UCR

CN: pending; RN: pending (Harvest Hills Treatment, LTD)  
CN: 600684294; RN: 104190244 (Green Valley SUD)

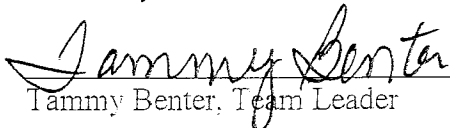
We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer the application to the State Office of Administrative Hearings and request that a hearing be scheduled.

We received protests from Green Valley Special Utility District (GVSD) and the City of Marion.

Staff estimates approximately 10 people to attend this hearing. Attached is a mailing list. The staff assigned to this case are:

Technical - Heidi Graham  
Legal -

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

  
Tammy Benter, Team Leader

TB/HG/ln

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

CERTIFIED MAIL

May 12, 2009

Ms. Victoria Richards Harkins, Ph.D., P.E., Consultant  
3806 South 2<sup>nd</sup> Street, Suite B300  
Austin, Texas 78704

Re: Application from Harvest Hills Treatment, LTD., A1893, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 20973 from Green Valley Special Utility District (SUD) and to Obtain a Sewer CCN, in Guadalupe County; Application No. 36353-C

CN: pending; RN: pending (Harvest Hills Treatment, LTD)  
CN: 600684294; RN: 104190244 (Green Valley SUD)

Dear Ms. Harkins:

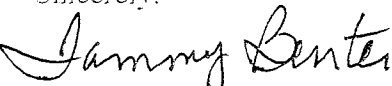
The Texas Commission on Environmental Quality (TCEQ) has received two protests for the application referenced above. The Commission's Chief Clerk has assigned Docket No.2009-0612-UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing on whether the CCN should be granted.

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.

The TCEQ staff 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. Heidi Graham at (512) 239-0844.

Sincerely,

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

DH/HG/ln

cc: Mailing list

Mailing List for Docket No. 2009-0612-UCR  
Harvest Hills Treatment Ltd., Application No. 36353-C

Mr. Mark Zeppa  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436

Representing the Green Valley SUD

The Honorable Glenn Hild, Mayor  
City of Marion  
P.O. Box 158  
Marion, Texas 78124