



TWDB No. 73653

**Request for Public Hearing Documents and Environmental
Information for City of Wimberley Change of Scope**

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Requested Information

Shawn Cox

From: Kristin Miller <Kristin.Miller@twdb.texas.gov>
Sent: Thursday, February 28, 2019 4:04 PM
To: Mayor; Shawn Cox
Cc: scoonan@apainv.com; Place4; Dain Larsen; Jesse Milonovich; stephanie.leibe@nortonrosefulbright.com
Subject: Request for Public Hearing Documents and Environmental Information for City of Wimberley, Change of Scope, TWDB No. 73653

Good afternoon,

Below is an outline of the missing or incomplete items related to the public hearing and environmental review that must still be submitted.

Please note that a favorable environmental finding is required PRIOR to the approval of the City of Wimberley's (City) proposed change order and release of funds for design and construction related to those project elements. Any related construction conducted PRIOR to the environmental finding or approval of the change order could result in those project elements or the entire change order being deemed ineligible. Also, please keep in mind, these are separate processes from any action taken by the Board of the TWDB.

All responses must be provided to the TWDB by the City of Wimberley, or its consultants. Please provide a complete response, including any information the City may want to provide from other sources. For example, notes that indicate that TWDB should seek input from Aqua Texas are considered non-responsive. The City must provide its own responses on its behalf and may provide any supporting documentation, such as correspondence with Aqua Texas, regarding these items.

Public Hearing Documents

- 1) Based on a review of the January 8, 2019, public hearing transcript, written comments, and the City's public hearing responsiveness summaries, dated February 19, 2019 and February 22, 2019, please provide responses to or expand upon the following public comments:
 - a. Address concerns, as stated in the transcript and written comments, that modifications were made to the public review package during the 30-day review period and that documents were omitted from the review package or not made available prior to the meeting. One example is comments made regarding the cost comparisons of the alternatives and the evaluation of financial impact included in the Power Point presentation shown during the hearing. In addressing this, please provide a copy of all documents that the City placed on display for public review prior to the hearing. Identify dates when documents were made available, identify whether any supplemental documents were added to this package, and provide the dates added (if any).
 - b. Address public concerns, as stated in the transcript and written testimony, regarding: 1) adequate time not being provided for public comment at the hearing, 2) justification for the order in which speakers were called, and 3) public requests for a second hearing.
 - c. Address public concern regarding the loss of the Economic Development Administration Grant, the Way Family Foundation grant, and the TWDB green principal forgiveness under the Aqua Texas plan. This should include a discussion of project costs and sufficiency of funds.
 - d. Expand on the potential environmental impacts related to the proposed horizontal directional drilling versus also including a secondary containment alternative (sleeve) as it relates to the quality of associated groundwater, nearby faulting, and surface water.

- e. Address public concerns regarding the potential for a stranded project due to the City cancelling the WWTP contract prior to a TWDB board action regarding the proposed change of scope.
- 2) Provide copies of the letters sent by the City to the regulatory agencies prior to the January 8, 2019, public hearing.
- 3) Provide a statement, signed by the City of Wimberley, that the public hearing was held in conformance with the Public Hearing Notice.

Environmental Information Needed

- 4) Please provide a KMZ file showing the proposed alignments and creek crossing.
- 5) Please submit the requests for coordination letters that were sent by the City to the Texas Parks and Wildlife Department and Texas Historical Commission.
- 6) Provide the coordination response to the City from the Texas Historical Commission.
- 7) Provide an alternatives analysis and discussion of the proposed Aqua Texas plan and other alternatives considered, including the No-Action Alternative. This should also include a discussion of how the alternatives relate to potential direct, secondary, and cumulative impacts on the existing environment. This is needed to satisfy a portion of the environmental review and address public comments and should clearly demonstrate why the City has selected to move forward with a previously rejected alternative.

This alternatives analysis should also include a cost comparison and comparison of estimated wastewater rates, including stating what assumptions were used for this comparison (e.g. annual operating costs of the wastewater treatment, total project costs, etc.) Please include any other relevant financial information used to compare the total cost of the alternatives. In addition, to address public comments, identify where and when this information was available for public review prior to the public hearing.

- 8) Provide a mitigation plan for the City's wastewater treatment plant (WWTP) construction site. This plan should identify the source of funds and provide a schedule. Clearly state how the City is handling the site in the meantime, particularly as it relates to erosion and sedimentation controls at the WWTP construction site. The plan should also address the City's 2014 response to TPWD's comments in which the City stated it would utilize a native grass and wildflower seed mixture adapted to the Texas Hill Country for surface restoration of areas impacted by construction (including the WWTP construction site).
- 9) Coordinate with the Texas Commission on Environmental Quality Regional Office (512-339-2929) regarding temporary erosion and sedimentation control requirements for exempted activities (sanitary sewer lines) and mitigation at the City WWTP construction site. See 30 TAC 213.24 (11) (c). Provide copies of that coordination to the TWDB.
- 10) TWDB will coordinate with EPA's Sole Source Aquifer Program for the proposed project.

Regards,

Kristin M. Miller, P.G.
 Environmental Reviewer
 Regional Water Project Development
 Water Supply & Infrastructure
 1700 N. Congress Avenue
 Austin, Texas 78701
 512.475.1701
kristin.miller@twdb.texas.gov

Public Hearing Documents

Public Review Package

The public review package was made publicly available on December 5, 2018 at the following locations:

- Wimberley City Hall: 221 Stillwater, Wimberley TX 78676
- Wimberley Community Center: 14068 Ranch Road 12, Wimberley, TX 78676
- Wimberley Village Library: 400 FM 2325, Wimberley, TX 78676

Included in the package was the following information:

- TWDB Public Hearing Guidelines¹
- Notice of Public Hearing²
- Final Environmental Information Document for the City of Wimberley Proposed Wastewater Collection and Treatment System Project, dated June 18, 2014³
- City of Wimberley Central Wastewater System Engineering Feasibility Report Amendment No. 2, dated December 3, 2018⁴

This information was also made available on the City's homepage (www.cityofwimberley.com).

As required by the TWDB A Notice of Public Hearing⁵ was posted in The Wimberley View on December 6, 13, & 20, 2018; at least thirty (30) days prior to the date of the hearing. The original posting has the public hearing being held at City Hall. Prior to the second posting of the notice, and after discussions with the TWDB, the location was changed to the Wimberley Community Center. The December 13 & 20, 2018 postings clearly indicated that the location of the public hearing had been changed.

After the original posting, it was brought to the City's attention that the "City of Wimberley Central Wastewater System Engineering Feasibility Report Amendment No. 2", dated December 3, 2018, referenced "a contract with Aqua Texas" and that the draft contract was attached as Exhibit A, that was not included with the document. On Friday, December 14, 2018, the draft Aqua Texas Contract was attached to the report. That same day, the documents was updated in all three of the public review packages, and on the City's webpage. The inclusion of this attachment was done twenty-five (25) prior to the Public Hearing, exceeding the TWDB's requirement of fifteen (15) days. TWDB Public Hearing Guidance only requires the Environmental Information Document to be displayed – the other material was supplemental to provide additional relevant information.

¹ Attachment #1 – TWDB Public Hearing Guidelines

² Attachment #2 – Notice of Public Hearing

³ Attachment #3 – Final EID – June 18, 2014

⁴ Attachment #4 – EFR Amendment No. 2 – December 3, 2018

⁵ Attachment #5 – Publisher's Affidavit

Public Hearing Presentation

The Public Hearing presentation⁶ was completed on Tuesday, January 8, 2019. Once completed a copy of the presentation was posted to the City's website. Additionally, approximately sixty (60) copies were printed and made available at the Public Hearing. Included in the presentation were slides focusing on Project Cost Summary, Project Funding vs. Cost, & Economic Impact on Customer Rates. The City began an in-depth analysis from many sources that resulted in a report/presentation to the City Council at a public Council meeting held on August 14, 2018. It was at this meeting where information regarding Project Cost Summary, Project Funding vs. Cost, & Economic Impact on Customer Rates was originally presented⁷. The August 14, 2018 presentation has been posted to the City's website since it was originally presented.

Public Comment Responses

Public Comments at Public Hearing

The Public Hearing on January 8, 2019 had an attendance of approximately 200⁸, of which approximately ninety (90) signed up to speak. Each speaker was allowed three (3) minutes. The Public Hearing started at 5:38 pm and lasted until 7:56 pm. After a presentation on the project from Mayor Susan Jagers, there was time for approximately forty (40) speakers. Those who did not get an opportunity to speak at the Public Hearing were informed at the meeting that any written comments received within the next ten (10) days would be provided to the TWDB. This included written comments received at the meeting as well as any emails received within the allowed time. The City collected comments until January 22, 2019 (10 business days after the Public Hearing). The comments received were provided to the TWDB on Friday, January 25, 2019.

Order of Speakers

After the Mayor's presentation of approximately 35 minutes, the public was afforded the opportunity to provide comments and ask questions. It was expected ahead of the hearing that there would be a significant number of individuals who would sign up to speak (3 minutes each), and that reasonable time constraints would not permit all to speak. This turned out to be the case, as there were approximately 200 people who signed up to speak, and the audience was notified of this. However, they were also informed by the Mayor that anyone could submit their testimony in writing to the City for consideration, as the Notice also indicated. Discussion prior to the meeting between the City and TWDB confirmed this would be permitted. There were several sign-in sheets and Councilmember Barchfeld indiscriminately and randomly selected names from the various sign-in sheets. There were 29 speakers who presented their

⁶ Attachment #6 – Public Hearing Presentation

⁷ Attachment #7 – Wimberley Wastewater System – Council Workshop – August 14, 2018

⁸ Attachment #8 – Public Hearing Attendee List

comments, the majority being against the change and/or against Aqua Texas. The public hearing concluded after 2 hours and 18 minutes.

Requests for Second Hearing

There have been requests for the City to hold a second public hearing. Of the 200 attendees, twenty-nine (29) had an opportunity to comment at the meeting. Those who due to time constraints were not allowed to speak were provided the opportunity to provide written statements, which would be forwarded to the TWDB. The City received 31 written statements⁹ at the Public Hearing and 113 emailed statements¹⁰ after the meeting. Each of these were provided to the TWDB. The City feels it has provided ample opportunity for comments to be made regarding the project, all of which have been provided to the TWDB.

Aqua Texas Capacity

Under their permit (WQ0013989001)¹¹, Aqua Texas has an interim phase permit that covers their existing plant, which is 250,000 gpd. Additionally, the final phase permit would allow them to go to 375,000 gpd. The permit is a land application permit and specifies the adequate acreage and storage capability that they have under both phases. While not aware of the capacity utilization of its current plant, they have informed the City that they have excess capacity to handle the City's proposed volumes currently. Regardless, the total available capacity under its permit will handle current and future City needs.

Aqua's Ability for Future Discharge

Aqua wanted to pursue a discharge permit, it could still do so and upgrade to Type 1 effluent on its own without the City agreement. Secondly, changing from a land application permit to a discharge permit would need to go through the lengthy TCEQ regulatory processes, including public input. Thirdly, Aqua already has sufficient irrigation acreage and storage capability to handle effluent up to the total permit level, without the need to discharge. Thus, from a practical perspective this does not appear to be a significant concern.

Modified Plan to be Held to Same Scrutiny as Original Plan

The technical aspects of the modified plan have been reviewed by the City's engineering firm, Alan Plummer Associates, Inc., who designed and are supervising the construction of the project. All newly developed construction plans will be subject to the same Texas Commission on Environmental Quality design standards and Texas Water Development Board review as the original construction plans.

No to Aqua Plan

Aqua Texas is the designated regional provider of wastewater services to the Wimberley area. It currently provides wastewater services to a Wimberley customer base north of Cypress Creek. This includes the Wimberley Community Center, Wimberley schools, HEB and Brookshire grocery stores, and other

⁹ Attachment #9 – Public Hearing Written Statements

¹⁰ Attachment #10 – Public Hearing Emailed Statements

¹¹ Attachment #11 – Aqua Utilities Permit to Discharge Wastes – WQ0013989001

customers. It is subject to regulation by the TCEQ with regard to environmental compliance. It operates its 250,000 gallon per day plant in the Wimberley area under a land application permit, with no discharge into the area waterways. Its Type 2 effluent is currently 100% beneficially reused, primarily to water a golf course. Under the agreement of the City, Aqua will upgrade its plant to Type 1 for the benefit of the entire Wimberley Valley, including making such effluent available to the City.

[Provide Water for Blue Hole](#)

The primary purpose of the sewer project was to remedy the adverse environmental effect on Cypress Creek for Central Wimberley properties using septic systems, combined with the economic benefit to the Central area of having such a centralized system. A secondary benefit was to provide treated effluent to irrigate Blue Hole Park (primarily two soccer fields). Aqua is agreeing to provide the City Type 1 effluent at no cost. However, because of financial constraints within the scope of the current modified project, providing reclaimed water from Aqua via a reclaimed water line has been removed from this project scope and deferred. In the meanwhile, the City will have access to the reclaimed water, but logistics would be costly under a trucking option. Thus, the City is and will be reviewing other options to finance and construct a reclaimed water line from Aqua to the Park to deliver it in that manner.

[City vs Aqua Financial Comparison Too Simplified](#)

The presentation at the Public Hearing provided cost and rate comparison information under both option. A more in-depth financial analysis with supporting documentation (which was used as a basis for the Public Hearing presentation) was presented at the August 14, 2018 Council meeting and is available on the City's website.

Public Concern – Funding Loss

Under the City's modified plan, the total Project cost is considerably less than the original plan. Thus, funding requirements were significantly reduced. The following addresses information regarding the loss of the Economic Development Grant, the Way Family Foundation Grant, and the Texas Water Development Board Green Principal Forgiveness.

[Economic Development Administration \(EDA\) Grant](#)

The City applied for and was awarded a grant from the EDA in 2016 in the amount of \$1 million to assist in the construction of a sewer system to serve Central Wimberley. The grant specifically covered both the collection system and wastewater treatment plant. At the time of the grant, it was expected that the grant would be used to reduce the \$5.5 million TWDB loan – the expected total cost of the project at the time. This would lessen the financial burden on the City and the sewer customers, especially since the projected cost was high relative to the number of users.

Upon opening of the construction bids by the City in April 2017, they far exceeded the engineer's estimates. Without sufficiency of funds, the City elected to reduce scope of the project by eliminating the reclaimed water line from plant to Central Wimberley from the original scope. It also elected to use the EDA funds for additional construction costs – not to reduce the TWDB loan. It also elected to pay for certain expenditures from City funds rather than the TWDB loan.

In January 2018, the previous mayor requested and the EDA approved Amendment No. 1 to include only the treatment plant in the scope of the grant and to exclude the collection system. This act was done by the mayor without the approval of or notification to the City Council. In July 2018 the City requested Amendment No. 2 for the grant to include the collection system, which it expected to be approved. However, the EDA denied the request in August 2018. Thus, the EDA Grant is not available for funding of the modified plan. It should be noted that the EDA has notified the City of its intention to reimburse the City for \$177,548 towards costs incurred for the cancelled wastewater treatment plant contract.

As a result of the grant being made unavailable for the full amount, the City considered the project status and sufficiency of funds. The action chosen was to exclude the \$750,000 reclaimed water line from Aqua Texas to Blue Hole Park. The primary purpose of the project was to provide wastewater service to the Central Wimberley – with both economic and environmental benefits to Cypress Creek. A secondary benefit would have been providing irrigation to Blue Hole Park, primarily to water two soccer fields. In the final analysis it was determined that this incremental benefit was not worth the additional economic cost or environmental consequences and the project scope was modified to ensure sufficiency of funds.

Way Family Foundation Grant

The Way Grant was a private, unfunded grant from the Peter Way family. The grant agreement was entered into on August 25, 2019. The primary purpose of the grant was to provide for contingency funding for the project. The amount of the grant was up to \$1 million. Key provisions to the grant are shown below. One important provision is that it would pay for amounts only in excess of the Project Budget of \$6.5 million (Recital B and Section 1.2). Another was that the construction needed to start on or before December 31, 2017 (Section 2.1). The third was that it was to be completed according to the Project Plans (Section 2.2).

The following are key excerpts from the Way Grant agreement:

RECITALS

B. As of the date of this Agreement, the cost of the Project is estimated to be approximately \$6,500,000 (the "Project Budget"), which the City intends to be funded from a loan from the Texas Water Development Board in the approximate amount of \$5,500,000.00 and a grant from the United States Economic Development Administration in the approximate amount of \$1,000,000.00, in addition to funds currently available and expressly allocated to the cost of the

Project by the City in the approximate amount of \$40,000.00. The total funds available to City for the construction of the Project, in the cumulative amount of approximately \$6,540,000.00 shall be collectively referred to herein as the "City Funds".

C. In anticipation of minor modifications of the Project and potential cost overruns customary for the completion of waste water utility systems, the City requires, prior to the commencement of the construction of the Project, confirmation of the availability of contingency funds to ensure that the Project can be completed in accordance with the Project Plans.

D. For several years, the Grantor has advocated to the City that the Project be completed and desires to see the Project completed. In consideration for ensuring that the City timely commences the construction of the Project, Grantor has agreed to make the Grant (as defined below) available to the City as contingency funds which shall be disbursed in accordance with this Agreement to ensure that the Project be completed in accordance with the Project Plans.

Section 1.2 In consideration for (a) ensuring that the City timely commence and complete the Project in accordance with the Project Plans, (b) promoting the environmental benefits which are intended to result from the Project and (c) other intangible benefits, Grantor has agreed to make available to the City an amount up to (but not to exceed) the sum of ONE MILLION AND NO/DOLLARS (\$1,000,000.00) (the "Grant"). The Grant (or portions thereof) shall be disbursed to the City in accordance with Article III of this Agreement, in the event that (a) the actual cost of the construction of the Project exceeds the Project Budget and (b) the City has expended all City Funds allocated to the Project.

Section 1.4 AS A MATERIAL PART OF THE CONSIDERATION OF THIS AGREEMENT, CITY HEREBY AGREES AND ACKNOWLEDGES THAT THE GRANT SHALL BE USED SOLELY FOR THE COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE PROJECT PLANS. NO GRANT FUNDS SHALL BE USED BY THE CITY FOR ANY OTHER PURPOSE.

Section 2.1 City covenants and agrees to use all commercially reasonable efforts to perform or cause to be performed any and all of the construction obligations (including, without limitation, material compliance with all design, development, construction and delivery schedules and deadlines) and to cause: (a) the commencement of the Project on or before December 31, 2017; and (b) completion of the Project to occur on or before twenty-four (24) months after the date of the actual commencement of construction of the Project.

Section 2.2 The Project shall be constructed in substantial accordance with the Project Plans, subject to certain change orders customarily made in the construction of similar projects. The Project Plans are incorporated herein and made a part hereof by reference to the same extent as if herein set forth in full, and the same shall not be changed or modified in any material respect without the written notice to Grantor.

There were issues and concerns about the grant funding that relate to the City's non-compliance with its key grant provisions. First is that the project construction did not begin on or before December 31, 2017.

In fact, the construction contracts were not signed until February 2018. Secondly, there were significant changes to the Project Plans and Project Budget after the August 25, 2017 grant date. This was primarily due to the lowest bidder on the collection system withdrawing their bid, and the bid ultimately awarded to the next highest bidder at an increase of \$0.8 million in February 2018. Additionally, there was a change of scope to eliminate the lateral connections from the sewer for individual properties. There were no modifications or amendments to the Grant Agreement for these significant changes in Project Plans, Project Budget or timing.

In conclusion, the City believes the grant may not have been enforceable due to the potential material breaches that were not remedied by the Grantor agreement. Especially since these funds would be the last dollars collected, there was concern about how much, if any, would ultimately be received under this grant. However, such tenuous amounts were not needed for sufficiency of funds for the modified plan.

Texas Water Development Board (TWDB) Green Principal Forgiveness

When the City applied for the \$5.5 million loan from the TWDB, the scope of the project included the following three primary components:

- Collection System
- Wastewater Treatment Plant at Blue Hole Park
- Reclaimed Water Line from the Plant to Central Wimberley (\$755,000)

As part of its financial assistance application, the City submitted \$1.7 million in qualifying expenditures for a Green Project Subsidy (construction cost plus financing costs). As a result, the TWDB approved financial assistance included \$243,005 in debt forgiveness. However, because of the high bids on the project, the reclaimed water line from the plant back to Central Wimberley was eliminated from the original project scope in 2017. (This is not to be confused with the reclaimed water line from Aqua to the Park, which was also cancelled in the modified plan). As the table below shows, this results in a 57% decrease in qualifying expenditures. However, the full Green amount was still reflected in the loan closing at \$243,000.

Qualifying Expenditure Item	Per Application	Per Actual Bids	Comments
Reclaimed water storage tank	\$300,000	\$153,400	
Spray irrigation system	43,600	183,500	
Pump station	60,000	80,600	
Reclaimed water line from plant to downtown	755,000	0	Deleted from scope
Plant costs for reclaimed water	124,000	124,000	Assume the same
Subtotal	\$1,282,600	\$541,500	Bids vs App - 42%, a 57% decrease
Contingencies and financing fees	367,400		
Total	\$1,650,000		

What is not clear is whether under the original plan, whether qualifying expenditures would have been required to be submitted to qualify for the full \$243,000 Green amount, or whether the actual amount

would be reduced due to lower qualifying expenditures under the original plan. However, regardless, such funds are not needed for sufficiency of funds of the modified plan.

However, the City has requested that this Green amount not be cancelled by the TWDB at this time in the event that the City develops an alternative plan outside the scope of the modified plan to finance and construct a reclaimed water line from Aqua to Blue Hole Park.

Environmental Impacts – Horizontal Drilling

The line under Cypress Creek will be installed using directional drilling and HDPE pipe to mitigate any impact on the environment during construction or after construction due to leakage. Directional drilling minimizes the impact of construction because the only surface disturbance is at the starting pit and the take-out pits. The diameter of the hole drilled will be slightly larger than the outside diameter of the pipe, such that approximately only one-half square foot of area will be disturbed along the alignment.

The directional drilling will have less disruption than a typical bore. Since a typical bore must maintain a straight alignment, the bore pits must be excavated to the depth of the pipe under the creek. This would require pits approximately 25 feet deep on either side of the creek. With directional drilling the pits will be approximately 6 feet deep.

HDPE pipe was selected due to its ability to be installed along a curved alignment. This is important for the directional drilling operation. In addition, HDPE pipe has joints that are fused together as opposed to gasketed joints. The fused joints of HDPE pipe are stronger than the pipe itself and result in no leakage at the joints. While standard gasketed pipe is pressure tested to assure that leaks are not present, over time the gasketed joints can develop leaks. By using HDPE pipe, the joints remain leak-free. As a result, there is no need for a secondary containment pipe at this crossing. Installing a casing pipe would double the cost of this crossing without providing a significant benefit to the environment.

Concern of Stranded Project

Based on a thorough in-depth analysis of the project and its costs presented at the August 14, 2018 Council Meeting, the City decided to modify the original plan and terminate the wastewater treatment plant contract and eliminate it from the project at its August 28, 2018 Council Meeting. Factors considered by the Council included substantially lower project costs, lower funding requirements, legal counsel regarding cancelling the contract, prior discussions with the TWDB regarding the proposed changes, and the compelling ongoing financial and environmental benefits of modifying the project. This action was taken before formal approval from the TWDB. As an alternative, the City could have used reserve funds

and taken other financing actions to pay for the modifications. Or it could have found another contractor to finish the project within the original project scope. Regarding stranded costs, the monies spent on the wastewater plant were considered, which net of EDA reimbursement were \$367,524 – substantially less than the \$3.1 million contract for the plant and the ongoing future financial and environmental burdens the City would have with the plant.

Regulatory Agency Letters

The City provided a letter regarding the “City of Wimberley Wastewater Collection and Treatment System Notice of Revision on Previously Approved Project” to the following agencies:

Texas Parks and Wildlife



ALAN PLUMMER
ASSOCIATES, INC.

ENVIRONMENTAL
ENGINEERS AND SCIENTISTS

1732-002-01

November 29, 2018

Texas Parks and Wildlife Department
Wildlife Habitat Assessment Program, Wildlife Division
Attn: Ms. Jessica Schmerler
4200 Smith School Road
Austin, Texas 78744

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Revision
to Previously Approved Project

Dear Ms. Schmerler:

The City of Wimberley previously received approval from the Texas Water Development Board (TWDB) Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. As part of the review process for the loan, an Environmental Information Document was developed and made available for public review as well as for coordination with agencies such as the Texas Parks and Wildlife Department (TPWD). TPWD provided comments concerning the project and the EID. I've enclosed a copy of the comments provided by TPWD for your reference.

The TWDB issued a Finding of No Significant Impact for the project on August 6, 2014. The City has determined that it is in its best interest to make modifications to the project. Specifically, the City has decided to cancel the construction of its own wastewater treatment plant and to send the wastewater to Aqua Texas, a neighboring utility, for treatment. This change will require a redirection of the previously proposed force main. The new alignment for the force main will carry flow under Cypress Creek to the Aqua system. The pipe will be installed under Cypress Creek using the directional drilling method, which will limit surface disruption to the entry and exit pits. Figure 1 shows the modification that is being proposed. In addition, the City intends to construct a reclaimed water line at some point in the future to bring treated effluent back to the Blue Hole Park for irrigation. The construction of the reclaimed line will be dependent on additional funds being dedicated at some point in the future and is not needed to provide the desired wastewater management services to the Central Wimberley area. The proposed alignment for that pipe is shown in Figure 2.

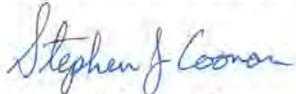
The TWDB indicated that an amendment to the Finding of No Significant Impact is needed for the proposed changes. They further requested that another public hearing be conducted so that the public can comment. The TWDB also requested that coordination with the TPWD be conducted to receive any comments from your agency on the proposed changes. Please submit written comments directly to me at the following address:



Alan Plummer Associates, Inc.
Attn: Mr. Steve Coonan
scoonan@apainv.com
6300 La Calma, Suite 400
Austin, Texas 78758.

If you have any questions regarding this project, please contact me at 512-452-5905. Your timely review and response is appreciated.

Sincerely,
Alan Plummer Associates, Inc.



Stephen J. Coonan, P.E.
Principal

Enclosures

Project Coordination and Review Requests (Including Threatened and Endangered Species)

EARLY PROJECT COORDINATION

If you are in the information gathering phase of project coordination and assessment, *in lieu of* submitting a Project Review form or a letter request, you may obtain information from the following Texas Parks and Wildlife Department (TPWD) sources regarding sensitive resource information for use in your analyses. TPWD recommends you use at least the following two sources of information when analyzing for project impacts to sensitive resources, including before submitting a request for TPWD review and recommendations.

RARE, THREATENED, AND ENDANGERED SPECIES OF TEXAS BY COUNTY - This database includes lists of species known to occur and potentially occurring in Texas at the county level. It can be accessed online at: http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/ or by contacting our administrative staff at (512) 389-4571. Appropriate use and interpretation of the county level lists are the responsibility of the recipient.

TEXAS NATURAL DIVERSITY DATABASE (TXNDD) – The TXNDD is publicly available location specific data on rare, threatened and endangered species, natural communities and other significant features of conservation concern to TPWD. This information can be obtained by submitting a data request to txndd@tpwd.state.tx.us. Response to a data request will include available TXNDD records, reports, and geographic information system compatible shapefiles of recorded locations for species and other rare resources on the U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle of the project and surrounding area. Responses generally take a maximum of five business days from receipt of the request. Appropriate use and interpretation of TXNDD data are the responsibility of the recipient.

WILDLIFE HABITAT ASSESSMENT (WHAB) PROGRAM REVIEW

PROJECT REVIEW REQUESTS – The WHAB Program can provide a review of your assessment, after your analysis for impacts using the above two data sources. Please complete the WHAB Review Request form (attached; use Word format for fill-in version), or use the form as an outline of information to include with your letter request. The WHAB Program response will provide an evaluation of your environmental assessment for impacts to fish and wildlife and their habitats, including rare, threatened, and endangered species, other significant resources and concerns presently known or potentially occurring in the vicinity of your project. WHAB Program responses generally take 4 to 6 weeks on average from receipt, depending on the size of your request.

The request should include all the information listed on the next two pages and be sent to the address shown on the last page. The more pertinent information you provide, the more customized our review, and the faster our turnaround. Review requests submitted without adequate project detail may cause a delay in our response as we will need to contact you and wait for supplemental information. The potential for adverse impacts to natural resources from project activities varies based on the type of activity; location; season; vegetation; present physical features (both natural and man-made); degree of disturbance; planned avoidance, minimization, mitigation, enhancement, and restoration measures; species-specific tolerance levels; etc. Current color photographs and aerial photographs of the site greatly facilitate the review process. Complete information allows us to more accurately assess the potential for project impacts, as well as, assists us in narrowing the list of rare, threatened, and endangered species and other natural resources that may need to be addressed further.



WILDLIFE HABITAT ASSESSMENT PROGRAM
Review Requests
(Including Threatened and Endangered Species)

Name: Steve Coonan Date: 11/29/18
Your Company: Alan Plummer Associates, Inc. Phone: (512) 452-5905
Your Company Address: 6300 La Calma, Suite 400 Fax: (512) 452-2325
City, State, Zip: Austin TX 78752 E-mail: scoonan@apainv.com

Project Title, Number and Site Location: Wimberley Wastewater System, Wimberley County(ies): Hays

1. Scope of Project:

(a) What regulations will this review help you to comply with? OR, if not regulatory, why is the review being requested? Who is the project sponsor?

TWDB requested follow-up consultation due to changes in a previously reviewed and approved project

(b) What and where is the project site? What activities will be conducted at the site? (Especially activity types, extent, boundaries, length & width, waterways, vegetation disturbance, and total acreage of site and acreage of the site that will be disturbed)

Modification to project will require a directional drill under Cypress Creek in Wimberley, TX

(c) If this request is for a site investigation or risk assessment, why is the site being investigated? If applicable, what contaminant pathways are being evaluated?

N/A

(d) Schedule of activities – Approximately when (which calendar months, how many years) will the project be active on the site?

The project is currently under construction, The modification is being sought as an amendment to a TWDB issued FONSI.

2. Vegetation: Species, dominant plants, structure and composition, vegetation layers, height of layers, natural vegetation community types.

Vegetation at the entry and exit pits is limited to maintained grassland and cultivated pasture.

3. Other Natural Resources/Physical Features:

(a) Soils, geology, watercourses, aquifers, flood zones, etc.

Rerouting a line under Cypress Creek using directional drilling to eliminate surface disruption

(b) Habitat, animals, animal assemblages, other sensitive features, etc.

Pastureland

4. Existing Site Development: Extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc.

Pastureland

5. Historic Use/Function of Site: Pasture, forest, urban, row crops, rangeland, wetland, etc. If the request is for a risk assessment, when was, or for how long, has the site been active, inactive? Are cultural resources present on the site or will the project cross or impact state or federal lands, local parklands?

Pasture

6. Has a threatened and endangered species survey or assessment, wetland delineation, or other biological assessment already been performed? (In general, TPWD recommends an on-site habitat assessment be performed.) Yes No

(a) If yes, provide surveyor name, qualifications, methods or protocols, acreage surveyed, level of effort, weather conditions, time of day, and dates the survey was performed.



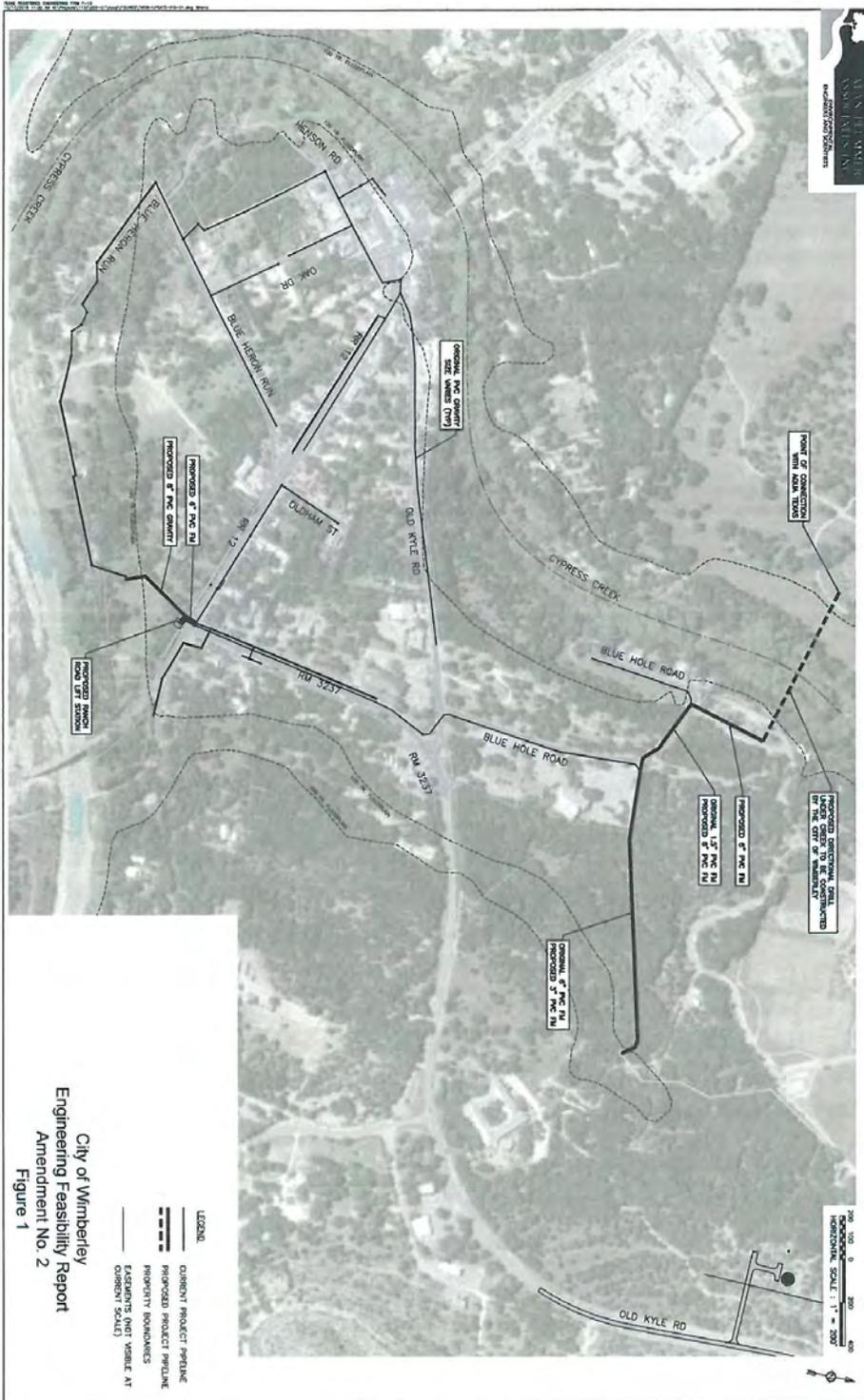
WILDLIFE HABITAT ASSESSMENT PROGRAM
Review Requests (Continued)
(Including Threatened and Endangered Species)

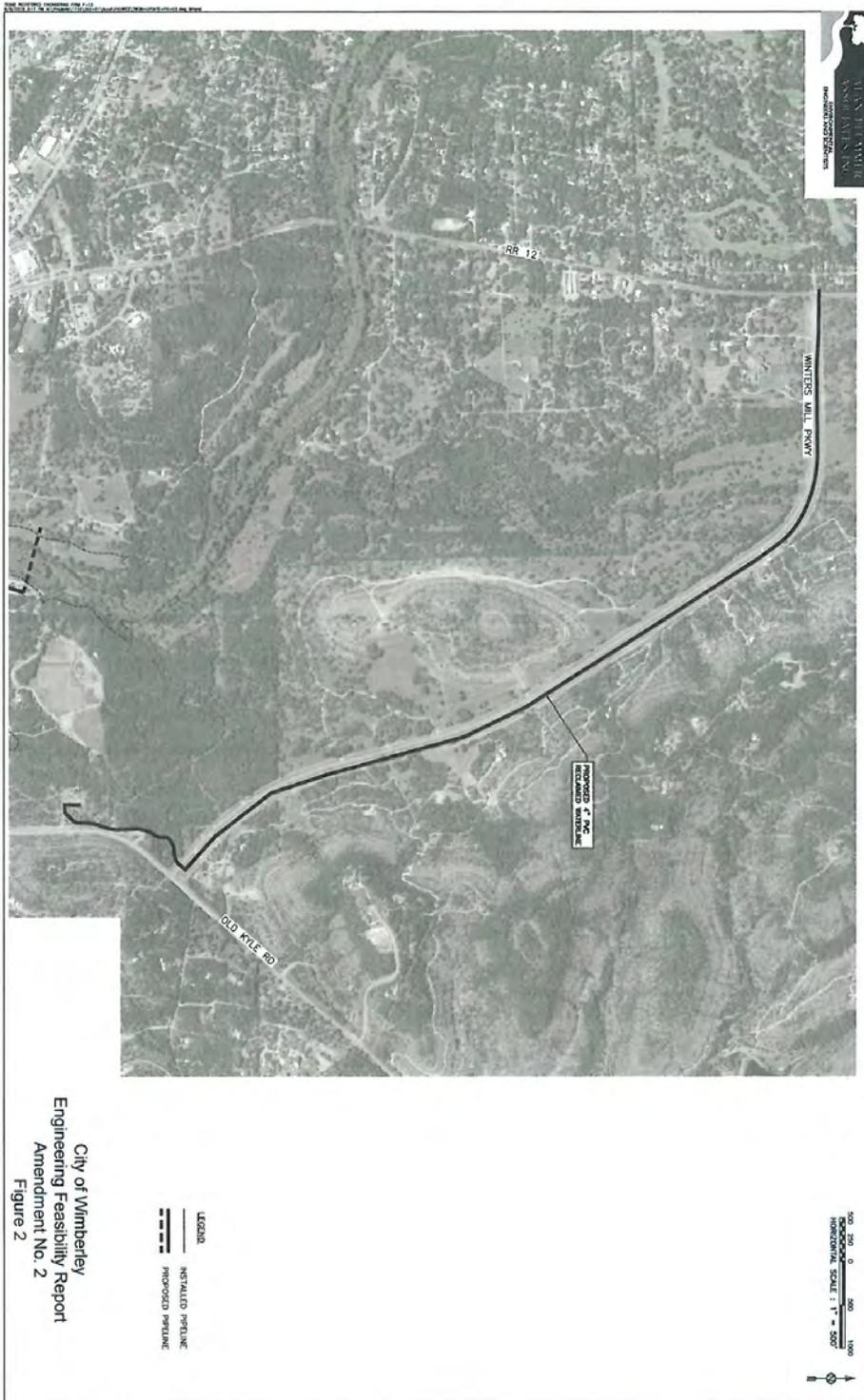
6. (b) If yes, please provide results and copy of survey/assessment report.
-
7. **Could current on-site or adjacent habitat support rare species?** Yes No
Specifically, explain why or why not.
Area to be disturbed is already disturbed
-
8. **Provide a description of potential negative direct and indirect impacts** from proposed project activities or former and current site activities, such as types of habitat and acreage to be degraded or lost, temporarily and permanently. Also, describe cumulative effects that could be anticipated from the project on the natural environment.
Only disruption not already planned and approved will be at the entry and exit pits.
-
9. **Provide a description of planned beneficial mitigation and enhancements** or restoration efforts. Be sure to note the avoidance, minimization, and compensatory mitigation measures planned to address the threat of negative impacts (e.g. which erosion control measures will be used, what will site restoration activities encompass, etc.).
Minimizing impacts by using directional drilling construction method.
-
10. **Include copies of coordination with other agencies** relevant to impacts or enhancements of natural resources for this project, or agency & contact name.
11. **Clearly delineate exact location of site and its boundaries** using an applicable USGS quad (most preferable) as the base layer or best map available. The topographic map citation should include the USGS quad name. The map must contain identifiable features and a scale that allows us to find your site **and** accurately pinpoint your site boundaries. When using internet maps, provide both a location map (zoomed out for highway reference) and a layout map (zoomed in for site features, boundaries, and neighboring street reference)
12. **Originals or color-copy photographs** of site and surrounding area with captions or narratives.
13. **Aerial photographs with pertinent features labeled.** Aerials should show the year photograph was taken.

Send completed form to:

Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744-3291
(512) 389-4571 (Phone) (512) 389-4599 (Fax)

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.







Life's better outside.*

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Carter P. Smith
Executive Director

May 12, 2014



Mr. Jason Voight
Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, TX 76106

RE: City of Wimberley Wastewater Collection and Treatment System
Notice of Review of draft Environmental Information Document, City
of Wimberley, Hays County, Texas

Dear Mr. Voight:

Texas Parks and Wildlife Department (TPWD) received the draft Environmental Information Document (EID) for the above-referenced proposed project. TPWD would like to offer the following information, comments, and recommendations to minimize impacts to fish and wildlife resources.

TPWD Wildlife Habitat Assessment Program is now accepting projects through electronic submittal. Future project review requests can be submitted to WHAB@tpwd.texas.gov. If submitting requests electronically, please include geographic location files when available (e.g., GIS shape file, .kmz, etc.).

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code, Section 12.0011, which can be found online at <http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011>. For tracking purposes, please refer to TPWD project number ERCS-8906 in any return correspondence regarding this project.

Project Description

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The project is composed of the expansion and relocation of an existing 25,000 gallons per day (GPD) treatment plant, the rehabilitation and expansion of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main pipelines, and the installation of approximately 13,000 linear feet of gravity sewer pipelines.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.369.4800
www.tpwd.texas.gov

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

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The new plant will be 75,000 GPD in capacity. Treated effluent from the new treatment plant would be disposed of through the use of a spray irrigation system in Blue Hole Regional Park recreational fields west of the proposed plant site, and through a discharge outfall in Deer Creek during periods of heavy rainfall when irrigation is not possible.

The total land required for the proposed wastewater lines, lift stations, treatment facility, and irrigation areas is approximately 22 acres. The pipelines would have a combined length of approximately 4.2 miles with a 15-foot wide construction work area totaling an approximately 7.6-acre footprint. Wastewater lines would be located in existing transportation and utility easements, properties owned by the City of Wimberley, and in some cases, easements on private property.

The treatment facility would occupy just under a 1-acre footprint. This footprint includes the proposed effluent storage tank. The existing subsurface septic fields and other open areas within the park designated for irrigation total approximately 13 acres. The treatment plant and irrigation fields are located in the limits of the Blue Hole Regional Park which is owned by the City of Wimberley.

Impacts to Vegetation/Wildlife Habitat

The draft EIS states that the preferred alternative would have a greater environmental impact in terms of clearing vegetation than would expanding the plant in place, this alternative is expected to have a positive environmental impact through the use of effluent for the irrigation of native plant species in Blue Hole Regional Park. Further, the proposed location of the treatment facility was sited to minimally impact vegetation in Blue Hole Regional Park. Wastewater lines would be located in existing transportation and utility rights of way to the greatest extent possible to limit land clearing and land use impacts.

The draft EID also states that injury to cover vegetation would be minimized to the extent practicable by confining construction activities to the treatment facility footprint, and the pipeline temporary construction easement areas. Areas disturbed by pipeline installation and permeable soil in the treatment facility footprint would be reseeded to restore vegetative cover similar to the displaced vegetation after completion of final grading. The proposed vegetation seeding mixes as recommended in the Blue Hole Regional Park

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Master Plan and were included in the draft EID and are all native plant species.

Recommendation: TPWD recommends clearing the least amount of vegetation possible for the construction of this project, especially undisturbed native vegetation and mature trees. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practicable. Blue Hole Regional Park would be a preferred location for tree mitigation. If on-site mitigation for tree removal is not practicable, TPWD recommends off-site mitigation for removed trees, preferably in a nearby park or recreation area.

To minimize adverse effects, activities should be planned to preserve any mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation are high value to wildlife as food and cover. TPWD generally recommends that trees greater than 12 inches in diameter at breast height (dbh) to be removed be replaced at a ratio of three trees for every one (3:1) lost to the extent practicable, either on-site or off-site. Trees less than 12 inches in dbh should be replaced at a 1:1 ratio. Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species. A three to five year maintenance plan that ensures an 85 percent survival rate should be developed for the replacement trees.

Water Resources

The Blanco River and Cypress Creek are the predominant hydrological features in the project vicinity. Deer Creek, which is a tributary of the Blanco River, is the predominant hydrological feature that will be encountered by the proposed project. The draft EID states that Deer Creek should be considered an ephemeral stream based on its lack of groundwater influence, limited drainage area, and dependence on rainfall for flow.

The EID also states that during open trench construction of the pipelines, there would be a temporary alteration to land forms, streams, and natural drainage patterns. After backfill and grading, the land forms, streams, and natural drainage patterns should be almost identical to the current condition. All crossings of waters of the United States would be returned to their pre-construction contours.

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Recommendation: TPWD recommends that construction of the pipelines across Deer Creek be installed by boring underneath the stream versus trenching through the stream substrate. This construction practice would serve to minimize impacts to the streambed as well as wildlife habitat within the stream. If boring underneath Deer Creek is not practicable, TPWD recommends the trenching take place when the stream is dry.

Recommendation: If the proposed project would impact a State-navigable stream bed the project would require a permit from TPWD under Chapter 86, Parks and Wildlife Code. Please contact Mr. Tom Heger, TPWD Wetlands Conservation Team at (512) 389-4583 for additional information on the required permit. Information on these permits may be found at the TPWD's website at http://www.tpwd.state.tx.us/faq/landwater/sand_gravel/.

Ecologically Significant Stream Segment

The proposed project is adjacent to the Blanco River and Cypress Creek, both in an area where they are considered to be Ecologically Significant Stream Segments (ESSS). The Blanco River from a point 0.2 mile upstream of Limekiln Road in Hays County to the confluence of Meier Creek in Kendall County has been designated by TPWD as an ESSS for the following reasons:

- Hydrologic function – Edwards Aquifer Recharge Zone
- High water quality/exceptional aquatic life/high aesthetic value – Overall use

Cypress Creek from the confluence with the Blanco River in Hays County upstream to a point four miles upstream of the most upstream unnamed county road crossing in Hays County has been designated by TPWD as an ESSS for the following reasons:

- Hydrological function – Edwards Aquifer Recharge Zone
- High water quality/exceptional aquatic life/high aesthetic value – Overall use

TPWD has identified ESSSSs throughout the state to assist regional water planning groups in identifying ecologically unique stream segments under Texas Administrative Code Title 31 §357.43 and 357.8. Until approved by the legislature this is not a legal designation. The stream segments are

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through extensive review by TPWD staff and are determined to be ecologically important. Information regarding criteria for designation as an ESSS can be found on the TPWD website at http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/water_issues/sigsegs/ or in 31 TAC 357.43 and 357.8.

Recommendation: As previously mentioned, TPWD recommends the project be designed to avoid adverse impacts and protect water quality downstream of the project in the Blanco River, Cypress Creek, as well as the other water crossings that may potentially be affected by the proposed project.

Federal Laws

Migratory Bird Treaty Act

The draft EID does not address potential impacts to migratory birds. The Migratory Bird Treaty Act (MBTA) prohibits taking, attempting to take, capturing, killing, selling/purchasing, possessing, transporting, and importing of migratory birds, their eggs, parts and nests, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Recommendation: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends Alan Plummer Associates, Inc. (Alan Plummer) survey the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

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Endangered Species Act

Federally-listed animal species and their habitats are protected from “take” on any property by the Endangered Species Act (ESA). Take of a federally-listed species can be allowed if it is “incidental” to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

The EID states that observations of the Golden-checked Warbler (*Dendroica chrysoparia*) (GCWA) and Black-capped Vireo (*Vireo atricapilla*) (BCVI) have been documented by the USFWS in areas immediately surrounding the proposed project area. The potential impact to these species and their habitat was previously assessed as part of the Blue Hole Regional Park improvements project in 2010. The project included clearing and grading for recreational fields and other park amenities. Coordination with the USFWS resulted in the agency determining that there was not suitable habitat of GCWA and other species of concern located in the limits of Blue Hole Regional Park that would be impacted by park improvements.

According to the Texas Natural Diversity Database (TXNDD) there are two occurrences of the GCWA located within 0.5 mile of the project area. There are no TXNDD occurrences of the BCVI adjacent to the project area.

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.texas.gov.

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In addition to the known TXNDD occurrences, review of a predictive habitat model for the GCWA (Diamond, et al. 2007, *Range-wide Modeling of Golden-cheeked Warbler Habitat*. Section 6 Project E-72-R, Final Report, Texas Parks and Wildlife Department, Austin, Texas) indicates that suitable habitat for the GCWA may be present in several places throughout the proposed project. TPWD notes that although suitable habitat for the GCWA may not be present in the areas proposed for construction, suitable habitat for this species may be present in the surrounding area. A map showing the TXNDD occurrences as well as potential suitable habitat for the GCWA is attached for your reference.

Recommendation: TPWD recommends Alan Plummer survey for suitable GCWA and BCVI habitat in areas that were surveyed in 2010 as well as areas within the proposed alignment that have not been surveyed yet (areas outside of Blue Hole Regional Park). TPWD notes that the vegetation composition of the areas that were surveyed in 2010 may have changed in the years since the original survey. Even if habitat for this species would not be directly impacted by vegetation removal, if nesting pairs are present in the surrounding vegetation they could be disrupted by noise and activity during construction. Because the definition of take in the ESA includes harming or harassing a listed species, this disturbance could constitute a violation of the ESA. If suitable habitat for the GCWA or BCVI is present adjacent to the ROW, TPWD recommends Alan Plummer perform surveys during the appropriate season to determine if the habitat is occupied by this species. TPWD recommends Alan Plummer conduct presence/absence surveys according to USFWS GCWA Survey Guidelines (http://www.fws.gov/southwest/es/AustinTexas/ESA_Sci_permits.html).

The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for this federally-listed species.

State Laws

State-listed Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. A copy of *TPWD Guidelines for Protection of State-*

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Listed Species, which includes a list of penalties for take of species, is attached for your reference. State-listed species may only be handled by persons with a scientific collection permit obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

Texas horned lizard (*Phrynosoma cornutum*) – State-listed Threatened

The project area may provide suitable habitat for the Texas horned lizard. If present in the project area, the Texas horned lizard could be impacted by ground disturbing activities from construction. Horned lizards may hibernate on site in the loose soils few inches below ground during the cool months from September/October to March/April. Construction in these areas could harm hibernating lizards. Horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. If horned lizards (nesting, gravid females, newborn young, lethargic from cool temperatures or hibernation) cannot move away from noise and approaching construction equipment in time, they could be affected by construction activities.

Recommendation: TPWD recommends that a pre-construction survey be conducted to determine if horned lizards are present in the areas proposed for disturbance. A useful indication that the Texas horned lizard may occupy the site is the presence of Harvester Ant (*Pogonomyrmex barbatus*) nests since Harvester Ants are the primary food source of horned lizards. The survey should be performed during the warm months of the year when the horned lizards are active. Fact sheets, including survey protocols and photos of Texas horned lizard may be found on-line at http://www.tpwd.state.tx.us/learning/texas_nature_trackers/horned_lizard/ and at <http://www.tpwd.state.tx.us/huntwild/wild/species/thlizard/>.

If horned lizards are found on-site, TPWD recommends contacting this office to develop plans to relocate them, particularly if there is likelihood that they would be harmed by project activities. To minimize impacts to the Texas horned lizard, TPWD recommends the use of the BMPs described in the *Texas Horned Lizard Watch – Management and Monitoring Packet* which can be found online at http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0038.pdf and *Texas Tortoise Best Management Practices* which can be found online at http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/media/texas_tortoise_bmps.pdf.

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Please note that Texas tortoise BMPs are applicable to the Texas horned lizard.

Rare Species

In addition to state- and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or endangered. These species and communities are tracked in the TXNDD, and TPWD actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list.

Based on the project description, site location, a review of the TXNDD, and publicly-available aerial photographs, the following species of concern could be impacted as a result of the proposed project:

Blanco River Springs salamander (*Eurycea pterophila*)
Warnock's coral-root (*Hexalectris warnockii*)

Two TXNDD records for the Blanco River Springs salamander are located within close proximity to the proposed project area. A TXNDD record for Warnock's coral-root is located just south of the project area. These TXNDD records are shown on the TXNDD map attached for your reference.

Warnock's coral-root is found in oak-juniper woodlands on limestone slopes in the Edward's Plateau region of Texas.

Recommendation: TPWD recommends that the project area be surveyed for Warnock's coral-root where suitable habitat is present. The survey should be performed by a qualified biologist at the time of year when the species is most likely to be found, usually the species flowering period. If this species is present, plans should be made to avoid adverse impacts to the greatest extent possible.

The Blanco River Springs salamander is a subaquatic species that inhabits springs and caves within the Blanco River drainage.

Recommendation: TPWD recommends that that project area be surveyed for springs. If springs are present, TPWD recommends Alan Plummer

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perform a salamander survey. If salamanders are present on-site and would be adversely impacted by the proposed project, then this office should be contacted for guidance on protection of this species.

Although there are no TXNDD records for the following rare species in the project area, suitable habitat may still be present.

Spot-tailed earless lizard (*Holbrookia lacerata*)
Texas garter snake (*Thamnophis sirtalis annectens*)
Plains spotted skunk (*Spilogale putorius interrupta*)

In January 2010, the species of concern Spot-tailed earless lizard was petitioned for listing under the ESA. On May 24, 2011, the USFWS issued a 90-day finding on that petition. Based on their review, the USFWS found the petition presents substantial scientific or commercial information indicating that listing the Spot-tailed earless lizard may be warranted. The USFWS has therefore initiated a status review to determine if listing is in fact warranted. Based on this status review, the USFWS will issue a 12-month finding on the petition.

Recommendation: TPWD recommends Alan Plummer monitor the listing status of the Spot-tailed earless lizard throughout project planning and construction, and perform required consultation, permitting, and mitigation with the USFWS if this species becomes listed under the ESA. TPWD also recommends Alan Plummer survey for this species in areas proposed for disturbance, and avoid impacts to this species if found on-site.

There may be suitable habitat for the Texas garter snake at Deer Creek, which is to be crossed by the proposed pipeline. This species prefers wet or moist microhabitats, but is not necessarily restricted to them.

Recommendation: Snakes are generally perceived as a threat and killed when encountered during clearing or construction. Therefore, TPWD recommends that personnel involved in clearing and construction be informed of the potential for the rare Texas garter snake to occur on the project site. Personnel should be advised to avoid impacts to this snake as it is non-venomous and poses no threat to humans. Contractors should avoid contact with this species if encountered and allow the snake to safely leave the premises.

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The project area could provide habitat for the Plains spotted skunk. The Plains spotted skunk can be found in open fields, prairies, croplands, fence rows, forest edges, and woodlands.

Recommendation: If during construction the project area is found to contain the rare species listed above, TPWD recommends that precautions be taken to avoid impacts to them.

Recommendation: Please review the TPWD county list for Hays County, as rare species in addition to those discussed above could be present, depending upon habitat availability. This list is available online at <http://www.tpwd.state.tx.us/gis/ris/es/>. If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species. For the USFWS threatened and endangered species lists by county, please visit <http://www.fws.gov/angered/>.

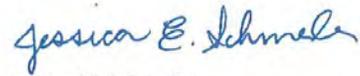
Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

TPWD strives to respond to requests for project review within a 45 day comment period. Responses may be delayed due to workload and lack of staff. Failure to meet the 45 day review timeframe does not constitute a concurrence from TPWD that the proposed project will not adversely impact fish and wildlife resources.

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TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (512) 389-8054 or email at Jessica.Schmerler@tpwd.texas.gov.

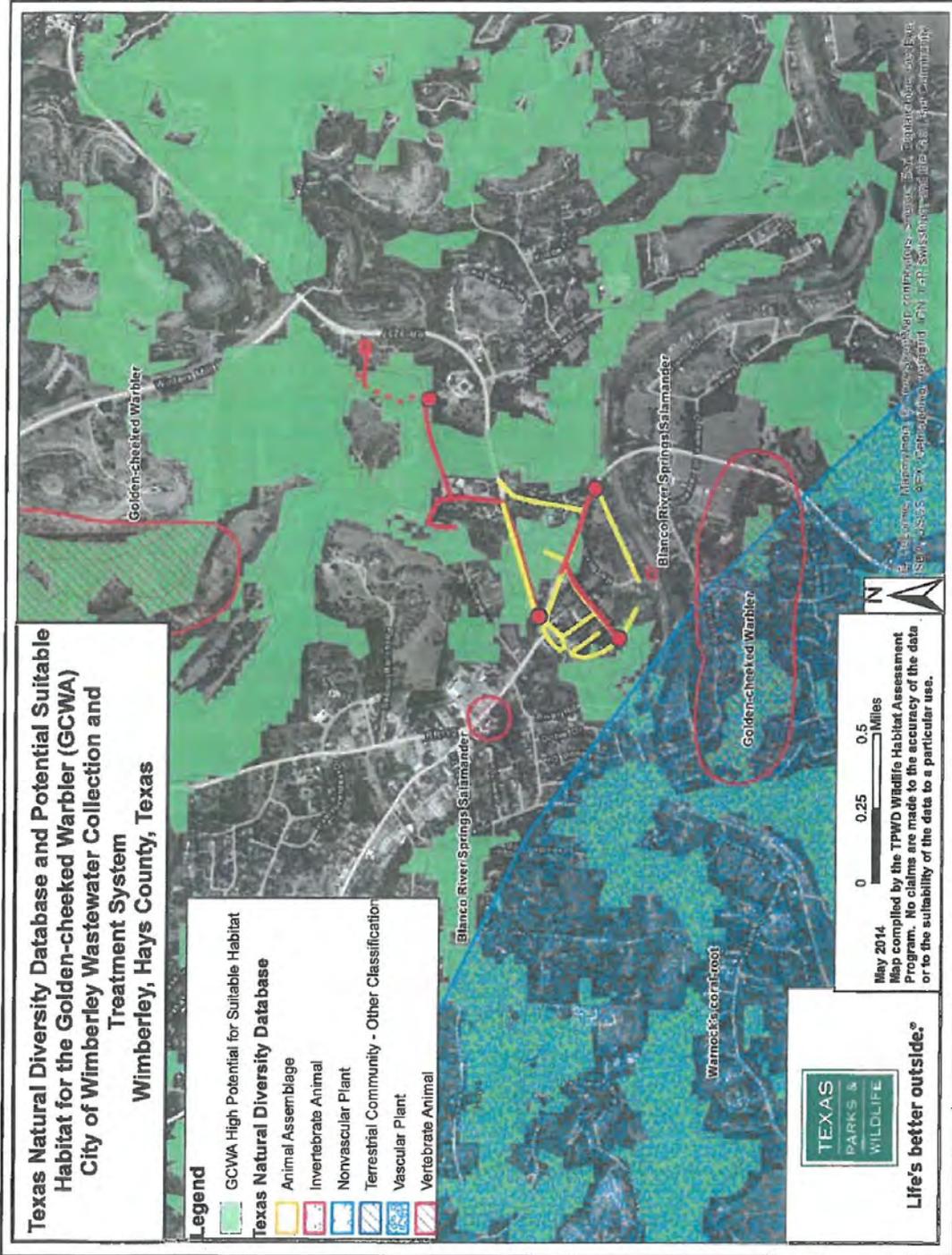
Sincerely,



Jessica E. Schmerler
Wildlife Habitat Assessment Program
Wildlife Division

JES:gg,ERCS-8906

Attachments (2)



Protection of State-Listed Species
Texas Parks and Wildlife Department Guidelines

Protection of State-Listed Species

State law prohibits any take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons possessing a **Scientific Collecting Permit** or a **Letter of Authorization** issued to relocate a species.

- **Section 68.002 of the Texas Parks and Wildlife (TPW) Code** states that species of fish or wildlife indigenous to Texas are endangered if listed on the United States List of Endangered Native Fish and Wildlife or the list of fish or wildlife threatened with statewide extinction as filed by the director of Texas Park and Wildlife Department. Species listed as Endangered or Threatened by the Endangered Species Act are protected by both Federal and State Law. The State of Texas also lists and protects additional species considered to be threatened with extinction within Texas.
- **Animals** - Laws and regulations pertaining to state-listed endangered or threatened animal species are contained in **Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code and Sections 65.171 - 65.176 of Title 31 of the Texas Administrative Code (TAC)**. State-listed animals may be found at **31 TAC §65.175 & 176**.
- **Plants** - Laws and regulations pertaining to endangered or threatened plant species are contained in **Chapter 88 of the TPW Code and Sections 69.01 - 69.9 of the TAC**. State-listed plants may be found at **31 TAC §69.8(a) & (b)**.

Prohibitions on Take of State Listed Species

Section 68.015 of the TPW Code states that no person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered fish or wildlife.

Section 65.171 of the Texas Administrative Code states that except as otherwise provided in this subchapter or **Parks and Wildlife Code, Chapters 67 or 68**, no person may take, possess, propagate, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed by the department as endangered or threatened.

"Take" is defined in **Section 1.101(5) of the Texas Parks and Wildlife Code** as:

"Take," except as otherwise provided by this code, means collect, hook, hunt, net, shoot, or snare, by any means or device, and includes an attempt to take or to pursue in order to take.

Penalties

The penalties for take of state-listed species (TPW Code, Chapter 67 or 68) are:

- 1ST Offense = Class C Misdemeanor:
\$25-\$500 fine
- One or more prior convictions = Class B Misdemeanor
\$200-\$2,000 fine and/or up to 180 days in jail.
- Two or more prior convictions = Class A Misdemeanor
\$500-\$4,000 fine and/or up to 1 year in jail.

Restitution values apply and vary by species. Specific values and a list of species may be obtained from the TPWD Wildlife Habitat Assessment Program.

From: [Jessica Schmerler](#)
To: [Voight, Jason](#)
Cc: [Coonan, Steve](#); [Wiesehan, Erin](#); dferguson@cityofwimberley.com
Subject: RE: Meeting Summary for the City of Wimberley's Proposed Wastewater Collection and Treatment System Project
Date: Tuesday, June 17, 2014 10:06:48 AM

Hi Jason,

TPWD concurs with your responses regarding this project. Please let me know if you have any questions or need any additional information.

Thanks!
Jessica

Jessica E. Schmerler
Texas Parks and Wildlife Department
Wildlife Division - Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744

Phone: (512)389-8054
Fax: (512)389-4599
jessica.schmerler@tpwd.texas.gov (Please note new email address)

From: Voight, Jason [mailto:jvoight@apaienv.com]
Sent: Friday, June 13, 2014 2:07 PM
To: Jessica Schmerler
Cc: Coonan, Steve; Wiesehan, Erin; dferguson@cityofwimberley.com
Subject: Meeting Summary for the City of Wimberley's Proposed Wastewater Collection and Treatment System Project

Jessica,

Meeting Attendees: Ms. Jessica Schmerler with Texas Parks and Wildlife Department – TPWD reviewer for the project
Ms. Julie Wicker with Texas Parks and Wildlife Department – TPWD habitat assessment program leader
Mr. Don Ferguson with the City of Wimberley – City Manager
Mr. Steve Coonan, PE with Alan Plummer Associates, Inc. – design engineer for the project
Mr. Jason Voight with Alan Plummer Associates, Inc. – biologist with the design engineering firm

Regarding our meeting at TPWD headquarters on June 10, 2014 at 1:30 PM, the City of Wimberley agrees to the following (recommendations paraphrased):

Recommendation 1: Limit clearing of vegetation to the least amount possible for the construction of

the project.

Response to Rec. 1: The City of Wimberley will limit clearing of vegetation to the minimum width necessary to safely construct the project. The City of Wimberley will utilize a native grass and wildflower seed mixture adapted to the Texas Hill Country for surface restoration of areas impacted by construction.

Recommendation 2: Preserve mature trees; TPWD generally recommends trees greater than 12 inches in diameter at dbh slated for removal be replaced at a ratio of 3:1 – trees less than 12 inches dbh should be replaced at a ratio of 1:1. A 3 to 5 year maintenance plan should be performed to ensure 85% survival.

Response to Rec. 2: The City of Wimberley intends to perform a tree survey for trees 8 inches or greater in diameter at dbh within the project area. Should trees greater than 8 inches dbh be removed, the City of Wimberley will replace those trees within Blue Hole Regional Park at a ratio of 3:1. Replacement trees will be of greater value to wildlife than the tree species removed. All replacement trees will be regionally adaptive native species. The City or appointed representative will monitor the survival of the replacement trees to ensure 80% survival for two consecutive years. If 80% survival of the replacement trees is not attained, the City will replant and the two year monitoring period will start from the replanting date.

Recommendation 3: Construct pipeline across Deer Creek by boring rather than trenching. If boring is not practicable, trench when the stream is dry.

Response to Rec. 3: Construction of the pipeline across Deer Creek by boring is not practicable due to the limited size and ephemeral nature of the creek. The pipeline will be constructed by open trench installation techniques. The City's design engineer will place notes on the plans that "construction across Deer Creek should be limited to the minimum width necessary for construction and construction will only take place during low or no flow conditions." The project has also received a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers – Fort Worth District. As a component of the Section 401 of the Clean Water Act coordination with the TCEQ, appropriate stormwater best management practices will also be employed at the site to minimize sediment migration downstream of the construction area.

Recommendation 4: If the proposed project would impact a state stream bed, contact Tom Heger with TPWD Wetlands Conservation Team for sand, gravel, or marl permit coordination.

Response to Rec. 4: The City of Wimberley presumes it is exempted from Chapter 86, Parks and Wildlife Code pursuant to Sec. 86.0191. EXEMPTION. (a) The commission shall, by rule, exempt entities from the requirements of this chapter regarding permits and fees required for disturbing or taking marl, sand, gravel, shell, and mudshell for noncommercial purposes when such disturbances or takings occur for maintenance projects or construction of new utility lines carried out by public utilities. However, the City will phone Mr. Heger for concurrence with the exemption.

Recommendation 5: Project be designed to avoid adverse impacts and protect water quality

downstream of the project in the Blanco River, Cypress Creek, as well as other water crossings that may be affected by the project.

Response to Rec. 5: The proposed project is in response to improving water quality in Cypress Creek and the Blanco River. The proposed project is intended to place Wimberley's Central Business District (CBD) and residential areas surrounding the CBD on a regional collection system that is conveyed to a centralized treatment facility. This would in turn decommission aging and leaking septic systems that the businesses and residents surrounding the CBD currently employ. As mentioned in Response to Rec. 3, best management practices will be utilized to minimize impacts to area aquatic resources from construction related activities.

Recommendation 6: Exclude vegetation clearing during the migratory bird nesting season – March through August. If clearing of vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nest with eggs or young will be disturbed by operations. Any vegetation where occupied nests are located should not be disturbed until eggs have hatched and young have fledged.

Response to Rec. 6: The City of Wimberley will make every effort to convey to the contractor the need to perform vegetation clearing activities during the months of September through February. However, dictating schedules to a contractor can result in significantly higher construction costs. Should clearing need to be performed between the months of March through August, the City of Wimberley agrees to perform a migratory bird survey for species, their nests or young. The City also agrees that should a migratory bird species, their nest, or young be observed, the occupied area would be buffered by a minimum of 300 feet and avoided until the eggs have hatched and the young have fledged.

Recommendation 7: TPWD recommends a survey for suitable GCWA and BCVI habitat in areas that were surveyed in 2010 (PBSJ study) as well as areas within the proposed alignment that have not been surveyed (areas outside of Blue Hole Regional Park). Per the June 10, 2014 meeting regarding the PBSJ study, Jessica Schmerler with TPWD asked about the PBSJ referenced GCWA study to be performed by Cliff Ladd of Loomis Consulting. Per the June 10, 2014 meeting, TPWD staff asked if the USFWS has formerly commented on the current Draft EID iteration.

Response to Rec. 7: The City of Wimberley has had numerous projects in the past 4-5 years in the general vicinity of the proposed project. These projects consisted of the construction of the Blue Hole Regional Park funded partially through a TPWD grant, a regional hike and bike trail funded by TxDOT and US Federal Highway Administration grants, and TxDOT improvements to area roads in the CBD. Studies for the GCWA and BCVI, as well as other species, have been performed for all of these construction projects – conclusions from these studies are that the "proposed projects would not likely adversely affect the GCWA or BCVI." The City of Wimberley will attempt to get a copy of the TxDOT Environmental Permits, Issues, or Commitments sheet for the roadwork in the CBD and convey that document to the TPWD. The City will also attempt to get a copy of the Cliff Ladd of Loomis Consulting GCWA study and convey that document to the TPWD. At a minimum, the City will request a response from the USFWS's Austin Field Office specific to the proposed project. If the USFWS concludes that the proposed project would not likely adversely affect the GCWA or BCVI, no

further GCWA or BCVI studies are warranted.

Recommendation 8: TPWD recommends a pre-construction survey to determine if horned lizards are present in the areas proposed for disturbance.

Response to Rec. 8: Although no horned lizards were observed (PBSJ study and the Alan Plummer field assessment), the City of Wimberley agrees to host a pre-construction meeting with the contractor to educate and inform the contractor's staff about horned lizards and harvester ants and to provide the contractor with best management practices to avoid impacts to the horned lizard. The City's design engineer will at a minimum place notes on the plans to "cover trenching activities at night when practicable, and if not practicable, observe area trenches for horned lizards prior to daily construction commencement."

Recommendation 9: TPWD recommends that the project area be surveyed for Warnock's coral-root where suitable habitat is present.

Response to Rec. 9: For the Blue Hole Regional Park, PBSJ performed a survey for suitable Warnock's coral-root habitat. The conclusion from that survey "Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007." With regard to the conveyance pipelines outside of Blue Hole Regional Park, the majority of the proposed pipelines would be within existing roadways, immediately adjacent to existing roadways, or within previously impacted areas. Therefore, further study for the Warnock's coral-root is unwarranted.

Recommendation 10: TPWD recommends that the project area be surveyed for springs. If springs are identified, perform a Blanco River Springs salamander survey.

Response to Rec. 10: No springs were identified during the Alan Plummer field assessment for the proposed project. The only aquatic resources identified in the immediate project area consisted of the ephemeral Deer Creek and two unnamed ephemeral tributaries to Deer Creek. Further study for the Blanco River Springs salamander is unwarranted.

Recommendations 11, 12, 13, and 14: TPWD recommends that a survey for the spot-tailed earless lizard be performed in the general project area and monitor its federal endangered species listing status. TPWD recommends performing a survey for the Texas garter snake at Deer Creek. TPWD mentioned that the project may contain suitable habitat for the Plains spotted skunk and if identified, take precautions to avoid impacts to the Plains spotted skunk. Lastly, TPWD recommends that the TPWD listing of threatened endangered or rare species for Hays County as well as the USFWS federal species list be reviewed for potential presence of listed species prior to construction. If species are identified, take precautions to avoid those species.

Response to Recs. 11, 12, 13, and 14: The City of Wimberley will host a pre-construction meeting to educate and inform the contractor's staff about the spot-tailed earless lizard, the Texas garter snake, the Plains spotted skunk, or any other potential listed threatened, endangered, candidate, or rare species that may occur in the project vicinity. The contractor will be told to avoid these species,

and the consequences for impacting these species. The City will provide the contractor with best management practices to avoid impacts to these species. A qualified biologist will be available at the meeting to answer any questions that may arise. The City of Wimberley will instruct the contractor to not kill, injure, or maim any snake located within the project area. The City or their appointed representative will review the current state and federal listing for threatened, endangered, candidate, or rare species immediately prior to construction commencement and provide an opinion on potential impacts to these species from construction activities. Should any questions or concerns arise, the City of Wimberley will contact either TPWD Wildlife Division staff or USFWS staff for guidance.

If the TPWD agrees to the responses provided herein, please provide a reply acknowledging concurrence.

Should you have any questions or comments, please feel free to give me a phone call.

Jason C. Voight, PWS
Professional Wetland Scientist #2326
Texas Licensed Irrigator #15271

Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, Texas 76107

817.806.1700 (office)
817.870.2536 (fax)
www.apaienv.com
TBPE Firm No. 13

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TELEPHONE MEMORANDUM

DATE:	June 11, 2014
TIME:	4:02 PM
APAI PROJECT NO.:	1732-002-01
CLIENT PROJECT NO.:	--

FROM: Mr. Tom Heger	TO: Tim Capps
Texas Parks and Wildlife Department (TPWD)	Alan Plummer Associates, Inc.
Phone: (512) 389-4583	Phone: (817) 806-1700

NOTES:

Mr. Heger said that the proposed would not require a Sand, Marl, and Gravel Permit for the installation of wastewater pipelines, and an effluent outfall in Deer Creek. A permit is only required for navigable waters, and since the width of Deer Creek is under the 30' width of a statutory navigable water, impacts to Deer Creek would not require a permit. Additionally, the project would fall under the exemption for maintenance projects carried out by public utilities for noncommercial purposes (31 TAC §69.120).

REV 09/2009
Form TM

12/3/2018

Search Results - 106 Review

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Check Reviews

Time Interval: Last 6 Months

Track	Project	Address	County	Due	Response	Status
201801723	City of Wimberley	Cypress Creek	Hays	12/1/2018	From the previous review under 201016385 - The TWDB has asked that Tiffany we coordinate with the Texas Historical Commission on the revisions to Osburn, Caitlin the Wimberley project. - See attached - Segment will be bored	In Review (E) files
Corps of Engineers - Fort Worth District Texas Water Development Board						Brashear

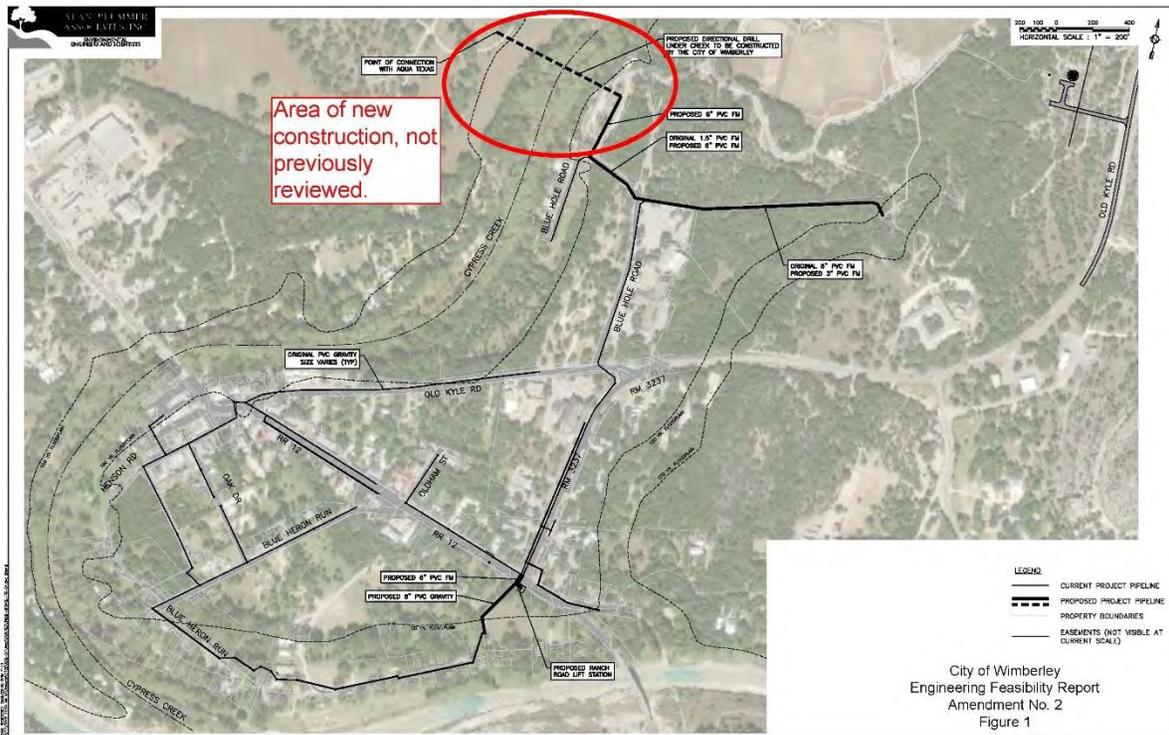
© 2018 - Texas Historical Commission

Upload Files for Review 201901723

File:

Currently Loaded Files

- 1. PagetonWimberlyFERAmendment2.pdf
- 2. WimberlyTHCCoordination.pdf
- 3. WimberlyTHCCConcurrence.pdf



TEXAS HISTORICAL COMMISSION
real places telling real stories

March 23, 2010



Alan Plummer and Associates, Inc.
Attn: Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764

Re: Guadalupe-Blanco River Authority and City of Wimberley
Draft Environmental Information Document
Texas Water Development Board Clear Water State Revolving Fund Tier III Loan
Village of Wimberley Wastewater Collection and Treatment System Project
(Texas Water Development Board)

Dear Mr. Voight:

Thank you for providing us with the above referenced draft Environmental Information Document. It is our understanding that review archeologists with the TWDB shall review the undertaking and assess the need for and the scale of any cultural resources work that may be required. We look forward to consulting with the TWDB, when they have completed their review.

If you have any questions concerning our review or if we may be of further assistance, please contact Mr. Baker at 512/463-5866.

Sincerely,

A handwritten signature in blue ink, appearing to read "William A. Mark".

for
Mark Wolfe, State Historic Preservation Officer
MW/elb

cc: Christopher Jurgens TWDB



RECD JUL 21 2010

AR Consultants, Inc.

Archaeological and Environmental Consulting
11020 Audelia Road, Suite C106, Dallas, TX 75245
Phone: (214) 368-0478
Fax: (214) 221-1519
E-mail: arcdisc@aol.com

July 16, 2010

Mark Denton
Archeologist
Texas Historical Commission
PO Box 12276
Austin, TX 78711

DRAFT REPORT ACCEPTABLE	
by	<i>William A. Wolfe</i>
for	Mark Wolfe
	Executive Director, THC
Date	7/16/10
Track#	

Dear Mark,

Enclosed is a report which documents an evaluation of proposed water lines and treatment plant location in Wimberley. As you will see, virtually all of the proposed system north of FM 12 was previously surveyed and nothing was found. In addition, almost all of the remainder of the route will be in the roadways or in otherwise disturbed areas. If you remember the roadways in Wimberley they are narrow and heavily encroached by houses and businesses. In my opinion, the best potential for finding unreported sites is in the silty clay terrace deposits along Cypress Creek south of downtown and FM 12.

If you have any questions, please give me a call.

Sincerely,

S. Alan Skinner, PhD

Encl. Wimberley report

cc. Jason Voight, APAI

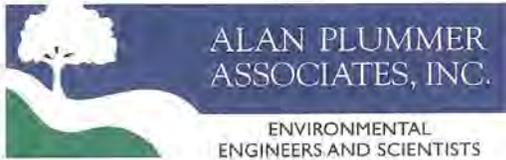
ANTIQUITIES CODE OF TEXAS REVIEW NO SIGNIFICANT SITES PROJECT MAY PROCEED	
by	<i>William A. Wolfe</i>
for	Mark Wolfe
	Executive Director, THC
Date	7/16/10
Track#	201016385

NO HISTORIC PROPERTIES AFFECTED PROJECT MAY PROCEED	
by	<i>William A. Wolfe</i>
for	Mark Wolfe
	State Historic Preservation Officer
Date	
Track#	

HISTORICAL BUILDINGS

ARCHAEOLOGY

NATURAL SCIENCES



1732-002-01

December 3, 2018

City of Wimberley
Floodplain Administrator
Attn: Ms. Sandra Floyd
221 Stillwater Lane
Wimberley, Texas 78676

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Revision to Previously Approved Project

Dear Ms. Floyd:

The City of Wimberley previously received approval from the Texas Water Development Board (TWDB) Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. As part of the review process for the loan, an Environmental Information Document was developed and made available for public review as well as for coordination with agencies such as the Local Floodplain Administrator. I've enclosed a copy of the comments previously provided by the City for your reference.

The TWDB issued a Finding of No Significant Impact for the project on August 6, 2014. The City has determined that it is in its best interest to make modifications to the project. Specifically, the City has decided to cancel the construction of its own wastewater treatment plant and to send the wastewater to Aqua Texas, a neighboring utility, for treatment. This change will require a redirection of the previously proposed force main. The new alignment for the force main will carry flow under Cypress Creek to the Aqua system. The pipe will be installed under Cypress Creek using the directional drilling method, which will limit surface disruption to the entry and exit pits and will not result in a change to the 100-year floodplain. Figure 1 shows the modification that is being proposed. In addition, the City intends to construct a reclaimed water line at some point in the future to bring treated effluent back to the Blue Hole Park for irrigation. The construction of the reclaimed line will be dependent on additional funds being dedicated at some point in the future and is not needed to provide the desired wastewater management services to the Central Wimberley area. The proposed alignment for that pipe is shown in Figure 2.

The TWDB indicated that an amendment to the Finding of No Significant Impact is needed for the proposed changes. They further requested that another public hearing be conducted so that the public can comment. The TWDB also requested that coordination with the Floodplain Administrator be conducted to receive any comments from your agency on the proposed changes. Please submit written comments directly to me at the following address:

6400 LA CALMA DRIVE
SUITE 400
AUSTIN, TEXAS 78733
PHONE 512-452-5905
FAX 512-452-2325
www.aplummer.com
TBPPE Firm No. 13

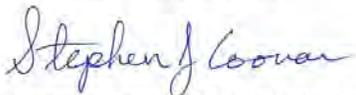


Alan Plummer Associates, Inc.

Attn: Mr. Steve Coonan
scoonan@apaienv.com
6300 La Calma, Suite 400
Austin, Texas 78758.

If you have any questions regarding this project, please contact me at 512-452-5905. Your timely review and response is appreciated.

Sincerely,
Alan Plummer Associates, Inc.



Stephen J. Coonan, P.E. (TX No. 65516)
Principal

Enclosures



1732-002-01

November 29, 2018

City of Wimberley
Floodplain Administrator
Attn: Ms. Shawn Cox
221 Stillwater Lane
Wimberley, Texas 78676

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Revision to Previously Approved Project

Dear Mr. Cox:

The City of Wimberley previously received approval from the Texas Water Development Board (TWDB) Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. As part of the review process for the loan, an Environmental Information Document was developed and made available for public review as well as for coordination with agencies such as the Local Floodplain Administrator. I've enclosed a copy of the comments previously provided by the City for your reference.

The TWDB issued a Finding of No Significant Impact for the project on August 6, 2014. The City has determined that it is in its best interest to make modifications to the project. Specifically, the City has decided to cancel the construction of its own wastewater treatment plant and to send the wastewater to Aqua Texas, a neighboring utility, for treatment. This change will require a redirection of the previously proposed force main. The new alignment for the force main will carry flow under Cypress Creek to the Aqua system. The pipe will be installed under Cypress Creek using the directional drilling method, which will limit surface disruption to the entry and exit pits and will not result in a change to the 100-year floodplain. Figure 1 shows the modification that is being proposed. In addition, the City intends to construct a reclaimed water line at some point in the future to bring treated effluent back to the Blue Hole Park for irrigation. The construction of the reclaimed line will be dependent on additional funds being dedicated at some point in the future and is not needed to provide the desired wastewater management services to the Central Wimberley area. The proposed alignment for that pipe is shown in Figure 2.

The TWDB indicated that an amendment to the Finding of No Significant Impact is needed for the proposed changes. They further requested that another public hearing be conducted so that the public can comment. The TWDB also requested that coordination with the Floodplain Administrator be conducted to receive any comments from your agency on the proposed changes. Please submit written comments directly to me at the following address:

4300 LA CALMA DRIVE
SUITE 400
AUSTIN, TEXAS 78752
PHONE 512.452.5905
FAX 512.452.2335
www.apalmv.com
TBPB Firm No. 13

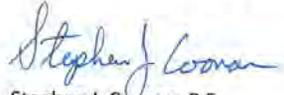


Alan Plummer Associates, Inc.

Attn: Mr. Steve Coonan
scoonan@apaienv.com
6300 La Calma, Suite 400
Austin, Texas 78758.

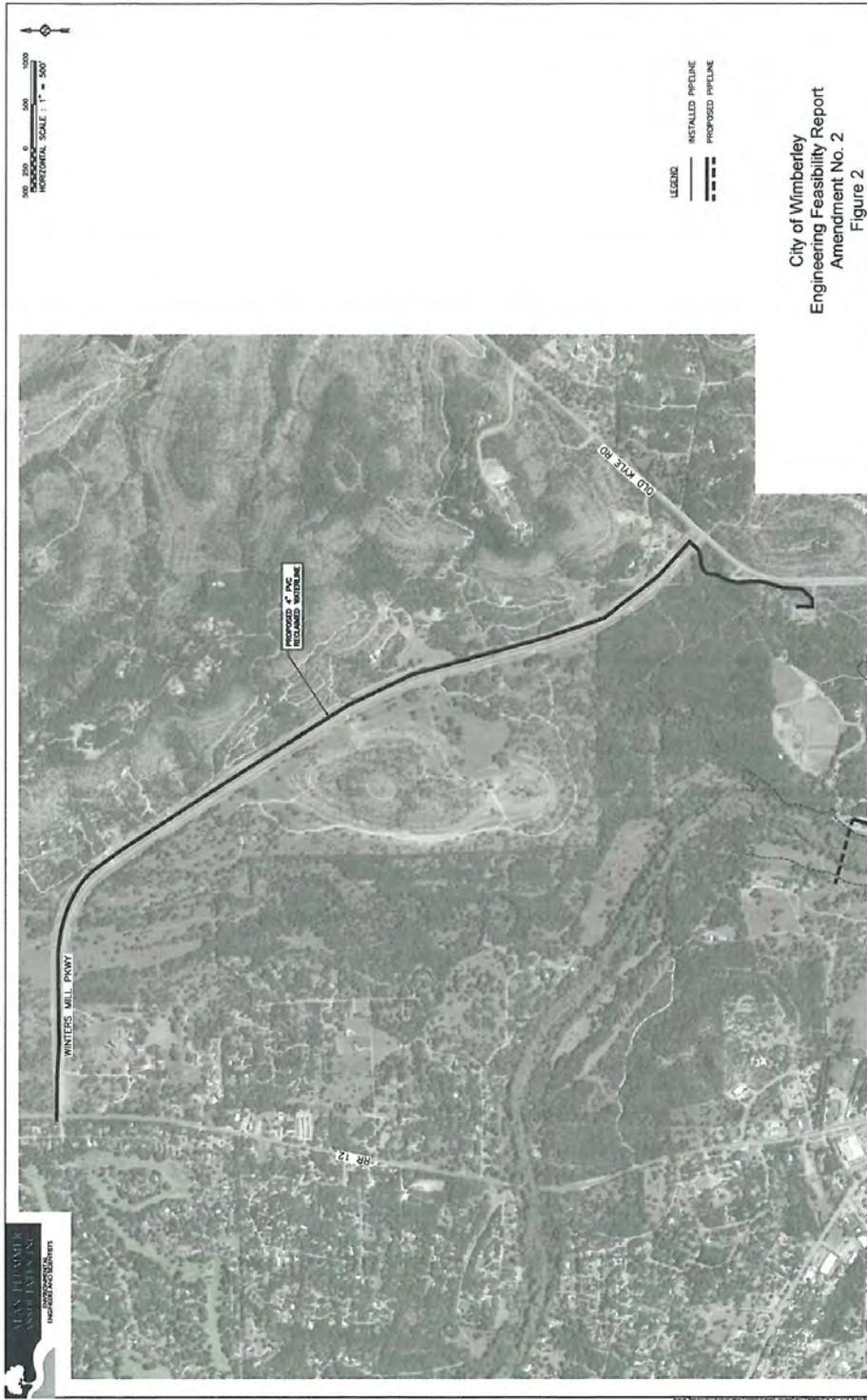
If you have any questions regarding this project, please contact me at 512-452-5905. Your timely review and response is appreciated.

Sincerely,
Alan Plummer Associates, Inc.



Stephen J. Coonan, P.E.
Principal

Enclosures



City of Wimberley
 Engineering Feasibility Report
 Amendment No. 2
 Figure 2

July 16, 2014

Mr. Jason Voight

Alan Plummer Associates, Inc.

1320 S. University Drive, Suite 300

Fort Worth, Texas 76107

RE: City of Wimberley's Proposed Wastewater Treatment and Collection System Project –
Floodplain Review

Dear Mr. Voight,

Based on the information provided, the City of Wimberley concurs that the proposed project will not result in a rise of the 100-year floodplains associated with Deer Creek, Cypress Creek, or the Blanco River. The City of Wimberley is in support of the project.

Should you have any further questions, please feel free to contact me at your convenience.

Sincerely,

Don Ferguson

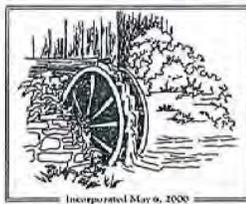
Floodplain Administrator

Public Hearing Conformance Statement

The City of Wimberley, on Friday, February 15, 2019, provided the TWDB the following letter stating that the Public Hearing, held on January 8, 2019, was conducted pursuant to the Clean Water State Revolving Funds Tier III guidance. The enclosures listed were uploaded to the link below and provided to the TWDB.

Link: https://www.dropbox.com/sh/jqlwtolyt2kbs64/AAUm9zg_YkimBLSTwPAKVYka?dl=0

City of Wimberley – Floodplain Administrator



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

Susan Jagers, Mayor Gary Barchfeld, Mayor Pro-tem
Council Members – Mike McCullough Craig Fore Allison Davis Patricia Cantu Kelly

February 15, 2019

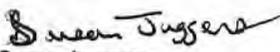
Texas Water Development Board
Attn: Kristin M. Miller, P.G. - Environmental Reviewer
1700 N. Congress Avenue
Austin, Texas 78701

Re: City of Wimberley Public Hearing Conformance Letter

Ms. Miller,

Pursuant to Clean Water State Revolving Funds Tier III guidance, a public hearing for the proposed changes to the Central Wimberley Wastewater Project was held on January 8, 2019 at the Wimberley Community Center. A copy of the presentation, attendee list, written comments and a verbatim transcript of the proceedings have been provided to the Texas Water Development Board and a copy of each is enclosed with this letter.

Sincerely,

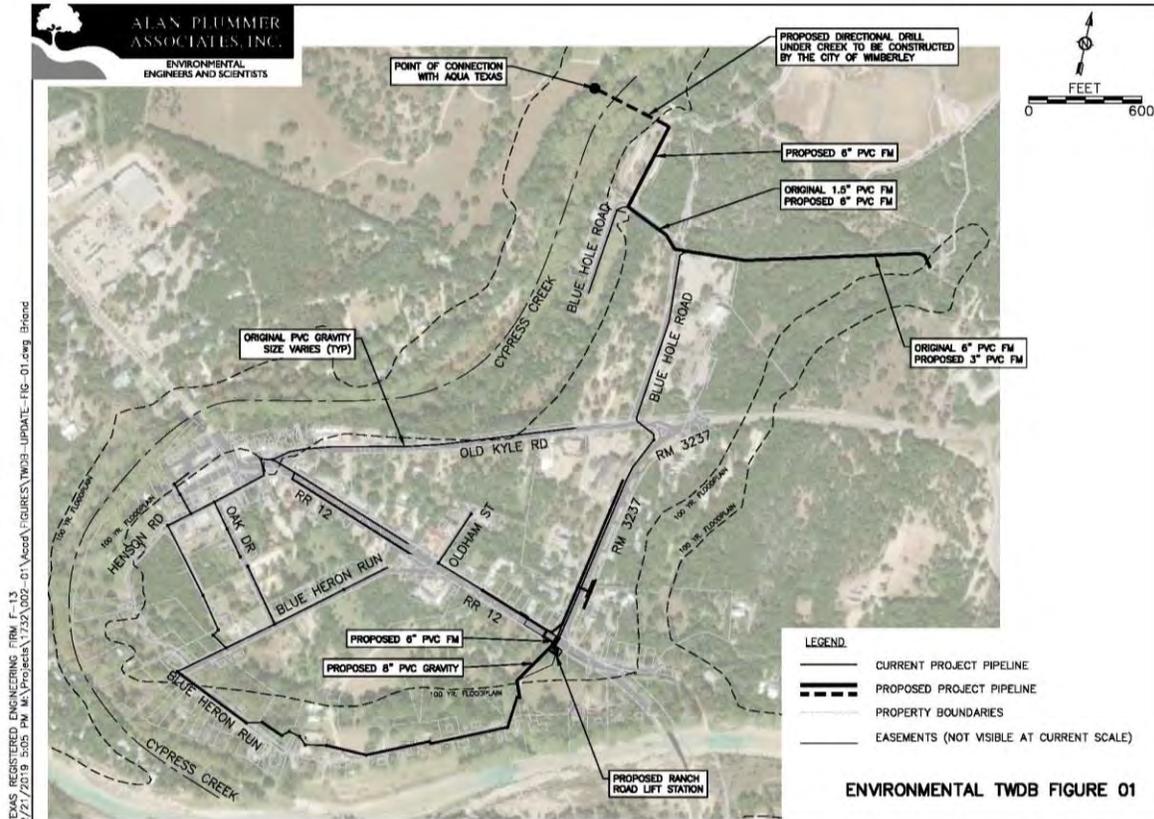

Susan Jagers
Mayor

Enclosures:

Public Hearing Presentation
Attendee List
Written Comments
Public Hearing Transcript

Creek Crossing Alignments

The two (2) figures below are provided to show an aerial view of where the City intends to utilize directional horizontal drilling to cross under Cypress Creek. A KMZ file with the alignments will be sent in addition to these responses.





Coordination Responses

The City received the following in response to its letter regarding the “City of Wimberley Wastewater Collection and Treatment System Notice of Revision on Previously Approved Project”.

Texas Parks and Wildlife (TPWD)



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Commissioners

Ralph H. Duggins
Chairman
Fort Worth

S. Reed Morian
Vice-Chairman
Houston

Arch "Beaver" Aplin, III
Lake Jackson

Oliver J. Bell
Cleveland

Anna B. Galo
Laredo

Jeanne W. Latimer
San Antonio

James H. Lee
Houston

Dick Scott
Wimberley

Kelcy L. Warren
Dallas

Lee M. Bass
Chairman-Emeritus
Fort Worth

T. Dan Friedkin
Chairman-Emeritus
Houston

Carter P. Smith
Executive Director

January 22, 2019

Mr. Stephen J. Coonan, P.E.
Principal
Alan Plummer Associates, Inc.
6300 La Calma, Suite 400
Austin, TX 78758

RE: City of Wimberley Wastewater Collection and Treatment System – Notice of Revision to Previously Approved Project, Wimberley, Hays County, Texas

Dear Mr. Coonan:

Texas Parks and Wildlife Department (TPWD) received the coordination request for the above-referenced project located in Hays County. TPWD would like to offer the following information, comments, and recommendations to minimize impacts to fish and wildlife resources.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife (TPW) Code section 12.0011. For tracking purposes, please refer to TPWD project number 41131 in any return correspondence regarding this project.

Project Description

Project History

The City of Wimberley (City) previously received approval from the Texas Water Development Board (TWDB) Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. As part of the review process for the loan, an Environmental Information Document was developed and made available for public review as well as for coordination with agencies.

The TWDB issued a Finding of No Significant Impact for the project on August 6, 2014. The City has determined that it is in its best interest to make modifications to the project. Specifically, the City has decided to cancel the construction of its own wastewater treatment plant and to send the wastewater to Aqua Texas, a neighboring utility, for treatment. This change will require a redirection of the previously proposed force main. The new alignment for the force main will carry flow under Cypress Creek to the Aqua Texas system. The pipe will be installed under Cypress Creek using the hydraulic directional drilling (HDD) method, which will limit surface disruption to the entry and exit pits. In addition, the City intends to construct a reclaimed water line at some point in the future to bring

Mr. Stephen J. Coonan, P.E.
Page 2 of 14
January 22, 2019

treated effluent back to the Blue Hole Park for irrigation. The construction of the reclaimed line will be dependent on additional funds being dedicated at some point in the future and is not needed to provide the desired wastewater management services to the Central Wimberley area (the reclaimed pipeline is not included in this project review, as it is not being proposed at this time).

Project as Currently Proposed

The City of Wimberley proposes to construct a wastewater collection system to serve central Wimberley. The project includes the installation of approximately 11,000 linear feet of gravity sewer lines, one lift station, and approximately 5,000 linear feet of force main. The wastewater will be conveyed via the force main under Cypress Creek and connect to the collection system of a neighboring utility owned and operated by Aqua Texas. The wastewater will be treated at an existing wastewater treatment plant owned and operated by Aqua Texas. The plant has the capacity to treat this additional waste without needing to be expanded. The plant is a no-discharge facility that sprays treated effluent on a golf course. As a requirement of the contract with the City of Wimberley, Aqua Texas will upgrade its treatment facility to provide Type I reclaimed water that will be available to the City in the future. The majority of the improvements will be constructed in public rights-of-way. The City has obtained several easements for this project for the installation of pipelines and the construction of the lift station where private property had to be crossed. Construction will partially take place within the limits of the Blue Hole Regional Park which is owned by the City of Wimberley.

Previous Coordination

TPWD provided information and recommendations regarding the proposed project to Alan Plummer Associates, Inc. on May 12, 2014. This response was included with the revised project coordination request that was sent to the TPWD Habitat Assessment Program on November 29, 2018.

Recommendation: Please review previous TPWD correspondence and consider the recommendations provided, as they remain applicable to the project as proposed.

General Construction Recommendations

The coordination request did not include any information regarding pre-construction, construction, or post-construction best management practices (BMPs); therefore, TPWD would like to provide the following general construction recommendations to assist in project planning.

Recommendation: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling.

Recommendation: For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.

Managed Areas

As previously mentioned, part of the proposed project is located within Blue Hole Regional Park. Blue Hole Regional Park has received federal and state funds from TPWD's Local Park Grants program on two separate occasions as listed below:

- Federal (Land and Water Conservation Fund [LWCF]) funding of \$1,908,500 in Fiscal Year 2005;
- State funding of \$500,000 in Fiscal Year 2009.

Chapter 26 of the Texas Parks and Wildlife Code provides that a department, agency, political subdivision, county, or municipality of this state may not approve any program or project that requires the use or taking of public lands unless it

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holds a public hearing and determines that there is “no feasible and prudent alternative to the use or taking of such land,” and the project “includes all reasonable planning to minimize harm to the land...resulting from the use or taking.”

In addition to the Chapter 26 requirements discussed above because TPWD Local Park Grant funds were used for Blue Hole Regional Park, coordination with the Grants-In-Aid Branch of TPWD and local park administrators is necessary to prevent conversion of grant assisted lands to other than public outdoor recreation use as prohibited by Section 6(f) of the LWCF Act.

Recommendation: TPWD recommends coordinating with the Grants-In-Aid Branch of TPWD for this project. This coordination is recommended to prevent a conversion of grant-assisted lands to other than public outdoor recreation use as prohibited the LWCF Act or identify substitution properties of reasonably equivalent usefulness and location. An LWCF Act evaluation may be required.

Impacts to Vegetation/Wildlife Habitat

There were no details provided on existing vegetation, vegetation removal, or revegetation; therefore, TPWD has provided the following recommendation to assist in project planning.

Recommendation: TPWD recommends reducing the amount of vegetation proposed for clearing if at all possible and minimizing clearing of native vegetation, particularly mature native trees, riparian vegetation, and shrubs to the greatest extent practicable. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practicable. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing the existing native plants to revegetate the disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

Landscaping for Monarch Butterflies

Significant declines in the population of migrating monarch butterflies (*Danaus plexippus*) have led to widespread concern about this species and the long-term persistence of the North American monarch migration. As part of an international conservation effort TPWD has developed the *Texas Monarch and Native*

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Pollinator Conservation Plan, and one of the broad categories of action in this plan is to augment larval feeding and adult nectaring opportunities.

Recommendation: TPWD recommends incorporating pollinator conservation and management into the landscaping and maintenance plan for this project, such as promoting growth of native flowering species throughout the growing season and conducting mowing and herbicide activities to minimize loss to floral resources. TPWD recommends revegetation efforts include planting or seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website.

Edwards Aquifer

The proposed project is located within the Edwards Aquifer Contributing Zone. The Contributing Zone occurs on the Edwards Plateau, also called the Texas Hill Country. It is about 5,400 square miles, and elevations range between 1,000 and 2,300 feet above sea level. The rugged, rolling topography is covered with thick woodlands of oak and cedar. The Edwards Plateau is home to several endangered species and is itself the subject of increasing environmental concerns. The contributing zone is also called the drainage area or the catchment area. Here the land surface "catches" water from rainfall that averages about 30 inches per year, and water runs off into streams or infiltrates into the water table aquifer of the plateau. Runoff from the land surface and water table springs then both feed streams that flow over relatively impermeable limestones until they reach the recharge zone.

Recommendation: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching sensitive features on and off the project site by utilizing stormwater control BMPs. TPWD recommends installing erosion and sediment control BMPs that would aide in construction stabilization. Erosion and sediment control measures include temporary or permanent seeding (with native plants), mulching, earth dikes, silt fences, sediment traps, and sediment basins. Examples of post-construction BMPs include vegetation systems (biofilters) such as grass filter strips and vegetated swales as well as retention basins capable of treating any additional runoff that may occur from the construction of the proposed project. Please refer to the *General Construction Recommendations* section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

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Water Resources

As previously mentioned, the project as currently proposed includes the construction of a new force main which will carry flow under Cypress Creek to the Aqua Texas system. The new alignment for the pipe will be installed under Cypress Creek using HDD. HDD projects, while minimizing impacts to stream beds, can still have the following impacts: geotechnical work in the stream bed, water uptake and discharge during HDD installation, and the potential for the release of drilling fluid (frac-out).

Recommendation: TPWD recommends locating water intake and/or discharge points in areas that minimize impacts to species that are dependent on water quality and quantity upstream and downstream. TPWD also recommends measures be taken to minimize sedimentation impacts from the water uptake and geotechnical borings, such as installation of silt fences. A qualified biologist should determine the presence/absence of protected aquatic species at the proposed boring and water uptake locations and any other areas that would be impacted prior to work being conducted.

The potential exists for a frac-out to occur during the HDD crossings. A frac-out occurs when drilling fluid is inadvertently released from the drill hole to the surface of the soil or streambed. Drilling fluid is primarily water with bentonite clay added. Bentonite is a non-toxic fine clay material that enhances the lubricating, spoil transport, and caking properties of the drilling fluid. The primary areas of concern for inadvertent releases occur at the entrance and exit points where the drilling equipment is at shallower depths. The likelihood of inadvertent return decreases as the depth of the pipe increases.

Recommendation: To reduce the potential of a frac-out affecting the streambed, TPWD recommends the entrance and exit points for drilling be located at least 500 feet from the streambed. TPWD also recommends that a frac-out spill containment plan and HDD contingency plan be prepared prior to initiating work. Due to the environmentally sensitive nature of the project area, TPWD also recommends installing secondary containment around the pipeline to ensure protection of the Edwards Aquifer as well as any rare or protected species that may inhabit Cypress Creek.

Ecologically Significant Stream Segment

The proposed project will cross Cypress Creek (via HDD) and will be located in close proximity to the Blanco River as well. Cypress Creek and the Blanco River have been designated as Ecologically Significant Stream Segments (ESSSs). TPWD has identified ESSSs throughout the state to assist regional water planning

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groups in identifying ecologically unique stream segments under Texas Administrative Code (TAC) Title 31 357.43 and 358.2. Until approved by the legislature, this is not a legal designation. The stream segments are identified through extensive review by TPWD staff and are determined to be ecologically important due to one or more of the following criteria: biological function; hydrologic function; riparian conservation areas; high water quality/exceptional aquatic life/high aesthetic value; or threatened or endangered species/unique communities. Additional information on ESSs may be found on TPWD's website.

Recommendation: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching water features located within the project area by utilizing stormwater control BMPs. Examples of different types of erosion and sediment control measures can be found in the *Edwards Aquifer* section of this letter. Please also refer to the *General Construction Recommendations* section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

Federal Laws

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Recommendation: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. TPWD recommends that a minimum 150-foot buffer of vegetation remain around any nests that are observed prior to disturbance. Any vegetation (such as trees, shrubs, and grasses) or other open areas where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

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Endangered Species Act

Federally-listed animal species and their habitats are protected from “take” on any property by the Endangered Species Act (ESA). Take of a federally-listed species can be allowed if it is “incidental” to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Golden-cheeked warbler (*Setophaga chrysoparia*)

There may be suitable habitat for the federally- and state-listed endangered golden-cheeked warbler within the project area. This species nests only in Central Texas in mixed Ashe juniper and oak woodlands. Golden-cheeked warblers eat insects and spiders found on the leaves and bark of oaks and other trees and use long strips of Ashe juniper bark and spider webs to build their nests. They come to Texas in March to nest and raise their young, and leave in July to spend the winter in Mexico and Central America. There are two Texas Natural Diversity Database (TXNDD) records for the golden-cheeked warbler located within 0.5 mile of the project area. Two online citizen science databases (iNaturalist and eBird) also include observations for the golden-cheeked warbler within Blue Hole Regional Park, including observations along Cypress Creek in the general vicinity of the proposed force main (with observations recorded as recently as June 2018). TPWD notes that a predictive habitat model for the golden-cheeked warbler (Diamond 2007) also indicates that suitable habitat for this species is likely to be present in the project area (Figure 1).



Figure 1. Potentially suitable golden-cheeked warbler habitat in the vicinity of the proposed project area, Hays County, Texas.

Recommendation: Prior to any vegetation clearing, TPWD recommends surveying for suitable golden-cheeked warbler habitat within the project area according to USFWS guidelines, particularly within 300 feet of the project site. Even if habitat for this species would not be directly impacted by vegetation removal, if nesting pairs are present in the surrounding vegetation they could be disrupted by noise and activity during construction. Because the definition of take in the ESA includes harming or harassing a listed species, this disturbance could constitute a violation of the ESA. If suitable habitat for this species is present within the project area, TPWD recommends assuming presence for the species and conducting project activities outside of the breeding and nesting season in any area where suitable habitat may occur **(with the appropriate authorization from the USFWS)**. TPWD recommends contacting the USFWS for species occurrence data, guidance, permitting, survey protocols, and mitigation for this federally-listed species, if coordination has not been initiated to date.

State Laws

Parks and Wildlife Code – Chapter 64, Birds

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TPW Code section 64.002, regarding the protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. TPW Code chapter 64 does not allow for incidental take and therefore is more restrictive than the MBTA.

Recommendation: Please review the *Migratory Bird Treaty Act* section above for recommendations as they are also applicable for chapter 64 of the Parks and Wildlife Code compliance.

Parks and Wildlife Code, Section 68.015, State-listed Species

Section 68.015 of the TPW Code regulates state-listed species. Please note that there is no provision for the capture, trap, take, or kill (incidental or otherwise) of state-listed species. The *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the Wildlife Habitat Assessment Program website. State-listed species may only be handled by persons with authorization obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

Cagle's map turtle (*Graptemys caglei*)

There is one TXNDD record for the state-listed threatened Cagle's map turtle located just outside of the project area within the Blanco River. There may be suitable habitat for this species within Cypress Creek. Cagle's map turtle is endemic and found within the Guadalupe River System. This species inhabits shallow water with swift to moderate flow and gravel or cobble bottom as well as areas connected by deeper pools with a slower flow rate and a silt or mud bottom. Gravel bar riffles and transition areas between riffles and pools are especially important in providing insect prey items. Cagle's map turtle nests on gently sloping sand banks within approximately 30 feet of the water's edge.

Recommendation: TPWD recommends entrance and exit points for HDD under Cypress Creek be located at least 500 feet from the streambed to avoid any potential disturbance of nesting Cagle's map turtles. All waterways and associated floodplains, riparian corridors, and wetlands provide valuable wildlife habitat and should be protected to the maximum extent possible. Natural buffers contiguous to any wetlands or aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks, and equipment staging areas should be located in previously disturbed areas outside of riparian corridors. Destruction

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of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources.

Recommendation: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching water features located within the project area by utilizing stormwater control BMPs. Examples of different types of erosion and sediment control measures can be found in the *Edwards Aquifer* section of this letter. Please also refer to the *General Construction Recommendations* section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

Rare Species

In addition to state and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as state or federally threatened or endangered. These species and communities are tracked in the TXNDD, and TPWD actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list as threatened or endangered in the future.

Blanco River springs salamander (*Eurycea pterophila*)

There is one TXNDD record for the Blanco River springs salamander located just outside of the project area approximately 0.20 mile from Cypress Creek. The Blanco River springs salamander is a subaquatic species that inhabits springs and caves within the Blanco River drainage.

Recommendation: TPWD recommends taking measures to avoid impacts to aquatic and riparian habitats, which would minimize impacts to aquatic species such as the Blanco River Springs salamander. Impacts to springs should also be avoided.

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Guadalupe bass (*Micropterus treculii*)

There is one TXNDD record for the Guadalupe bass located just outside of the project area within the Blanco River. The Guadalupe bass is endemic to perennial streams of the Edward's Plateau region and has been introduced in Nueces River system.

Texas shiner (*Notropis amabilis*)

There is one TXNDD record for the Texas shiner located just outside of the project area within the Blanco River. The Texas shiner can be found from the Rio Grande to Colorado River drainages and ranges primarily within Edwards Plateau streams including portions of the San Gabriel River on the northeast and to the Pecos River in the west.

Recommendation: Please see the recommendations in this letter for the Cagle's map turtle as those recommendations are applicable to the Guadalupe bass and the Texas shiner. TPWD also recommends avoiding construction during the spawning period of the Guadalupe bass and the Texas shiner if feasible. Avoiding construction during a species' spawning period may reduce the potential for adverse impacts to water quality and the habitat of these species.

Texas barberry (*Berberis swaseyi*)

There is one TXNDD record for Texas barberry located within the project area. This species is found in hallow calcareous stony clay of upland grasslands/shrublands over limestone as well as in loamier soils in openly wooded canyons and on creek terraces. Texas barberry is perennial and flowers/fruits March through June.

Recommendation: TPWD recommends surveying the project area for Texas barberry where suitable habitat may be present, prior to construction. The survey should be performed by a qualified biologist at the time of year when this species is most likely to be found, usually during the flowering period. If this species is present, plans should be made to avoid adverse impacts to the greatest extent possible. If plants are found in the path of construction, including the placement of staging areas and other project related sites, this office should be contacted for further coordination and possible salvage of plants and/or seeds for seed banking. Plants not in the direct path of construction should be protected by markers or fencing and by instructing construction crews to avoid any harm.

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Recommendation: Please review the TPWD county list for Hays County, as rare and protected species in addition to those discussed in this letter could be present depending upon habitat availability. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting all wildlife.

Texas Natural Diversity Database

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for field surveys. The TXNDD is updated continuously based on new, updated and undigitized records; therefore, TPWD recommends requesting the most recent TXNDD data on a regular basis. For questions regarding a record or to request the most recent data, please contact TexasNatural.DiversityDatabase@tpwd.texas.gov.

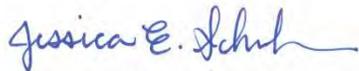
Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting all encounters of rare, state-listed, and federally-listed species to the TXNDD according to the data submittal instructions found on the TXNDD website.

TPWD strives to respond to requests for project review within a 45 day comment period. Responses may be delayed due to workload and lack of staff. Failure to meet the 45 day review timeframe does not constitute a concurrence from TPWD that the proposed project will not adversely impact fish and wildlife resources.

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TPWD advises review and implementation of these recommendations. If you have any questions, please contact me by phone at (512) 389-8054 or by email at Jessica.Schmerler@tpwd.texas.gov.

Sincerely,



Jessica E. Schmerler
Wildlife Habitat Assessment Program

JES;jn.41131

Reference

Diamond, et al. 2007. *Range-wide Modeling of Golden-cheeked Warbler Habitat*. Section 6 Project E-72-R, Final Report, Texas Parks and Wildlife Department, Austin, Texas

From: [Svarth, Cynthia](#)
To: [Jessica E. Schmerler](#)
Cc: [Shawn Cox](#); [Mayor, Coonan, Steve](#); [Place4](#); [Place1](#)
Subject: City of Wimberley Comment Responses
Date: Thursday, February 21, 2019 5:20:36 PM

TPWD PROJECT NUMBER 41131

Jessica,

This email serves as a written response to the City of Wimberley Wastewater Collection and Treatment System – Notice of Revision to Previously Approved Project comments dated January 22, 2019.

If the TPWD agrees to the responses provided herein, please provide a reply acknowledging concurrence.

Should you have any questions or comments, please feel free to give me a call.

Recommendation 1: Please review previous TPWD correspondence and consider the recommendations provided, as they remain applicable to the project as proposed.

Response to Rec. 1: The City of Wimberley will abide by the previous TPWD comment responses issued June 13, 2014 and found to be in concurrence by the TPWD June 17, 2018.

Recommendation 2: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling.

Response to Rec. 2: The City of Wimberley will convey to the contractor the need to install and inspect sediment control fencing as described above. In addition, the fencing shall be included in the contractor's stormwater pollution prevention plan (SWPPP), and appropriate stormwater best management practices will be employed to minimize sediment migration downstream of the construction area.

Recommendation 3: For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazards to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding due to a

reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of mesh openings. Plastic mesh matting should be avoided.

Response to Rec. 3: The City of Wimberley will convey to the contractor that they shall not use erosion control blankets or mats. If erosion control blankets or mats are required, the product(s) will not contain netting or loosely woven, natural fiber netting that allows for the expansion of mesh openings, or plastic mesh matting.

Recommendation 4: TPWD recommends coordinating with the Grants-In-Aid Branch of TPWD for this project. This coordination is recommended to prevent a conversion of grant-assisted lands to other than public outdoor recreation use as prohibited the LWCF Act or identify substitution properties of reasonably equivalent usefulness and location. An LWCF Act evaluation may be required.

Response to Rec. 4: The project modification does not propose any conversion of grant-assisted lands to other than public outdoor recreation use. A valve box will be the only surface feature after construction of the wastewater line is complete.

Recommendation 5: TPWD recommends reducing the amount of vegetation proposed for clearing if at all possible and minimizing clearing of native vegetation, particularly mature native trees, riparian vegetation, and shrubs to the greatest extent practicable. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practical. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing the existing native plants to revegetate the disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

Response to Rec. 5: The City of Wimberley will limit clearing of vegetation to the minimum width necessary to safely construct the project. The City of Wimberley will utilize a native grass and wildflower seed mixture from the Lady Bird Johnson Wildflower Center Native Plant Database adapted to the Texas Hill Country for surface restoration of areas impacted by construction with in-kind on-site replacement/restoration of the native vegetation wherever practical. Vegetation management shall include removal of invasive species.

Recommendation 6: TPWD recommends incorporation pollinator conservation and management and the landscaping and maintenance plan for this project, such as promoting growth of native flowering species throughout the growing season and conducting mowing and herbicide activities to minimize loss of floral resources. TPWD recommends revegetation efforts include planting seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website.

Response to Rec. 6: The City of Wimberley will use native wildflowers in the revegetation mixture to promote growth of native flowering species and conduct mowing and herbicide activities to minimize loss of floral resources.

Recommendation 7: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching sensitive features on and off the project site by utilizing stormwater control BMPs. TPWD recommends installing

erosion and sediment control BMPs that would aide in construction stabilization. Erosion and sediment control measures include temporary or permanent seeding (with native plants), mulching, earth dikes, silt fences, sediment traps, and sediment basins. Examples of post-construction BMPs include vegetation systems (biofilter) such as grass filter strips and vegetated swales as well as retention basins capable of treating any additional runoff that may occur from the construction of the proposed project. Please refer to the *General Construction Recommendations* section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

Response to Rec. 7: The recommendations above will be included in the contractor's SWPPP, and appropriate best management practices will be employed to minimize sediment migration downstream of the construction area.

Recommendation 8: TPWD recommends locating water intake and/or discharge points in areas that minimize impacts to species that are dependent on water quality and quantity upstream and downstream. TPWD also recommends measures be taken to minimize sedimentation impacts from water uptake and geotechnical borings, such as installation of silt fences. A qualified biologist should determine the presence/absence of protected aquatic species at the proposed boring and water uptake locations and any other areas that would be impacted prior to work being conducted.

Response to Rec. 8: Appropriate stormwater best management practices will be employed to minimize sediment migration downstream of the construction area and will be included in the contractor's SWPPP. In addition, the contractor shall bio monitor the presence/absence of protected aquatic species with a qualified biologist.

Recommendation 9: To reduce the potential of a frac-out affecting the streambed, TPWD recommends the entrance and exit points for drilling be located at least 500 feet from the streambed. TPWD also recommends that a frac-out spill containment plan and HDD contingency plan be prepared prior to initiating work. Due to the environmentally sensitive nature of the project area, TPWD also recommends installing secondary containment around the pipeline to ensure protection of the Edwards Aquifer as well as any rare or protected species that may inhabit Cypress Creek.

Response to Rec. 9: Locating drilling entrance/exit points 500 feet from the streambed is not practicable due to the limited size of the creek and locations of existing improvements. Construction across the creek will be to a safe distance from the streambed in order to minimize erosion and disturbance of existing vegetation. The City of Wimberley shall prepare a frac-out spill containment plan and HDD contingency plan prior to initiating work. The pipe used for the directional drill will be welded HDPE, which does not have any joints where leaks could occur protecting the Edwards Aquifer and creek inhabitants.

Recommendation 10: TPWD recommends ensuring that precipitation runoff, which could potentially carry pollutants, is intercepted and treated before reaching water features located within the project area by utilizing stormwater control BMPs. Examples of different types of erosion and sediment control measures can be found in the *Edwards Aquifer* section of this letter. Please also refer to the *General Construction Recommendation* section of this letter for erosion and seed/mulch stabilization materials TPWD recommends utilizing and avoiding.

Response to Rec. 10: Appropriate best management practices will be employed to intercept and treat precipitation runoff will be included in the contractor's SWPPP.

Recommendation 11: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. TPWD recommends that a minimum 150-foot buffer of vegetation remain around any nests that are observed prior to disturbance. Any vegetation (such as trees, shrubs, and grasses) or other open areas where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

Response to Rec. 11: The City of Wimberley will make every effort to convey to the contractor the need to perform vegetation clearing activities during the months of October through February. However, dictating schedules to a contractor can result in significantly higher construction costs. Should clearing need to be performed between the months of March through September, the City of Wimberley agrees to perform a migratory bird survey for species, their nests or young. The City also agrees that should a migratory bird species, their nest, or young be observed, the occupied area would be buffered by a minimum of 150 feet and avoided until the eggs have hatched and the young have fledged.

Recommendation 12: Prior to any vegetation clearing, TPWD recommends surveying for suitable golden-cheeked warbler habitat within the project area according to USFWS guidelines, particularly within 300 feet of the project site. Even if habitat for this species would not be directly impacted by vegetation removal, if nesting pairs are present in the surrounding vegetation they could be disrupted by noise and activity during construction. Because definition of take in the ESA includes harming or harassing a listed species, this disturbance could constitute a violation of the ESA. If suitable habitat for this species is present within the project area, TPWD recommends assuming presence for the species and conducting project activities outside of the breeding and nesting season in any area where suitable habitat may occur (with the appropriate authorization from the USFWS). TPWD recommends contacting the USFWS for species occurrence data, guidance, permitting, survey protocols, and mitigation for this federally-listed species, if coordination has not been initiated to date.

Response to Rec. 12: The City of Wimberley agrees to hire a subconsultant to perform a golden-cheeked warbler habitat within 300 feet of the project site. The City also agrees that should a golden-cheeked warbler species, their nest, or young be observed, the habitat area shall be buffered by a minimum of 300 feet and avoided during the months of March through September with appropriate authorization from the USFWS.

Recommendation 13: Please review the *Migratory Bird Treaty Act* section above for recommendations as they are also applicable for chapter 64 of the Parks and Wildlife Code compliance.

Response to Rec. 13: The City of Wimberley will instruct the contractor not to catch, kill, injure, pursue, or possess a nongame bird. In addition, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl in compliance with the *Migratory Bird Treaty Act*.

Recommendation 14: TPWD recommends entrance and exit points for HDD under Cypress Creek be located at least 500 feet from the streambed to avoid any potential disturbance of nesting Cagle's map turtles. All waterways and associated floodplains, riparian corridors, and wetlands provide valuable wildlife habitat and should be protected to the maximum

extent possible. Natural buffers contiguous to any wetland or aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks, and equipment staging areas should be located in previously disturbed areas outside of riparian corridors. Deconstruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources.

Response to Rec. 14: Locating drilling entrance/exit points 500 feet from the streambed is not practicable due to the limited size of the creek and locations of existing improvements. Construction across the creek will be a safe distance from the streambed in order to minimize any potential disturbance of nesting Cagle's map turtles and to avoid natural buffers contiguous to any wetland or aquatic systems. During construction, trucks and equipment shall use existing bridge or culvert structures to cross creeks, and equipment staging areas shall be located in previously disturbed areas outside of riparian corridors. Deconstruction of inert microhabitats in waterways such as snags, brush, piles, fallen logs, creek banks, pools, and gravel stream bottoms shall be avoided.

Recommendation 15: See Recommendation 10.

Response to Rec. 15: See Response to Rec. 10.

Recommendation 16: TPWD recommends taking measures to avoid impacts to aquatic and riparian habitats, which should minimize impacts to aquatic species such as the Blanco River springs salamander. Impacts to springs should also be avoided.

Response to Rec. 16: Contractor shall avoid impacts to aquatic and riparian habitats and springs.

Recommendation 17: Please see the recommendations in this letter for Cagle's map turtle as those recommendations are applicable to the Guadalupe bass and the Texas shiner. TPWD also recommends avoiding construction during the spawning period of the Guadalupe bass and the Texas shiner if feasible. Avoiding construction during a species' spawning period may reduce the potential for adverse impacts to water quality and the habitat of these species.

Response to Rec. 17: Contractor shall avoid construction activities beginning March through June in order to avoid the spawning period of the Guadalupe bass and the Texas shiner if feasible.

Recommendation 18: TPWD recommends surveying the project area for Texas barberry where suitable habitat maybe present, prior to construction. The survey should be performed by a qualified biologist at the time of year when this species is most likely to be found, usually during the flowering period. If this species is present, plans should be made to avoid adverse impacts to the greatest extent possible. If plants are found in the path of construction, including the placement of staging areas and other project relates sites, this office should be contacted for further coordination and possible salvage plants and/or seeds for seed banking. Plants not in the direct path of construction should be protected by markers or fencing and by instructing construction crews to avoid any harm.

Response to Rec. 18: The City of Wimberley shall have a qualified biologist survey the project site for Texas barberry between February and April. If this species is found in the path of construction, the City shall notify the TPWD for further coordination. If this species

is found and an area not in the direct path of construction, the contractor shall protect the species by markers or fencing and by instructing construction crews to avoid any harm.

Recommendation 19: Please review the TPWD county list for Hays County, as rare and protected species in addition to those discussed in this letter could be present depending upon habitat availability. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species. Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting all wildlife.

Response to Rec. 19: The City of Wimberley or their appointed representative will review the current state and federal listing for threatened, endangered, candidate, or rare species immediately prior to construction commencement and provide an opinion on potential impacts to these species from construction activities. Should any questions or concerns arise, the City will contact either TPWD Wildlife Division staff or USFWS staff for guidance.

Recommendation 20: To aid in the scientific knowledge of a species; status and current range, TPWD encourages reporting all encounters of rare, state-listed, and federally-listed species to the TXNDD according to the data submittal instructions found on the TXNDD website.

Response to Rec. 20: The City of Wimberley or their appointed representative will report any encounters of rare, state-listed, or federally-listed species to the TXNDD.

Sincerely,



Cynthia Amoles Syvarth, PE
Project Engineer

Alan Plummer Associates, Inc.
6300 La Calma Drive, Suite 400
Austin, Texas 78752

512-687-2185 Direct | 512-452-5905 Main
csyvarth@apainv.com

Shawn Cox

From: Coonan, Steve <scoonan@apaienv.com>
Sent: Monday, December 3, 2018 12:58 PM
To: Shawn Cox; Mayor
Subject: FW: Project Review: 201901723

We got the following response from the State Historical Commission today.



Stephen J. Coonan, P.E. (TX No. 65516)
Principal
Alan Plummer Associates, Inc.
6300 La Calma, Suite 400, Austin, TX 78752
512-452-5905

From: Voight, Jason <jvoight@apaienv.com>
Sent: Monday, December 3, 2018 12:47 PM
To: Coonan, Steve <scoonan@apaienv.com>
Subject: Fwd: Project Review: 201901723

Here's their response-just arrived.

Begin forwarded message:

From: <noreply@thc.state.tx.us>
Date: December 3, 2018 at 12:34:39 PM CST
To: <JVOIGHT@APAIENV.COM>, <reviews@thc.state.tx.us>, <james.e.barrera@usace.army.mil>
Subject: Project Review: 201901723



TEXAS HISTORICAL COMMISSION
real places telling real stories

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
201901723
City of Wimberley
Cypress Creek
Wimberley, TX 78676

Dear Jason Voight:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff led by Tiffany Osburn and Caitlin Brashear has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: tiffany.osburn@thc.texas.gov, caitlin.brashear@thc.texas.gov.

Sincerely,



For Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

cc: james.e.barrera@usace.army.mil



City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

December 5, 2018

Alan Plummer Associates, Inc.
Attn: Stephen Coonan, P.E.
6300 La Calma, Ste. 400
Austin, TX 78758

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Revision to Previously Approved Project

Mr. Coonan:

Based on the information provided, the City of Wimberley agrees that the proposed revised scope of the project will not result in a rise of the 100-year floodplain associated with Cypress Creek. However, we will require that any disturbance made in the 100-year floodplain be taken back to the original grade.

Items of concern are details of construction such as how deep will the line be under Cypress Creek and what will the material and thickness of the pipe be so that leaks are prevented? Will the pipe be sleeved with a protective pipe around it?

Thank you,

A handwritten signature in blue ink that reads "Sandra I. Floyd".

Sandra I. Floyd
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
sfloyd@cityofwimberley.com



Alternatives Analysis

Alternatives Considered, Including No-Action Alternative

In 2013, the City commissioned Alan Plummer Associates, Inc. to perform a “City of Wimberley Wastewater Collection and Treatment System Feasibility Study”. This study formed the basis for the City moving forward on a new sewer system for Wimberley and the selected plan for which the City sought and obtained TWDB financial assistance. This study included an analysis of various alternatives that were considered. In 2014 Alan Plummer Associates prepared the Environmental Information Document that references the results of that study. The following excerpt from the EID summarizes the need for the project:

I.A Purpose and Need for the Proposed Project

The purpose of the proposed project is to decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley. Secondary benefits from the project include a source of irrigation water for current and future Blue Hole Regional Park amenities and potentially commercial areas in downtown Wimberley, as well as the reduction of wastewater pumping and trucking operations for businesses and public facilities located within the Wimberley area.

The Feasibility Study analyzed 11 alternatives. The following excerpt from the 2014 EID summarizes the options that were considered.

III ALTERNATIVES TO THE PROPOSED ACTION

III.A Alternative Solutions to the Water Supply Problems

The City of Wimberley Wastewater Collection and Treatment System Feasibility Study (Feasibility Study) authored by APAI outlines the collection and treatment options available to the City of Wimberley. The addendum to the Feasibility Study describes the final recommendation approved by council. (A link to the report is provided in the Reference Section of this document). In summary, the report and addendum provide an explanation of the preferred alternative as well as a discussion on the various treatment options, collection system layouts and treatment plant locations. Also included in these documents is a description of the various options available for wastewater effluent disposal.

III.A.1 Alternative Wastewater Development and Management Techniques

- Potentially feasible wastewater system alternatives to the proposed project include:
- Preferred Alternative: Expansion / relocation of existing package plant within Blue Hole Park
- Expansion of the existing wastewater treatment plant at its current location

- Construction of a new wastewater treatment plant outside Blue Hole Park
- Pumping wastewater to an existing plant owned and operated by Aqua Texas, Incorporated
- No action alternative

Regarding the considering a “No-Action” alternative, the 2014 EIN states:

No Action

The ‘no action’ alternative is equivalent to continued use of septic systems to serve the wastewater needs of central Wimberley. As outlined in detail in the Feasibility Study, this method of wastewater disposal is not sustainable both from an economic and environmental standpoint. Continued use of septic systems in areas which are not conducive to their use could impact the quality of ground and surface water and further affect the operation of businesses in the area.

The Feasibility Study included 11 options. Six of them included only a City owned plant – four with land application permits and two with discharge permits. Five of the options included Aqua in some capacity, however all of them also included continuing to operate the smaller existing City owned plant at Blue Hole Park (which would be decommissioned in both the Original and New Plans). In comparing the options, the initial capital cost was highest for options that included a land application permit and lowest for the Aqua options with no newly City constructed plant. For annual operating costs, the City owned plant showed the lowest annual costs and Aqua options with the highest costs. It should be noted that the highest assumed costs from Aqua were \$600,000 for their CIAC fee and up to \$309,000 for their annual charges.

Ultimately, while environmental factors were considered, economics were a key determinate in the selected option. Clearly a land application permit would have been the preferred environmental alternative. However, the cost of this option was considered to be too high. Thus, the City selected the option that included constructing a new City owned plant with a discharge permit, but no participation with Aqua.

Consideration of Aqua Option and New Proposed Plan

The Feasibility Study options with an Aqua component all included the City continuing to operate and maintain its existing small, but high cost plant. The assumptions regarding the initial CIAC (Capacity buy-in) and annual charges from Aqua were high. Both adversely affected the economics of an Aqua option. The 2014 EIN provides the following comments regarding considering the Aqua options:

Pumping Wastewater to a Treatment Facility Owned and Operated by Aqua Texas

This alternative would include the construction of the wastewater collection system proposed for the other alternatives but would not involve the construction of a new treatment plant within the proposed service area. Wastewater would be pumped from the proposed lift station at Cypress Creek Park Underneath Cypress Creek to an existing lift station operated by Aqua Texas, Inc. located behind the Brookshire Brothers grocery store near downtown. This alternative eliminates the costs associated with expanding or replacing the treatment plant at the Blue Hole Regional

Park. However, the customers served by this alternative would be required to pay wastewater rates established in the agreement between Aqua Texas and the City of Wimberley. Under this alternative, the City of Wimberley would not have long term rate control of wastewater treatment. The City would also not have any control over the quality of wastewater produced at the plant or the method(s) by which it is disposed.

Reasons for Rejecting Other Alternatives

The Aqua Texas alternative was rejected because, under this option, the quality of treated effluent would not be within the City of Wimberley's control. Furthermore, the City would have less control over the rates charged to wastewater customers.

It should be noted that none of the evaluated options exactly match the proposed New Proposed Plan, primarily because the New Plan will eliminate the small, but high cost existing plant at Blue Hole Park. With the benefit of additional analysis and actual numbers, the City's New Proposed Plan that includes construction of a City owned collection system, but no new City treatment plant, and contracting with Aqua to process the wastewater, is the preferred option from both a financial and environmental perspective. The benefits are summarized as follows:

Financial:

- The initially selected option included project cost estimates at the time of bidding of \$3.6 million for the collection system and treatment plant. Actual costs based on bids/contracts were significantly higher at \$6.7 million. The New Proposed Plan eliminates the cost of the treatment plant.
- Aqua capacity buy-in fees of \$300,000 are substantially less than the \$600,000 assumed in the original options.
- The initially selected option included annual operating cost estimates of \$172,000 per year. Estimates to operate the system under the Original Plan were updated with a new estimate of \$233,000 per year.
- Aqua rates of \$53,000 per year under the New Proposed Plan are substantially lower than the \$309,000 assumed in the original options. Additionally, Aqua has agreed to not increase their rate for five years and future increases are tied to regulatory approved tariffs.
- Total annual operating costs under the Original Plan are estimated at \$234,000 compared to \$72,000 with the New Proposed Plan due to the lower Aqua costs.
- The City eliminates other financial risks – i.e. costs of spills, cost of maintaining plant in working order and in environmental compliance, providing funds for replacement of the plant, etc.
- As owner and operator of the collection system, the City maintains its Certificate of Necessity and Convenience (CCN), and therefore control over the system and customer rates the City serves in the Central Wimberley district.
- With lower operating costs and thus lower revenue requirements to pay operating costs and debt service, customer rates and/or the City's subsidy to the system will be reduced.

Environmental:

- There will be no City owned plant at Blue Hole Park.
- The City's Original Plan included irrigation, but there is inadequate irrigable acreage and storage to ensure no discharge. The storage capacity is 9% and irrigable acreage 44% of what would have been required under a land application permit (per the Alan Plummer Feasibility Study)
- There will be no discharge of effluent into the Blanco River and the resulting environmental consequences.
- There will be no aquifer contamination from discharge.
- There will be no potential for environmentally catastrophic sewer plant spills in Blue Hole Park or the Blanco River.
- The Aqua plant operates with a land application permit, with no ability to discharge into any waterway.
- Under the agreement with Aqua, Aqua will upgrade its entire plant from Type 2 to Type 1 effluent benefiting the entire Wimberley Valley.
- No sewer plant odor issues in Blue Hole Park.
- No expansion of plant - TCEQ requires expansion plans when plant reaches 75% of capacity - 56,250 gpd.
- Closes the door to even higher levels of discharge with City growth

Other Issues

Environmental - Although the total environmental impact footprint is reduced with the New Proposed Plan, the New Plan introduces a new environmental issue in the connection of the wastewater line under Cypress Creek to connect to the Aqua System. The New Plan contemplates the use of a bore under the Creek to minimize the environmental impact in the area. It will also be engineered to high engineering standards regarding materials to minimize the environmental risk.

Reclaimed Water for Blue Hole – A secondary goal of the Original Plan was to provide reclaimed water to Blue Hole Park, primarily to irrigate two existing soccer fields with the on-site plant. The New Proposed Plan does not accomplish this goal within its current scope. However, under the Aqua agreement the City will be provided access to and the use of Type 1 reclaimed water at no cost. Because of financial constraints at this time, a reclaimed water line is not in the scope of the New Plan. However, once the sewer system is nearing completion the City will consider alternatives to accomplish this objective. Meanwhile the City would still have access to reclaimed water with less than desirable logistics cost.

Cost Comparisons and Prior Public Presentations

When the City administration changed with the mayor/city council elections in May 2018, one of the first tasks it embarked on was an evaluation of the City wastewater project, which included a collection system to serve Central Wimberley and constructing a new wastewater treatment plant at Blue Hole Park. The reasons for this evaluation was concern over the escalating project cost, combined with a concern about ongoing costs and risks to operate and maintain a costly new \$3.1 million City owned plant. Thus, there were concerns about affordability to the small sewer customer base, the taxpayers of Wimberley, and the

repayment capability for the TWDB loan. Additionally, there were environmental concerns that included the new plant having a discharge permit into Deer Creek/Blanco River.

The City began an in-depth analysis from many sources that resulted in a report/presentation to the City Council at a Council meeting that was held August 14, 2018, which was open to the public. The stated purpose was to discuss the Central Wimberley Wastewater Project status. A presentation was made that showed the results of the extensive review with detailed analysis and conclusions. The entire presentation, including appendices is included in Attachment # 7. This presentation along with a condensed version is also posted to the City's website (www.cityofwimberley.com) under the "Wastewater" tab.

As noted in the presentation, the City had input or assistance in developing the analysis - including Alan Plummer Associates (Engineer), TWDB, EDA, TCEQ, PUC, Aqua Texas, Hays County, Wimberley ISD, Inframark (existing plant operator), Raftelis Financial Consultants (rate study consultants), City attorney and citizen input.

The presentation was broken down in the key areas that were analyzed. It first evaluated the original plan (City Option), then the modified plan (City/Aqua Option), and then a comparison of the two options. Areas covered included:

- Prior Recommendations of Stakeholder and Ad Hoc Committees
- Objectives of the Wastewater System
- Project Costs
- Funding Sources
- Operating Costs
- Revenue Requirements
- Customer Rates
- City/Aqua Alternative Description including Modifications
- Environmental Issues
- Conclusions

Supporting Information for the areas covered can be found in the presentation's appendix.

Project Costs. The scope of the City Option was the original plan that included both the collection system and treatment plant (that also included a storage tank and irrigation system at Blue Hole Park). The scope of the City/Aqua Option included the collection system, no treatment plant, and a reclaimed water line from Aqua to the Park (with tank and irrigation). The project costs under the options were based on actual contracts in place, actual and projected spending, and assistance in developing new budget costs by Alan Plummer.

Sources of Funds. Project funding was based on the then current expectations. This included the \$5.5 million TWDB loan. It also included a \$1 million EDA grant which the City had applied for an amendment to allow the use of the grant for the collection system. It should be noted that when granted, the intention of the City was to reduce the \$5.5 million TWDB loan by the \$1 million, not to use it for additional spending

on the project. There were questions about the availability of the \$1 million private Way grant due to the project not starting by the required start date in 2017 and due to project plan and budget changes from the original plan for which the grant agreement had never been amended. Also, the unfunded Way grant was actually between \$0 and \$1 million, because it was intended for contingency spending for cost overruns. See prior discussions for additional information about the EDA and Way grants.

Operating Costs. The operating costs from the City's prior financial projections had not been updated for quite a long time. Thus, the City updated the expected operating costs for operating the plant and collection system and compared them to the costs utilizing Aqua as a treatment provider. These updates were based on quotes from Inframark (the existing plant operator), input from Alan Plummer, and the Aqua offer (which included a five-year commitment not to raise rates). The results showed that under the City Option, annual operating costs were much higher than previously estimated. Most importantly to the analysis, the City Option was considerably higher than the City/Aqua Option - \$234,000 vs \$73,000 per year – a difference of \$161,000 per year. This amounts to millions of dollars over the project life. Also, this analysis did not fully include other financial risks and obligations under the City Option – i.e. spill risks, plant replacement costs, etc.

Revenue Requirements and Customer Rates. With the revenue bonds, adequate revenues must be generated to cover the sewer system costs, including debt service and operating costs. As noted in the previous paragraph, annual operating costs under the City/Aqua Option were \$161,000 lower than the City/Aqua Option, which translates directly into lower revenue requirements. In addition to revenue requirements, another key element in determining customer sewer rates is volume. Thus, the City updated volume estimates based on more current data, resulting a reduction of 19% in expected initial volume. Using Raftelis Financial Consultants and their rate model with updated cost and volume data, rates were developed under various scenarios assuming a \$200,000 city contribution to subsidize the project. Illustrative rates based on different volume customers were presented under the City Option and under the City/Aqua Option, with much lower rates under the City/Aqua Option. Also presented were scenarios whereby the City lowered its contribution to various other levels as an alternative in order to share in the operating cost reductions.

Aqua Information. The Aqua components of the City/Aqua were described and presented, including the costs and system design changes. It also included Aqua upgrading its plant from Type 2 to Type 1 effluent and making such effluent available to the City at no cost.

Environmental. A description of the possible environmental impact due to discharge of effluent into Deer Creek/Blanco River and the local aquifers was presented. This included the effect of introducing higher nutrient levels that contribute to algae blooms and that sewer treatment plants are not effective in removing pharmaceuticals and other toxic chemicals. Thus, there was a concern for both the aquatic environment and human health. A presentation of the discharge options was made. The City plant would have a discharge permit and would be significantly short on irrigable acreage and effluent storage capacity compared to a land application permit. Thus, although the City planned to irrigate, the plan also included

discharge. Also, there would be no way to predict actual discharge levels given the weather, City growth and the decisions made by future City leadership. The Aqua plant is a no discharge option because of its land application permit.

Conclusion. In conclusion, the recommendation was that the City/Aqua Option would be the preferred option. This is because is it more affordable both for initial project costs (even considering funding sources) and more importantly, on a going forward basis with lower operating costs and reduced financial risk of owning and maintaining a City owned plant. It reduces the financial burden to the sewer customers in their rates, City contributions which would have been required, and better assures repayment capability for the TWDB loan. The conclusion includes other benefits as well. For environmental benefits, they included:

- Avoids potential plant spills of wastewater and odor pollution in the park
- Avoids discharge of wastewater effluent into the Blanco River, or excess runoff into Cypress Creek, thereby preserving their natural state for the future
- Makes Type 1 effluent available to the Wimberley Valley that will help reduce the need to pull water out of our already stressed aquifers
- Eliminates the financial burden and risks of maintaining a plant, keeping it current with changing environmental standards, unexpected shutdowns and replacement at end of life

Subsequent Changes and Council Decision to Choose City/Aqua Option

The described presentation above was made as a matter of information to the City Council and public on August 14, 2018 so that an informed decision could be made by the Council as to which option to select. The Council meeting for such selection and vote was held on August 28, 2018.

An unexpected event occurred on August 17, 2018 whereby the EDA denied the City's request for Amendment No. 2 to its \$1 million grant. As originally granted, the grant was for both the collection system and wastewater treatment plant. However, in January 2018, the previous mayor requested and the EDA approved Amendment No. 1 to include only the treatment plant in the scope of the grant and to exclude the collection system. This act was done by the mayor without the approval of or notification to the City Council. In July 2018 the City requested Amendment No. 2 for the grant to include the collection system, which it expected to be approved, but ultimately was not.

Thus, without sufficient funding, the City considered the next viable option to exclude the \$750,000 reclaimed water line from Aqua Texas to Blue Hole Park. The primary purpose of the project was to provide wastewater service to the Central Wimberley – with both economic and environmental benefits to Cypress Creek. A secondary benefit would have been providing irrigation to Blue Hole Park, primarily to water two soccer fields. In the final analysis it was determined that this incremental benefit was not worth the additional economic cost or environmental consequences by continuing with the City Option. However, reclaimed water Type 1 effluent would still be made available under the Aqua contract, and the City would need to develop a more cost effective means other than trucking effluent to the Park – but that will be outside the scope of this project. Following are the presentation slides at that Council meeting that addressed the revised project cost and funding sources. It also addresses the long-term

environmental and financial costs of risks should the City continue with the City Option. Thus, the Council voted at the August 28, 2018 meeting to proceed with the City/Aqua Option. The presentation slides from that meeting are shown below:

**City of Wimberley
Cost Comparison of Options**

	City Option	City / Aqua Option	Variance
Collection System	\$ 3,616,230	\$ 3,616,230	
Treatment Plant	3,068,900	-	
Terminate Treatment Plant Contract		TBD	TBD
Modifications to Collection System		146,592	
Engineering Design		25,000	
Aqua Impact Fee (one time)		300,000	
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole		-	
Total Construction Costs	\$ 6,685,130	\$ 4,087,822	\$ (2,597,308)
Contingency Funds	7.2% 479,521	271,699	(207,822)
Bond Reserve and Origination Fee	333,354	333,354	-
Subtotal	\$ 7,498,005	\$ 4,692,875	\$ (2,805,130)
Bond Counsel and Financial Advisor	68,950	68,950	
Project Administration	175,000	175,000	
Construction Administration	77,575	77,575	
EDA Administration	25,000	25,000	
Construction Interest (2 years)	170,847	170,847	
Total Other	\$ 517,372	\$ 517,372	\$ -
Total Project Cost	\$ 8,015,377	\$ 5,210,247	\$ (2,805,130)
TWDB	\$ 5,498,005	\$ 5,498,005	
EDA	1,000,000	-	
Way Grant (needs amending)	1,000,000	-	
Subtotal - Loan and Grants	\$ 7,498,005	\$ 5,498,005	
Excess Funds (Additional Funding Needed)	\$ (517,372)	\$ 287,758	\$ 805,130

Note - Contingencies use same % of total construction costs, excluding Impact Fee and Termination Costs

Cost of Providing Water to Blue Hole

Effluent for Blue Hole Park Now - Long-Term Environmental and Financial Costs and Risks

City Plant Plan for Blue Hole	Costs of Providing Water Under City Plant Option
<ul style="list-style-type: none"> ♦ Provide effluent from a new sewer plant located in Blue Hole Park primarily to irrigate two soccer fields in the Park ♦ The plant is allowed under its permit to Discharge into the Blanco River when storage is full and no irrigation is needed <ul style="list-style-type: none"> ♦ Inadequate effluent storage ♦ Inadequate irrigable acreage ♦ Alternate effluent disposal costly ♦ Desired watering plan for Park not achieved due to excessive watering requirements to dispose of effluent 	<p><u>Environmental Risks</u></p> <ul style="list-style-type: none"> ♦ Discharge of sewer effluent into the Blanco River and environmental consequences ♦ Risk of excess effluent into Cypress Creek due to over irrigation ♦ Aquifer contamination from discharge ♦ Unsightly sewer plant with a 500,000 gallon storage tank at Blue Hole Park ♦ Potential for environmentally catastrophic sewer plant spills in Blue Hole Park or the Blanco River ♦ Sewer plant odor issues in Blue Hole ♦ No upgrade of Aqua's plant to Type 1 that would benefit entire Wimberley Valley ♦ No Type 1 effluent available for other users in the Valley - such as new WISD school as well as Blue Hole Park in the future ♦ TCEQ requires expansion plans when plant reaches 75% of capacity - 56,250 gpd ♦ Opens the door to even higher levels of discharge with City growth <p><u>Financial Costs</u></p> <ul style="list-style-type: none"> ♦ Higher annual costs by owning/operating a plant - \$ millions over time ♦ Lost opportunity to make sewer customer rates significantly more affordable and/or reduce necessary City subsidy ♦ Potential for costly sewer plant spills ♦ Costs and risks of maintaining a plant in working order and in environmental compliance for decades ♦ The need to plan for incurring cost to replace the sewer plant at its end of life, which may be as soon as 20 or 25 years - \$ millions more

WWTP Site Mitigation Plan

In preparation for the installation of the Wastewater Treatment Plant (WWTP), Black Castle (the City's WWTP Contractor) cleared most of approximately 1.3 acres and brought in stabilized fill to establish the pad. As required by the contract, silt fencing around the pad site (Fig. 1 & 2) was installed.



Fig. 1



Fig. 2

To date the silt fencing originally installed has remained in place. The fencing has been regularly monitored by the City, and there has been no indication of any sediment runoff or erosion of the site. The corners, which do show some sedimentary buildup can be maintained by City personnel. Additionally, a secondary layer of silt fencing can be installed by City personnel to further ensure there is no runoff or erosion at the site.

The proximity of this site to the City's Blue Hole Regional Park provides an opportunity for any number of future uses. One option is to return this acreage to the Park and utilize it for recreational purposes since it is a cleared level space. To date, there have been no specific discussions on how to best utilize this area. At the least for reclamation purposes, the City will need to bring in a layer of top soil and re-seed the pad site with native grasses. Estimates indicate approximately 47,000 square feet of land would need new top soil (approximately 600 cubic yards). Additionally, native grass seeds would need to be spread, and matting placed on the slopes. A preliminary budget for this work is \$39,000. Funding will need to be incorporated into the City's annual operating budget.

TCEQ Erosion & Sedimentation Coordination

From: Coonan, Steve
To: mindy.mcdonough@ceq.texas.gov
Cc: kristin.miller@twdb.texas.gov; Place4; Shawn Cox; Svarth, Cynthia
Subject: Wimberley WWTP
Date: Wednesday, March 6, 2019 9:35:37 AM

Mindy:

As we discussed on the phone, Alan Plummer Associates, Inc. has been working with the City of Wimberley to construct a new wastewater system (the City does not currently have centralized sewer). As the project progressed, the City decided to make a change in the scope of the project, namely to cease construction of the WWTP and to convey the flow to a neighboring utility instead. The City is using TWDB funding for this project. In response to a request for approval for the change from the TWDB, the reviewer, Kristin Miller asked that we do the following:

Coordinate with the Texas Commission on Environmental Quality Regional Office (512-339-2929) regarding temporary erosion and sedimentation control requirements for exempted activities (sanitary sewer lines) and mitigation at the City WWTP construction site. See 30 TAC 213.24 (11) (c). Provide copies of that coordination to the TWDB.

The WWTP site was cleared before the construction was halted. The site has temporary erosion control measures in place and the City does intend to restore the site by bringing in some top soil and seeding with a native seed mix. I've attached a couple of pictures for your reference. I'm not sure what if anything else is required other than this formal coordination.

Thank you, Steve



Stephen J. Coonan, P.E. (TX No. 65516)
Principal
Alan Plummer Associates, Inc.
6300 La Calma, Suite 400, Austin, TX 78752
512-452-5905





Attachments

TWDB Public Hearing Guidelines

Texas Water Development Board

Public Hearing Guidance for Projects Financed by Loans from the Drinking Water State Revolving Fund or Clean Water State Revolving Fund

In most cases, a less formal Public Meeting is sufficient for an Environmental Information Document (EID), but if a proposed project or activities involve a probable or known public controversy, then, the more formal Public Hearing is necessary.

Public Hearing: As a minimum, the applicant must hold a public hearing before finalizing the engineering feasibility report. A mid-course public meeting (held after the alternatives are defined but before one is selected) is encouraged. Applicants, particularly those with potentially controversial or high cost projects, are encouraged to increase public participation through additional public meetings, advertisement, mailouts, and related measures.

1. The applicant must notify the public of the hearing by advertisement in a newspaper of general circulation within the project area at least thirty (30) days prior to the date of the hearing. The thirty day period may count either the day of the advertisement or the day of the hearing, but not both. A written notice of the hearing must be sent to the appropriate local and state agencies, Council of Governments, and all parties that have expressed an interest in the project as soon as the hearing is scheduled.

2. The Public Hearing Notice must include:

- a. The date, time and place of the hearing;
- b. A brief description of the proposed project, including the location of any new treatment facilities and/or water sources;
- c. The cost of the project, including anticipated increases, if any, to the estimated monthly bill for a typical residential customer, connection fee and tax, surcharge or other fees, necessary to repay the loan;
- d. Give at least one convenient local source of the Environmental Information Document for the proposed project (library, city hall, etc.); and,
- e. The following statement: "One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it."

3. A copy of the EID must be displayed at one or more convenient local site (s) at least 15 days (preferably 30) before the Public Hearing and must be available at the hearing.

4. The Public Hearing must generally conform to the following format:

- a. Call to order,
- b. Statement of the purpose of the hearing which will include the following: "One of the purposes of this hearing is to discuss the potential impacts of the project and alternatives to it."
- c. The considerations to be taken into account under law and regulations; a brief description of the proposed project; its costs, including the estimated monthly bill to a typical residential household as above, any connection fee and an estimate of the private (service line) costs;
- d. A question and answer period;
- e. A list of witnesses (sign-in sheet); and
- f. Testimony.

5. The Public Hearing record, which will be made part of the Environmental Information Document, must consist of:

- a. A copy of the hearing notice(s) (affidavit of publication);
- b. A sample letter of notification and list of all recipients;
- c. A statement signed by the applicant, stating that hearing was held in conformance with the Public Hearing Notice;
- d. A list of witnesses including the complete text of their statements and any written testimony; and,
- e. A verbatim transcript, not just a summary or minutes, of the hearing.

Notice of Public Hearing

CITY OF WIMBERLEY

NOTICE OF PUBLIC HEARING PROPOSED CENTRAL WASTEWATER PROJECT MODIFICATIONS

The City of Wimberley (“City”) is constructing a wastewater collection system to serve central Wimberley. This project will decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

This project is funded by a Texas Water Development Board (“TWDB”) loan under the Clean Water State Revolving Fund Program. In accordance with regulations, any project financed through the Clean Water State Revolving Fund undergoes an environmental review process. As originally proposed, the City prepared the Environmental Information Document (“EID”) and obtained public input on the project in 2014. The TWDB issued a Finding of No Significant Impact (“FNSI”) following their review and after consultation with other regulatory agencies.

Since the issuance of the FNSI, the City has determined that it is in its best interest to make modifications to the project. The project is being funded through a loan from the Texas Water Development Board. Because of escalating capital costs of the total project, high annual operating costs of the plant that would need to be paid by the wastewater customers through their sewer rates, the need for future replacement capital costs, and environmental risk relative to discharge into Deer Creek, the City determined that the treatment plant and related storage tank and irrigation system would not be constructed. Rather, the City will contract with Aqua Utilities, Inc. d/b/a Aqua Texas (“Aqua”) to process the wastewater at Aqua’s existing land application permitted (non-discharge) treatment plant. In order to connect to Aqua’s system, a connecting line will be installed under Cypress Creek using a directional drill to avoid adversely impacting the creek. Additionally, Aqua will upgrade its plant to produce Type 1 effluent, which will be made available for irrigation needs by the City and improve overall water quality for the benefit of the Wimberley Valley. The cost for the City to transport the reclaimed water for irrigation is not included within the scope of this project at this time. Under this wholesale arrangement, the City will serve its customers in the new service area and retain its Certificate of Convenience and Necessity. This modification is expected to reduce the City’s financial burden and financial risks, and mitigate environmental risks by ensuring no discharge of effluent into Deer Creek, and thus into the Blanco River.

The modified project will include a new wastewater collection system, the rehabilitation and upgrade of an existing lift station, the construction of a new lift station, and the installation of approximately 6,000 linear feet of force main wastewater lines, and the installation of approximately 12,000 linear feet of gravity sewer lines. It will collect wastewater from residences and businesses in the portion of the City bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park (“Park”) to the north, and FM 3237 to the east. Wastewater will be collected and transported by gravity lines, lift stations and force mains, to a point on the west side of Cypress Creek near the Park. At this point, the line will connect to the Aqua system, the regional wastewater treatment provider, and then transported by Aqua to its existing plant for treatment.

The total project cost is estimated at \$5.4 million. The total TWDB loan amount is \$5,255,000. This loan is secured by a first lien on the net revenues of the sewer system. Accordingly, sufficient revenue must be generated to pay for debt service and operating expenses of the wastewater system. Revenues will originate from sewer customers and reclaimed water access fees and sales to the City's Parks Department. The sewer customers' rates are expected to include components for capital recovery fees and base rates (both of which are based on Living Unit Equivalent ("LUE")), plus a component based on volume. The capital recovery fee is a one-time fee to connect, is forecasted to be \$2,500 per LUE and will be spread over eight years. Because of lower annual operating costs of the system under the modified project plan, customer sewer rates are expected to be reduced compared to the rates required to be charged under the original plan. The total estimated monthly bill for a typical residential household with a monthly volume of 4,000 gallons is \$63 to \$135, with the actual amount highly dependent upon the amount the City's Parks Department pays for its access to reclaimed water.

A public hearing is required, as outlined in the TWDB Environmental Information Document and 31 TAC § 375, Subchapter B. The hearing is intended to comply with the National Environmental Policy Act ("NEPA") requirements for public participation. Projects seeking funding through the Clean Water State Revolving Fund are subject to NEPA requirements. The public hearing is provided to discuss the proposed project changes, potential environmental impacts, alternatives to the proposed changes, and the economic impact on rate payers. A description of the proposed changes, maps and aerial photographs showing the proposed changes and original project, a copy of the 2014 Environmental Information Document, and the second amendment to the Engineering Feasibility Report will be displayed at the locations described below for thirty days before the Public Hearing and will be available at the hearing.

PLEASE NOTE THIS LOCATION HAS BEEN CHANGED

The Public Hearing will now be held

At 5:30 P.M.

Tuesday, January 8, 2019

Wimberley Community Center – Johnson Hall

14068 Ranch Road 12

Wimberley, Texas 78676

Following the presentation, comments on the modifications will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed modifications should be sent to Mr. Shawn Cox at the address below.

Copies of the documents will be available for public review and copying at the following locations:

Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676

Wimberley Community Center
14068 RR 12
Wimberley, Texas 78676

Wimberley Village Library
400 FM 2325
Wimberley, Texas 78676

The contact for questions related to the public hearing is:

Mr. Shawn Cox, City Administrator (512-847-0025)
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Final EID - June 18, 2014

**State Revolving Fund Program
Texas Water Development Board**

**FINAL
Environmental Information Document**

for

THE CITY OF WIMBERLEY

PROPOSED WASTEWATER COLLECTION AND TREATMENT SYSTEM PROJECT

WIMBERLEY, HAYS COUNTY, TEXAS

June 18, 2014

Prepared by:

**Alan Plummer Associates, Inc.
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764**

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I DESCRIPTION OF THE PROBLEM

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The project is composed of the expansion and relocation of an existing 25,000 gallons per day (GPD) treatment plant, the rehabilitation and expansion of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main pipelines, and the installation of approximately 13,000 linear feet of gravity sewer pipelines. The new plant will be 75,000 GPD in capacity. Treated effluent from the new treatment plant would be disposed of through the use of a spray irrigation system in Blue Hole Regional Park recreational fields west of the proposed plant site, and through a discharge outfall in Deer Creek during periods of heavy rainfall when irrigation is not possible.

I.A Purpose and Need for the Proposed Project

The purpose of the proposed project is to decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley. Secondary benefits from the project include a source of irrigation water for current and future Blue Hole Regional Park amenities and potentially commercial areas in downtown Wimberley, as well as the reduction of wastewater pumping and trucking operations for businesses and public facilities located within the Wimberley area.

I.A.1 Capacity of Existing Facilities

The majority of Wimberley's wastewater treatment needs are served by private septic systems. Only a small percentage of the septic systems within the service area of the proposed wastewater collection and treatment project comply with the requirements outlined in the City of Wimberley's On Site Sewage Facilities (OSSF) Regulations and the Texas Commission on Environmental Quality (TCEQ) regulations governing OSSF

installation. The non-compliance of the systems is primarily due to the small lot size on which they are located, and not meeting the required buffer distance from surface waters.

The City of Wimberley currently owns and funds the operation of a small 25,000 GPD wastewater package plant permitted at 15,000 GPD. The facility services the Deer Creek of Wimberley Nursing Home and Rehabilitation Center and Blue Hole Regional Park. While the existing treatment plant has a capacity of 25,000 GPD, the plant typically operates at 10,000 GPD.

I.A.2 Current Treatment Requirements and Treatment Processes Now in Use

The existing treatment facility is an extended aeration activated sludge package plant, which discharges effluent through a system of perforated subsurface pipes in a 2.2-acre subsurface irrigation disposal field. The treatment plant routinely produces effluent to a quality better than that outlined in the Texas Land Application Permit (TLAP).

I.A.3 Existing and Anticipated Violations of Federal and State Standards

The existing package treatment facility was upgraded in 2009 to replace an older IMHOFF tank, which routinely failed to meet Biochemical Oxygen Demand (BOD) effluent limits. Because of these violations, the TCEQ issued an Agreed Order, which has since been addressed by the rehabilitation of the existing treatment plant facility as described in Section I.A.2.

As mentioned above, many of the septic systems utilized by residences and businesses in the service area are aging and undersized. As Wimberley gains popularity as a Hill Country destination, the increase in tourism is expected to exacerbate the problems associated with these deteriorating systems.

I.B Map of the Current Facilities Planning Area

The planning area is a portion of the City of Wimberley roughly bounded by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park to the north

and Farm to Market Road (FM) 3237 to the east (note this is also called RM 3237 on some maps). In Appendix A, Figure A-1 shows the planned service area of the proposed project, Figure A-2 shows the general location of the proposed facility and wastewater pipelines within the service area, Figure A-3 shows the proposed project on a U.S. Geologic Survey (USGS) topographic map (Driftwood and Wimberley, Texas Quadrangles), and Figure A-4 shows the proposed project on a 2012 aerial photograph.

II ENVIRONMENTAL SETTING

II.A Existing Environment

The location of the proposed project, consisting of the treatment plant and wastewater conveyance infrastructure, is located in west-central Hays County within the corporate limits of the City of Wimberley. The proposed treatment facility would be located in an undeveloped area in the northeast corner of the Blue Hole Regional Park property. Wastewater collection pipelines would primarily follow existing road rights of way and service Wimberley businesses and residences in the defined service area. Appendix B contains representative photographs of the proposed area.

II.A.1 Geological Elements

This section describes the topography, geology, soils, groundwater, and prime farmland that exist in the project area.

Topography

The topography of the project area (from the USGS, Wimberley and Driftwood, Texas quadrangle maps) is shown on Figure A-3. The proposed treatment plant site is located in the Deer Creek drainage, which is a tributary to the Blanco River. The elevation of the area on which the treatment plant will be located is between 924 and 904 feet above mean sea level. The proposed wastewater lines would be located in the gently sloping valleys of Cypress Creek and Deer Creek. The collection pipelines would generally follow the contours of the existing road rights of ways they parallel. Elevations in the collection system area range from 900 feet MSL in the northeast where the pipeline would tie into the proposed treatment facility and 820 feet MSL in the south at the proposed Ranch Road 12 Lift Station.

Geology

The proposed project is located in the Edwards Plateau Physiographic Province. The topography is undulating to hilly. The underlying material is erosion-resistant limestone and limestone interbedded with clay and marl. The proposed project is located in the

upper member of the Glen Rose Limestone formation. This formation is a lower cretaceous formation typified with marine deposits. Figure A-5 in Appendix A shows the geological formations underlying the proposed project area as depicted by the Bureau of Economic Geology's Geological Atlas of Texas – Llano and San Antonio Sheets.

Soils

The proposed project lies in the Brackett-Comfort-Real (BCR) and Lewisville-Gruene-Krum (LGK) soil associations as shown on the Soil Survey of Comal and Hays Counties, Texas (Batte, 1984). The BCR association consists of shallow, undulating to steep soils over limestone or strongly cemented chalk; on the uplands of the Edwards Plateau. The LGK association consists of deep, shallow, and very shallow, nearly level to gently sloping soils over loamy, clayey, and gravelly sediments; on stream terraces and valley fills of the Blackland Prairie and Edwards Plateau.

Soil map units in the project area consist of the Brackett-Rock outcrop-Comfort complex undulating unit (BtD map unit symbol), Gruene clay, 1 to 5 percent slopes unit (GrC map unit symbol), Sunev clay loam, 1 to 3 percent slopes unit (SuB), and Lewisville silty clay, 1 to 3 percent slopes (LeB map unit symbol). The depth to high water tables for all of these units is greater than six (6) feet. None of the soil types in the proposed project area are nationally listed hydric soils. Appendix C contains detailed information on the soil units and a map showing their location within the proposed project area.

Groundwater

The extent of the proposed project is located in the Trinity Aquifer and the Contributing Zone of the Southern Edwards Aquifer. Two water wells recorded by the Texas Water Development Board (TWDB) are located in the project area as described in Section 1.B, and one is located immediately adjacent to FM 3237, across from Blue Hole Regional Park. The location and ownership details of these wells are shown in Figure A-6 in Appendix A. The source of information used to develop this figure was the TWDB Water Information Integration and Dissemination System.

Further, there are several springs in the vicinity of the project area. It is not known if areas impacted by project components are hydrologically connected to the source flows of any springs.

Aquifers are discussed further in Section II.A.2.

Prime Farmland

The Sunev clay loam and Lewisville silty clay soil units are both representative of prime farmland (Web Soil Survey, 2014). With the exception of the construction of two lift stations in the Lewisville unit near the Blanco River, impacts to prime farmland soil would be temporary during pipeline installation.

II.A.2 Hydrologic Elements

Surface Water

Preliminary Jurisdictional Determinations (PJD) were performed by APAI on October 26, 2009 and January 8, 2014 to determine the existence and extents of waters of the U.S. in the proposed project area. The Blanco River and Cypress Creek are the predominant hydrological features in the project vicinity. Deer Creek, which is a tributary to the Blanco River, is the predominant hydrological feature that will be encountered by the proposed project. The majority of the project is located outside of the 100-year floodplains of Deer Creek, Cypress Creek, and the Blanco River.

Deer Creek, the predominant hydrological feature observed within the limits of the PJD, should be considered an ephemeral stream based on its lack of groundwater influence, limited drainage area, and dependence on rainfall for flow. In the general vicinity of the project area, Deer Creek flows in a southwesterly direction towards its confluence with the Blanco River. During the on-site investigation, Deer Creek displayed an ordinary high water mark (OHWM) of approximately 5.5 feet.

The proposed wastewater treatment plant facility would be located between two ephemeral tributaries to Deer Creek. The northern tributary (Tributary 1) to Deer Creek is approximately three (3) feet in width at OHWM and originates near FM 3237 and follows a westerly course for approximately 540 linear feet to its confluence with Deer Creek. The southern tributary (Tributary 2), like the northern tributary, receives focused runoff from FM 3237. Approximately 200 feet from a culvert under FM 3237, the southern tributary becomes a defined channel and follows a westerly course for approximately 495 linear feet to its confluence with Deer Creek. The southern tributary is approximately 2.5 feet in width at OHWM.

No other hydrological features were observed within the limits of the PJD. However, it should be noted that the construction of two of the new, proposed lift stations would be located within the 100-year floodplains of Cypress Creek and the Blanco River. The Cypress Creek Park lift station would be located adjacent to Cypress Creek in the 100-year floodplain. The construction of a lift station near the intersection of RR 12 and Malone Drive would be located in the Blanco River 100-year floodplain. The existing Deer Creek lift station that services the existing wastewater package plant and would be upgraded as part of the proposed wastewater collection and treatment project, is located in the 100-year floodplain of Deer Creek. Floodplains are discussed further in Section II.A.3. Hydrological features within the vicinity of the proposed project area are listed in Table II-1 below. Figure A-7 in Appendix A shows the location of the various hydrologic features identified in the proposed project area.

Table II-1: Hydrological Features Observed in the General Project Area

Waters of the U.S. and Site Numbers	Class	OHWM (Feet)	Linear Feet	Area in PJD Limits (Acres)
Deer Creek	Ephemeral	5.5	1,810	0.23
Tributary to Deer Creek (T1)	Ephemeral	3.0	538	0.04
Tributary to Deer Creek (T2)	Ephemeral	2.5	187	0.01
Total			2,535	0.28

Groundwater and Aquifers

Aquifers are the predominant source of groundwater in Hays County. The project area is located in the Trinity Aquifer and in the contributing zone of the Southern Edwards Aquifer (Balcones Fault Zone). Both of these aquifers are considered major aquifers in Texas. No minor aquifers are located beneath Hays County.

The Trinity Aquifer is comprised of early Cretaceous age formations of the Trinity Group where they occur in a band extending through the central part of Texas in all or parts of 55 counties. The aquifer extends from the Red River to the Hill County of Central Texas. The Edwards Aquifer is comprised predominantly of limestone formed during the early Cretaceous and covers parts of 11 counties in Central Texas.

The Edwards Aquifer is considered a sensitive aquifer due to its highly permeable nature and rapid response to changes and stresses placed on the system, as well as the fact that it underlies some of the most environmentally sensitive areas of the state. Many municipalities in Central Texas rely on groundwater from these aquifers for their freshwater source. For example, San Antonio relies solely on the Edwards Aquifer for its fresh water source. Therefore, the Edwards aquifer and the Trinity aquifer are important water supply sources to Central Texas. The Trinity Aquifer is a major drinking water source for residents of Wimberley. Figure A-8 identifies the Trinity and Edwards Aquifers in and surrounding the proposed project area.

Some of the creeks and rivers in the project area vicinity are spring fed. The most notable spring is Jacob's Well located on Cypress Creek approximately 3.5 miles northwest of the project area. This spring provides a stable water source for Cypress Creek and is considered an area recreational feature.

Water Quality and Availability

Major streams and creeks in the area are spring fed and are supplemented by overland storm runoff during significant rain events. As a result, these major streams and creeks retain relatively permanent flows. Surface water quality in the area is generally good

except for bacteria levels in Cypress Creek, and discharges to major streams and creeks are highly regulated. According to the TCEQ, there are no treated wastewater effluent discharge locations to rivers or creeks within the proposed project area.

Water Rights, Interbasin Transfers, and Related Issues

According to the Texas Commission on Environmental Quality, water rights in the project area vicinity include one water right claim on Cypress Creek upstream of the project area extents, and one claim on the Blanco River downstream of the extents of the project area.

The proposed project would not utilize water obtained directly from an interbasin transfer. Further, no new water rights authorizations would be obtained as a result of the proposed project.

Surface Water Use

Surface water resources in Hays County are generally used for residential and agricultural uses, and to a lesser extent municipal use. The spring fed streams and rivers in the area are used for recreational purposes such as swimming, fishing, canoeing, kayaking, and others.

II.A.3 Floodplains and Wetlands

Floodplains

The majority of the proposed project is located outside of 100-year floodplains. A small portion of the proposed wastewater line and the existing Deer Creek lift station would be located in the Deer Creek 100-year floodplain. Portions of the western wastewater collection lines are located either in or immediately adjacent to the 100-year floodplain of Cypress Creek and the Blanco River. The gravity line following Rio Bonito Road and the lift station it connects to near the intersection of Malone Drive and RR 12 are in the Blanco River 100-year floodplain. Additionally, two segments of the Blue Heron Run gravity main, the western portion of the Blue Hole Road force main segment, and the lift station in Cypress Creek Park near the intersection of Old Kyle Road and RR 12 are in

the 100-year floodplain of Cypress Creek. The remaining portions of the project are located outside of 100-year floodplains. Figure A-9 in Appendix A shows the floodplain locations relative to the proposed project area.

Wetlands

During on-site investigations for waters of the U.S., no wetlands were identified within the proposed project area. Wetlands within the general vicinity of the project area would be limited to fringe wetlands surrounding hydrological features such as streams, springs, and impoundments where the bank slopes would allow the establishment of hydrophytic vegetation. Other temporary seasonal wetlands could be located in areas with poor drainage that receive storm water flow and/or are spring fed.

II.A.4 Coastal Zones

There are no coastal zones or coastal management zones located within or near the service area.

II.A.5 Climatic Events

The regional climate is characterized as humid, subtropical, continental climate with hot and humid summers and mild and dry winters. According to the National Climatic Data Center's (NCDC) 1981-2010 climate norms for Dripping Springs, Texas, the region has a mean annual temperature of 66.7° Fahrenheit (F). The warmest months of the year are from May through September, while the coolest are from November through March. Mean daily highs and lows in winter of 39.7° F and 61.0° F, respectively. Mean daily temperatures in summer are 70.7° F and 92.4° F, respectively (NCDC, 2014).

The NCDC reports the region receives an average of 35.74 inches of precipitation a year, with autumn generally being the wettest season and winter the driest season (NCDC, 2014). The majority of the precipitation occurs in the spring and summer months when large thunderstorms develop in the region. Occasional dissipating hurricanes can also contribute substantial amounts of precipitation. The winter months are the driest with precipitation usually occurring as drizzle and light rain, and very

rarely as snow. Winds in the area are predominantly from out of the south/southeast. The wind rose for Austin, Texas is included as Exhibit II-1.

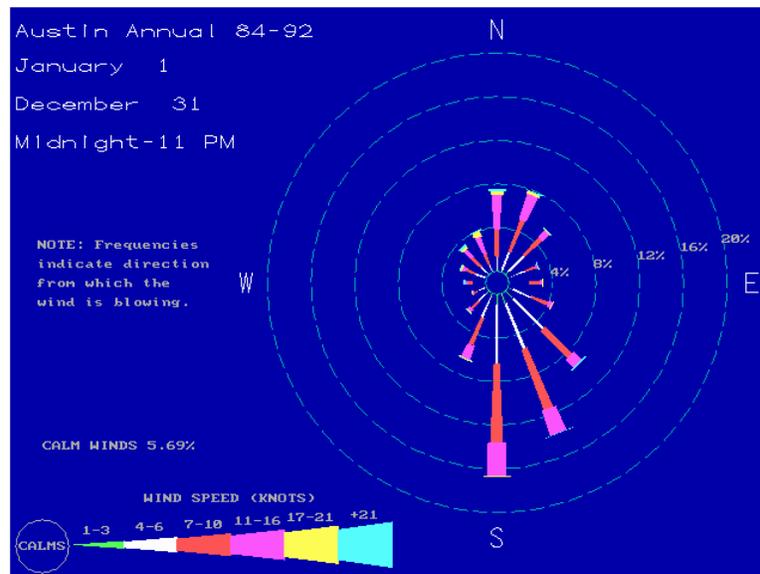


Exhibit II-1: Wind Rose for Austin, Texas

The TCEQ maintains a network of continuous air monitoring stations (CAMS) throughout the state, with two locations in Hays County. The Dripping Springs CAMS (CAMS 13), located approximately 18 miles north of the project area, is a monitoring station with ozone and meteorological coverage. The San Marcos CAMS (CAMS 60), located approximately 18 miles southeast of the project area and also records ozone and meteorological data. Hays County is a National Ambient Air Quality Standards (NAAQS) attainment area for total suspended particulates, carbon monoxide, sulphur dioxide, nitrogen dioxide, lead, and ozone.

II.A.6 Biological Elements

Hays County is split between the Texan Biotic Province and the Balconian Biotic Province. The project area lies in the Edwards Plateau Land Resource Area within the Balconian Biotic Province. The soils in this area are best suited for rangeland, and with good management can provide high yields of quality livestock forage.

Major Plant Communities

Historically, the major plant communities within the proposed project area most likely consisted of live oak savannahs (Blair, 1950). This vegetative community would typically be comprised mostly of grasses with little bluestem being dominant, followed by other mid-height grasses. Woody vegetation would exist in upland and riparian communities. Typical woody vegetation would include live oak, other oaks, elm, and hackberry. Over time, many areas of Central Texas have been converted from their native vegetation community to pastureland for livestock. As these areas were converted to pastureland, vegetation such as Ashe juniper, eastern red cedar, and/or mesquite began to invade. The project area contains areas dominated by Ashe juniper and eastern red cedar; therefore, it can be assumed that the project area was once used as pastureland for livestock grazing.

Table II-2 below lists plants observed by representatives of the Lady Bird Johnson Wildflower Center while preparing the Blue Hole Regional Park Master Plan. The list includes several species that were not observed within Blue Hole Regional Park as part of the most recent field investigation, however, these species were observed in other parts of the project area. Also included are the vegetation's Region 6 Indicator Status. Table II-3 explains the U.S. Environmental Protection Agency's Region 6 Wetland Indicator Status categories.

Table II-2: Vegetation Observed within the Blue Hole Regional Park

Common Name	Common Name	Region 6 Indicator Status
Grasses		
<i>Aristida oligantha</i>	Oldfield threeawn	NA
<i>Bouteloua curtipendula</i>	Sideoats grama	NA
<i>Bouteloua hirsuta</i>	Hairy grama	NA
<i>Bouteloua rigidiseta</i>	Texas grama	NA
<i>Bromus catharticus</i>	Rescue grass	NA
<i>Bromus japonicus</i>	Japanese brome	FACU
<i>Chasmanthium latifolium</i>	Inland sea oats	FACU
<i>Cynodon dactylon</i>	Bermudagrass	FACU
<i>Dichantherium sp.</i>	Rosettegrass	FACU
<i>Elymus virginicus var. virginicus</i>	Virginia wild-rye	FAC
<i>Lolium perenne</i>	Rye grass	FACU
<i>Muhlenbergia lindheimeri</i>	Lindheimer muhly	FACW
<i>Muhlenbergia reverchonii</i>	Seep muhly	FAC

Table II-2 Continued		
<i>Nassella leucotricha</i>	Wintergrass	NA
<i>Oplismenus hirtellus</i>	Basketgrass	FACU
<i>Panicum sp.</i>	Panicgrass	NA
<i>Paspalum setaceum</i>	Thin paspalum	FAC
<i>Schizachyrium scoparium</i>	Little bluestem	FACU
<i>Sorghum halepense</i>	Johnsongrass	FACU
<i>Tridens flavus</i>	Purple top	UPL
Herbaceous		
<i>Galium aparine</i>	Catchweed bedstraw	FACU
<i>Abutilon fruticosum</i>	Indian mallow	NA
<i>Allium canadense</i>	Wild onion	FACU
<i>Ambrosia psilostachya</i>	Western ragweed	FACU
<i>Anemone berlandieri (A. heterophylla)</i>	Windflower	NA
<i>Asclepias oenotheroides</i>	Hierba de zizotes	FACU
<i>Aster drummondii</i>	Texas aster	NA
<i>Chamaesyce sp.</i>	Spurge	NA
<i>Cirsium texanum</i>	Texas thistle	NA
<i>Cnidoscolus texanus</i>	Texas bull-nettle	NA
<i>Commelina erecta</i>	Dayflower	FACU
<i>Convolvulus equitans</i>	Bindweed	FACU
<i>Croton monanthogynus</i>	Prairie-tea	NA
<i>Desmanthus virgatus</i>	Wand bundleflower	FACU
<i>Dichondra sp.</i>	Ponyfoot	NA
<i>Eupatorium serotinum</i>	White boneset	FAC
<i>Euphorbia marginata</i>	Snow-on-the-mountain	FACU
<i>Heliotropium tenellum</i>	White heliotrope	NA
<i>Liatis mucronata</i>	Gayfeather	NA
<i>Lupinus texensis</i>	Bluebonnet	NA
<i>Malvaviscus arboreus</i>	Turk's cap	NA
<i>Matelea reticulata</i>	Milkvine	UPL
<i>Medicago sp.</i>	Medic	FAC
<i>Monarda citriodora</i>	Horsemint	NA
<i>Oxalis dillenii</i>	Yellow woodsorrel	FACU
<i>Plantago helleri</i>	Cedar plantain	NA
<i>Plantago rhodosperma</i>	Red-seeded plantain	FACU
<i>Ruellia nudiflora</i>	Wild petunia	NA
<i>Salvia farinacea</i>	Mealy blue sage	NA
<i>Salvia lyrata</i>	Lyre-leaf sage	FAC
<i>Solanum eleagnifolium</i>	Silver leaf nightshade	NA
<i>Solanum rostratum</i>	Buffalo bur	NA
<i>Solidago sp.</i>	Goldenrod	NA
<i>Verbena halei</i>	Texas vervain	NA
<i>Verbesina virginica</i>	Frostweed	FACU
<i>Vernonia lindheimeri</i>	Woolly ironweed	NA
<i>Dasyllirion texanum</i>	Texas sotol	NA
<i>Phoradendron tomentosum</i>	Hairy mistletoe	NA
Woody Shrub		
<i>Cornus drummondii</i>	Roughleaf dogwood	FAC
<i>Croton fruticosus</i>	Bush croton	NA
<i>Eupatorium (Ageratum) havanense</i>	Shrubby boneset	NA
<i>Ilex vomitoria</i>	Yaupon holly	FAC
<i>Mahonia (Berberis) trifoliolata</i>	Agarita	NA

Table II-2 Continued		
<i>Opuntia engelmannii</i> var. <i>lindheimeri</i>	Texas prickly-pear	NA
<i>Opuntia macrorhiza</i>	Plains prickly pear	NA
<i>Rhus lanceolata</i>	Flame-leaf sumac	NA
<i>Rubus trivialis</i>	Southern dewberry	FACU
<i>Sophora affinis</i>	Eve's necklace	NA
<i>Toxicodendron radicans</i>	Poison ivy	FACU
Woody Tree		
<i>Carya illinoensis</i>	Pecan	FAC
<i>Celtis laevigata</i>	Sugar hackberry	FAC
<i>Cercis canadensis</i> var. <i>texensis</i>	Texas redbud	UPL
<i>Diospyros texana</i>	Texas persimmon	NA
<i>Juniperus ashei</i>	Ashe juniper	NA
<i>Juniperus virginiana</i>	Eastern Red Cedar	UPL
<i>Ligustrum sinense</i>	Chinese ligustrum	UPL
<i>Morus rubra</i>	Red mulberry	FACU
<i>Platanus occidentalis</i>	Sycamore	FAC
<i>Prosopis glandulosa</i>	Honey mesquite	FACU
<i>Quercus buckleyi</i>	Texas oak	NA
<i>Quercus fusiformis</i>	Plateau live oak	NA
<i>Quercus sinuata</i> var. <i>breviloba</i>	White shin oak	NA
<i>Quercus virginiana</i>	Live Oak	FACU
<i>Taxodium distichum</i>	Bald cypress	OBL
<i>Ulmus americana</i>	American elm	FAC
<i>Ulmus crassifolia</i>	Cedar elm	FAC
Woody Vine		
<i>Ampelopsis arborea</i>	Peppervine	FAC
<i>Cocculus carolinus</i>	Carolina snailseed	FACU
<i>Parthenocissus quinquefolia</i>	Virginia creeper	FACU
<i>Smilax bona-nox</i>	Saw greenbriar	FACU
<i>Vitis mustangensis</i>	Mustang grape	NA
<i>Yucca rupicola</i>	Twisted-leaf yucca	NA

Table II-3: Explanation of Plant Indicator Status Categories for Region 6

Indicator status rating (abbreviation)	Designation	Qualitative Description (Lichvar et al. 2012)
Obligate (OBL)	Hydrophyte	Almost always occur in wetlands
Facultative Wetland (FACW)	Hydrophyte	Usually occur in wetlands, but may occur in non-wetlands
Facultative (FAC)	Hydrophyte	Occur in wetlands and non-wetlands
Facultative Upland (FACU)	Nonhydrophyte	Usually occur in non-wetlands, but may occur in wetlands
Upland (UPL)	Nonhydrophyte	Almost never occur in wetlands
NA	--	No Indicator

Major Animal Communities

Some common mammals in the Balconian Biotic Province include the nine-banded armadillo (*Dasypus novimcinctus*), fox squirrel (*Sciurus niger*), white-footed mouse (*Peromyscus leucopus*), black rat (*Rattus rattus*), house mouse (*Mus musculus*), raccoon (*Procyon lotor*), and white-tailed deer (*Odocoileus virginiana*).

Bird species observed in the Balconian Biotic Province are numerous and include species migrating through the area. Common species include mourning dove (*Zenaida macroura*), yellow-billed cuckoo (*Coccyzus americanus*), chimney swift (*Chaetura pelagica*), black-chinned hummingbird (*Archilochus alexandri*), red-bellied woodpecker (*Melanerpes carolinus*), purple martin (*Progne subis*), cliff swallow (*Hirundo pyrrhonota*), blue jay (*Cyanocitta cristata*), Carolina chickadee (*Parus carolinensis*), tufted titmouse (*Parus bicolor*), Carolina wren (*Thryothorus ludovicianus*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), white-eyed vireo (*Vireo griseus*), black-and-white warbler (*Mniotilta varia*), northern cardinal (*Cardinalis cardinalis*), rufous-crowned sparrow (*Aimophila ruficeps*), lark sparrow (*Chodestes grammacus*), great-tailed grackle (*Quiscalus mexicanus*), and house sparrow (*Passer domesticus*) (Brazos, 2010).

Species of Special Concern

The United States Fish and Wildlife Service (USFWS) lists 14 protected species as occurring or potentially occurring within Hays County. Further, the Texas Parks and Wildlife Department (TPWD) lists an additional 35 species of special concern as occurring or potentially occurring in Hays County. Table II-4 details the federal and state listed endangered, threatened, or rare species in Hays County.

Table II-4: Hays County List of Rare, Threatened, Endangered Species

Last Revision 10/0216/2012 (L= Listed, E= Endangered, C= Candidate, T= Threatened, DL= Delisted)

AMPHIBIANS	Federal Status	State Status
Austin blind Salamander <i>Eurycea waterlooensis</i>	C	
Barton Springs salamander <i>Eurycea sosorum</i>	LE	
Blanco blind salamander <i>Eurycea robusta</i>	--	T
Troglotic; water-filled subterranean caverns; may inhabit deep levels of the Balcones aquifer to the north and east of the Blanco River.		
Blanco River springs salamander <i>Eurycea pterophila</i>	--	Rare
Subaquatic; springs and caves in the Blanco River drainage.		
San Marcos salamander <i>Eurycea nana</i>	LT	T
Headwaters of the San Marcos River downstream to ca. ½ mile past IH-35; water over gravelly substrate characterized by dense mats of algae (Lyng bya) and aquatic moss (Leptodictym riparium), and water temperatures of 21-22 O C; diet includes amphipods, midge larve, and aquatic snails.		
Texas blind salamander <i>Eurycea rathbuni</i>	LE	E
Troglotic; water-filled subterranean caverns along a six mile stretch of the San Marcos Spring Fault, in the vicinity of San Marcos; eats small invertebrates.		

ARACHNIDS	Federal Status	State Status
Bandit Cave spider <i>Cicurina bandida</i>	--	Rare
Very small, subterrestrial, subterranean obligate.		

Table II-4 Continued		
BIRDS	Federal Status	State Status
American Peregrine Falcon <i>Falco peregrinus anatum</i>	DL	T
Year-round resident and local breeder in west Texas, nests in tall cliffs; migrant across state from northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.		
Arctic Peregrine Falcon <i>Falco peregrinus tundrius</i>	DL	--
Migrant throughout state from far northern breeding range, winters along coast and farther south; occupies a range of habitats during migration, including urban, concentrations along coast and barrier islands; stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.		
Bald Eagle <i>Haliaeetus leucocephalus</i>	DL	T
Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds.		
Black-capped Vireo <i>Vireo atricapilla</i>	LE	E
Oak-juniper woodlands with distinctive patchy two-layered aspect; shrub and tree layer with open grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, annually; deciduous broad-leaf shrubs and trees provide insects for feeding; species composition less important than presence of adequate broad-leaf shrubs, and required structure; nesting season March-late summer.		
Golden-cheeked Warbler <i>Dendroica chrysoparia</i>	LE	E
Juniper-oak woodlands; depend on Ashe juniper (cedar) for long fine bark strips available from mature trees for nest construction; nests are placed in various trees other than Ashe juniper; a few mature junipers or nearby cedar brakes can provide nest material; forage for insects in broad-leaf trees and shrubs; nest late March-early summer.		
Mountain Plover <i>Charadrius montanus</i>	--	Rare
Breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous.		
Peregrine Falcon <i>Falco peregrinus</i>	DL	T
Both subspecies migrate across the state from northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F.p. anatum) is also a resident breeder in west Texas; the two subspecies' listing status differ, F.p. tundrius is no longer listed in Texas; because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level.		
Sprague's Pipit <i>Anthus spragueii</i>	C	
Only in Texas during migration and winter, mid September to early April; short to medium distance, diurnal migrant; strongly tied to native upland prairie, can be locally common in coastal grasslands, uncommon to rare further west; sensitive to patch size and avoids edges.		
Western Burrowing Owl <i>Athene cunicularia hypugaea</i>	--	Rare
Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows.		
Whooping Crane <i>Grus americana</i>	LE	E
Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.		
Zone-tailed Hawk <i>Buteo albonotatus</i>	--	T

Arid open country, open deciduous or pine-oak woodland, mesa or mountain county, often near watercourses, and wooded canyons and tree-lined rivers along middle-slopes of desert mountains; nests in habitats and sites ranging from small trees in lower desert, giant cottonwoods in riparian areas, to mature conifers in high mountain regions.		
CRUSTACEANS	Federal Status	State Status
A cave obligate crustacean <i>Monodella texana</i>	--	Rare
Subaquatic, subterranean obligate; underground freshwater aquifers.		
Balcones Cave amphipod <i>Stygobromus balconis</i>	--	Rare
Subaquatic, subterranean obligate amphipod.		
Table II-4 Continued		
Ezell's cave amphipod <i>Stygobromus flagellatus</i>	--	Rare
Known only from artesian wells.		
Peck's cave amphipod <i>Stygobromus (=Stygonectes) pecki</i>	LE	
Texas cave shrimp <i>Palaemonetes antrorum</i>	--	Rare
Subterranean sluggish streams and pools.		
Texas troglotic water slater <i>Lirceolus smithii</i>	--	Rare
Subaquatic, subterranean obligate, aquifer.		
FISH	Federal Status	State Status
Fountain darter <i>Etheostoma fonticola</i>	LE	E
Known only in the San Marcos and Comal rivers; springs and spring-fed streams in dense beds of bottom growing aquatic plants, which is normally mucky; feeds mostly diurnal; spawns year-round peaking in August and late winter to early spring.		
Guadalupe bass <i>Micropterus treculii</i>	--	Rare
Endemic to perennial streams of the Edward's Plateau region; introduced in Nueces River system.		
Guadalupe darter <i>Percina sciera apristis</i>	--	Rare
Guadalupe River basin; most common over gravel or gravel and sand raceways of large streams.		
Ironcolor shiner <i>Notropis chalybaeus</i>	--	Rare
Big Cypress Bayou and Sabine River basins; spawns April-September, eggs sink to bottom of pool; pools and slow runs of low gradient small acidic streams with sandy substrate and clear well vegetated water; feeds mainly on small insects, ingested plant material not digested.		
San Marcos gambusia <i>Gambusia georgei</i>	LE	E
Extinct; endemic; formerly known from upper San Marcos River; restricted to shallow, quiet, mud-bottomed shoreline areas without dense vegetation in thermally constant main channel.		
INSECTS	Federal Status	State Status
Mayfly <i>Procladius distinctum</i>		Rare
Mayflies distinguished by aquatic larval stage; adult stage generally found in shoreline vegetation.		
Comal Springs dryopid beetle <i>Stygoparnus comalensis</i>	LE	--
Dryopids cling to objects in a stream; dryopids are found crawling on stream bottoms or along shores; adults leave the stream and fly at night; dryopid larvae are vermiform and live in soil or decaying wood.		
Comal Springs riffle beetle <i>Heterelmis comalensis</i>	LE	--
Comal and San Marcos Springs.		
Edwards Aquifer diving beetle <i>Haideoporus texanus</i>	--	Rare
Habitat poorly known; known from an artesian well in Hays County.		
Flint's net-spinning caddisfly <i>Cheumatopsyche flinti</i>	--	Rare

Very poorly known species with habitat description limited to 'a spring'.		
Leonora's dancer damselfly <i>Argia leonora</i>	--	Rare
South central and western Texas; small streams and seepages.		
Rawson's metalmark <i>Calephelis rawsoni</i>	--	Rare
Moist areas in shaded limestone outcrops in central Texas, desert scrub or oak woodland in foothills, or along rivers elsewhere; larval hosts are <i>Eupatorium havanense</i> , <i>E. greggii</i> .		
San Marcos saddle-case caddisfly <i>Protophila arca</i>	--	Rare
Known from an artesian well in Hays County; locally very abundant; swift, well-oxygenated warm water about 1-2 m deep; larvae and pupal cases abundant on rocks.		
Texas austroinodes caddisfly <i>Austroinodes texensis</i>	--	Rare
Endemic to the karst springs and spring runs of the Edwards Plateau; flow in type locality swift but may drop significantly during periods of drought; substrate coarse and ranges from cobble and gravel to limestone bedrock; many limestone outcroppings also found along the streams.		
MAMMALS		Federal Status
Cave myotis bat <i>Myotis velifer</i>	--	Rare
Colonial and cave-dwelling; also roosts in rock crevices, old buildings, and even in abandoned Cliff Swallow (<i>Hirundo pyrrhonota</i>) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; insectivore.		
Table II-4 Continued		
Plains spotted skunk <i>Spilogale putorius interrupta</i>	--	Rare
Fields, cropland, fence rows, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie.		
Red wolf <i>Canis rufus</i>	LE	E
Extirpated; formerly known throughout eastern half of Texas in brushy and forested areas.		
MOLLUSKS		Federal Status
Creepers (squawfoot) <i>Strophitus undulatus</i>	--	Rare
Small to large streams, prefers gravel or gravel and mud in flowing water; Colorado, Guadalupe, San Antonio, Neches (historic), and Trinity (historic) River basins.		
False spike mussel <i>Quincuncina mitchelli</i>	--	Rare
Cobble and mud substrates, Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins.		
Golden orb <i>Quadrula aurea</i>	--	Rare
Sand, gravel, and mud; mostly intolerant of impoundments; Guadalupe, San Antonio, and Nueces River basins.		
Texas fatmucket <i>Lampsilis bracteata</i>	--	Rare
Streams and rivers on sand, mud, and gravel substrates; intolerant of impoundment; broken bedrock and coarse gravel or sand in moderately flowing water; Colorado and Guadalupe River basins.		
Texas pimpleback <i>Quadrula petrina</i>	--	Rare
Mud, gravel and sand substrates, generally areas with low flow; Colorado and Guadalupe river basins.		
REPTILES		Federal Status
Cagle's map turtle <i>Graptemys caglei</i>	--	T
Endemic; Guadalupe River System; short stretches of shallow water with swift to moderate flow and gravel or cobble bottom, connected by deeper pools with a slower flow rate and a silt or mud bottom; gravel bar riffles and transition areas between riffles and pools especially important in providing insect prey items; nest on gently sloping sand banks within ca. 30 feet of water's edge.		
Spot-tailed earless lizard <i>Holbrookia lacerata</i>	--	Rare

Central and southern Texas and adjacent Mexico; moderately open prairie-brushland; flat areas free of vegetation and obstructions, including disturbed areas; eats small invertebrates; eggs laid underground.		
Texas garter snake <i>Thamnophis sirtalis annectens</i>	--	Rare
Wet, moist microhabitats, are conducive to the species occurrence, but is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August.		
Texas horned lizard <i>Phrynosoma cornutum</i>	--	T
Open arid and semi-arid regions with sparse vegetation, like grass, cactus, scattered brush, scrubby trees; sandy to rocky soils; burrows in soil, enters rodent burrows, hides under rock when inactive; breeds March-September.		
PLANTS		
	Federal Status	State Status
Bracted twistflower <i>Streptanthus bracteatus</i>	--	Rare
Texas endemic, shallow, well-drained gravelly clays and clay loams over limestone in oak juniper woodlands and associated openings, steep to moderate slopes and canyon bottoms; known soils include Tarrant, Brackett, or Speck over Edwards, Glen Rose, and Walnut geologic formations, populations fluctuate widely from year to year, depending on winter rainfall; flowering mid-April-late May, fruit matures and foliage withers by early summer.		
Hill Country wild-mercury <i>Argythamnia aphoroides</i>	--	Rare
Texas endemic; mostly in bluestem-grama grasslands associated with plateau live oak woodlands on shallow to moderately deep clays and clay loams over limestone on rolling uplands, also in partial shade of oak-juniper woodlands in gravelly soils on rocky limestone slopes; flowering April-May with fruit persisting until midsummer.		
Texas wild-rice <i>Zizania texana</i>	LE	E
Texas endemic; spring-fed river, in clear, cool, swift water mostly less than 1 m deep, with coarse sandy soils rather than finer clays; flowering year-round, peaking March-June.		
Table II-4 Continued		
Warnock's coral-root <i>Hexalectris warnockii</i>	--	Rare
In leaf litter and humus in oak-juniper woodlands on shaded slopes and intermittent canyon rocky creekbeds; in Trans Pecos oak-pinyon-juniper woodlands in higher mesic canyons (to 6550 ft), primarily on igneous substrates; in Terrell County under <i>Quercus fusiformis</i> mottes on spring-fed perennial streams terraces, draining an otherwise xeric limestone landscape; the Taylor County Callahan Divide, the Dallas County White Rock Escarpment, and the Edwards Plateau oak-juniper woodlands on limestone slopes; in Llano Uplift igneous substrates of Gillespie County; flowering June-September; individual plants do not usually bloom in successive years.		

A survey for potential habitat for the species of concern as well as their preferred and designated critical habitat as listed by the USFWS and the TPWD for Hays County was conducted on January 8, 2014 by representatives with APAI for the proposed project area. During the on-site investigation, the project area was visually assessed for the occurrence of listed species as well as suitable habitat for the same species. None of the federal or state listed species were observed during the on-site investigation.

Observations of the Golden-cheeked Warbler (*Dendroica chrysoparia*) and Black-capped Vireo (*Vireo atricapilla*) have been documented by the USFWS in areas immediately surrounding the proposed project area. The potential impact to these species and their habitat was previously assessed as part of the Blue Hole Regional Park improvements project in 2010. The project included clearing and grading for recreational fields and other park amenities. Coordination with the USFWS resulted in the agency determining that there was not suitable habitat of the Golden-cheeked Warbler and other species of concern located in the limits of Blue Hole Regional Park that would be impacted by park improvements. A letter (Zerrenner, 2010) stating their finding of no impact is included in Appendix D.

Many of the other federally listed species are highly adapted to specific cave and aquatic habitats that are not located in the vicinity of the project area or area of influence; therefore, would not be impacted by the proposed project. The remaining listed bird species migrate through Hays County and are not permanent residents, thus making their presence on the proposed project site unlikely. Lastly, the federal listed red wolf is believed extirpated from Hays County and consequently not likely to occur within the project vicinity.

With regard to state listed threatened, endangered, or rare species, none were observed during the on-site investigation. Similar to the federal listed species, many of the state listed species are highly adapted to unique environments such as caves, springs, and other aquatic environments unique to Central Texas. These species include fish, amphibians, arachnids, crustaceans, fish, insects, reptiles, and plants.

As for the species that may occur in the area, the American and Arctic Peregrine Falcons (*Falco peregrinus anatum* and *Falco peregrinus tundrius*) typically migrate through northeast Texas and breed along the coast; therefore, the likelihood of these species occurring within the project area would be extremely rare. The Western Burrowing Owl (*Athene cunicularia hypugaea*) and Mountain Plover (*Charadrius montanus*), prefer similar habitat of open fields or grasslands. These habitat features were not observed in the project area. However, habitat for the Zone-tailed Hawk

(*Buteo albonotatus*) may occur along the Blanco River and Cypress Creek. The likelihood of this species occurring in the project area would be extremely rare.

The TPWD also lists seven species of aquatic mollusks as rare. The listed species and their preferred habitat were not observed in the proposed project area. These mollusks prefer riverine systems that were outside of the proposed project's area of influence.

Habitat for the Leonora's Dancer Damselfly (*Argia leonorae*), Rawson's Metalmark (*Calephelis rawsoni*), the Plains Spotted Skunk (*Spilogale putorius interrupta*), Texas Garter Snake (*Thamnophis sirtalis annectens*), Hill Country Wild-mercury (*Argythamnia aphoroides*), and Warnock's Coral-root (*Hexalectris warnockii*) may exist in the project area. Leonora's Dancer Damselfly prefers small streams and seepages, which occur along Cypress Creek. Rawson's Metalmark prefers moist shaded areas in limestone outcrops and oak woodlands, which are ubiquitous in the vicinity of the project. The Plains Spotted Skunk prefers wooded brushy areas and tallgrass prairies which were observed in the vicinity of the proposed project. The Texas Garter Snake prefers wet or moist microhabitats, which could occur along Cypress Creek. Hill Country Wild-mercury is found in bluestem/grama grasslands associated with plateau live oak woodlands and oak-juniper woodlands, both of which occur within the project area. Lastly, Warnock's Coral-root prefers leaf litter and humus in oak-juniper woodlands on shaded limestone slopes and intermittent, rocky creekbeds, which do occur within the proposed project area. During the on-site investigation, none of the species were observed.

During the process of obtaining grant funding for improving Blue Hole Regional Park, a Habitat Assessment and Sensitive Species Survey was performed under the advisement of the TPWD (PBS&J, 2010). The survey performed by PBS&J looked for suitable habitat on the park property that could be utilized by federal and state listed species of concern that may occur in Hays County. The survey report, dated October 2010, discusses the habitat requirements of the species, the types of habitat found on the park property, and the potential of any of the species occurring on the park property. The findings of the survey report were that the park improvement project was unlikely to

adversely affect the species evaluated in the report. A copy of the survey report is included in Appendix D of this document.

II.A.7 Cultural Resources

AR Consultants, an archaeological consulting firm, conducted a cultural resources review of the proposed project. A copy of the 2010 cultural resources report and a 2014 addendum to the report is included in Appendix E. No cultural or historical resources were identified during the survey.

II.A.8 Economic Conditions

The U.S. Census Bureau estimates the 2012 population of Hays County to be 168,990 people (U.S. Census Bureau). The population of Hays County is approximately 49.9 percent male and 50.1 percent female. According to the 2012 estimates, racial distributions are 91.4 percent White; 3.9 percent Black; 1.2 percent American Indian, or Alaskan Native; 1.6 percent Asian or Pacific Islander. Estimates from 2012 showed 36.3 percent of the population claiming Hispanic or Latino origin.

According to 2012 Census Bureau estimates, the average age in Hays County was 30.4. Age distributions were as follows:

<u>AGE</u>	<u>PERCENT</u>
Under 5 years	6.7
5 to 9 years	7.1
10 to 14 years	6.7
15 to 19 years	9.5
20 to 24 years	12.5
25 to 34 years	13.5
35 to 44 years	12.8
45 to 54 years	12.5
55 to 59 years	5.5
60 to 64 years	4.6
65 to 74 years	5.2
75 to 84 years	2.6
85 years and over	0.8

There do not appear to be any significant social conditions that would be affected by the project. The following table shows the percent and number of people employed in certain industry types in Hays County as estimated for 2012.

INDUSTRY	NUMBER	PERCENT
Agriculture, forestry, fishing and hunting, and mining	746	1.0%
Construction	6,83	9.1%
Manufacturing	5,134	6.8%
Wholesale trade	1,447	1.9%
Retail trade	10,380	13.8%
Transportation and warehousing, and utilities	3,144	4.2%
Information	1,538	2.0%
Finance, insurance, real estate, and rental and leasing	4,953	6.6%
Professional, scientific, management, administrative, and waste management services	7,386	9.8%
Educational, health and social services	17,815	23.6%
Arts, entertainment, recreation, accommodation and food services	7,321	9.7%
Other services (except public administration)	3,796	5.0%
Public administration	4,898	6.5%

Additionally, 2012 estimates show that Hays County had a labor force of approximately 81,674 with a 7.5 percent unemployment rate (in persons 16 years of age and older). The estimated mean annual family income was \$91,644, and 88 percent of families had incomes in excess of \$25,000 while 3.1 percent had incomes below \$10,000.

II.A.9 Land Use

The proposed project area includes both developed and undeveloped areas of Wimberley. A majority of the wastewater lines would be constructed in street rights of way, fronting businesses and homes. The location of the three new lift stations would also be in developed areas. The existing Deer Creek Lift Station, which would be upgraded as part of the proposed project, and the location of the new treatment plant are both in undeveloped areas of Blue Hole Regional Park.

Blue Hole Regional Park is owned by the City of Wimberley. Past uses for this property are presumably for livestock purposes. Adjacent land uses include a nursing home/rehabilitation center campus, and a commercial center.

II.A.10 Site Assessment

On January 8, 2014 representatives with APAI conducted a site assessment for signs of hazardous material contamination. No signs of unusual soil discoloration, vegetation anomalies, or atypical odors were identified in the project area. Due to the nature of land use being primarily residential and commercial without heavy industry, hazardous material contamination would not be expected.

There were no signs of waste disposal in the project area. Banks Information Service was contracted in October 2009 to perform an Environmental FirstSearch™ Report to investigate the possibility of contamination on sites within and adjacent to the proposed project area. The investigation did not reveal any conditions that would raise concern of contamination. Items revealed in the investigation included a list of several underground storage tanks and leaking underground storage tanks that had been removed and remediated in the same zip code as the project area. The exact locations of the leaking underground storage tanks were not provided, but the description of the use of the tanks and the associated businesses indicate they were not in the vicinity of the project area. A copy of the FirstSearch™ report can be made available to the public or to any of the consulting agencies in electronic format upon request.

A segment of the abandoned Shell Texas New Mexico crude oil pipeline runs across the Blue Hole Regional Park property and would be crossed by one of the wastewater lines. Figure A-10 in Appendix A shows the location of the abandoned pipeline.

II.A.11 Other Programs and Projects

There are no other programs or projects associated with the proposed project.

II.B Future Environment without a Project

Many of the environmental factors discussed in Section I.A would not be significantly changed from their current state if the proposed project is not implemented (i.e., geological elements, hydrological elements, floodplains and wetlands, climatic events, biological elements, and cultural resources).

However, water quality in Cypress Creek and the Blanco River could change from the current state without the proposed project. If the proposed project is not implemented, bacteria levels in Cypress Creek could remain high in some areas and potentially increase due to the continued reliance on septic systems for wastewater disposal.

The water quality parameters proposed for the new treatment plant effluent are considered protective of the environment by the TCEQ. In consideration of this and due to the fact that the frequency and volume associated with a discharge is anticipated to be minimal, the discharging of wastewater effluent is not expected to negatively impact the quality of surface waters.

III ALTERNATIVES TO THE PROPOSED ACTION

III.A Alternative Solutions to the Water Supply Problems

The *City of Wimberley Wastewater Collection and Treatment System Feasibility Study* (Feasibility Study) authored by APAI outlines the collection and treatment options available to the City of Wimberley. The addendum to the Feasibility Study describes the final recommendation approved by council. (A link to the report is provided in the Reference Section of this document). In summary, the report and addendum provide an explanation of the preferred alternative as well as a discussion on the various treatment options, collection system layouts and treatment plant locations. Also included in these documents is a description of the various options available for wastewater effluent disposal.

III.A.1 Alternative Wastewater Development and Management Techniques

Potentially feasible wastewater system alternatives to the proposed project include:

- Preferred Alternative: Expansion / relocation of existing package plant within Blue Hole Park
- Expansion of the existing wastewater treatment plant at its current location
- Construction of a new wastewater treatment plant outside Blue Hole Park
- Pumping wastewater to an existing plant owned and operated by Aqua Texas, Incorporated
- No action alternative

Construction of a New Wastewater Treatment Plant and Collection System

Within the *Addendum to the City of Wimberley Wastewater Collection and Treatment System Feasibility Study*, the preferred option would involve the installation of a wastewater collection system and the expansion and relocation of the existing treatment plant to a new location within Blue Hole Park. Implementation of this option would provide wastewater service to many of the local businesses, restaurants, and residential areas that currently rely on septic systems in central Wimberley, as well as provide sufficient capacity for anticipated increases in water use due to the availability of central wastewater collection.

This alternative includes the installation of a wastewater collection system that would convey wastewater from existing commercial and residential areas in the central Wimberley area and the construction of a new wastewater treatment plant in the northeast corner of Blue Hole Regional Park. The total plant capacity would be 75,000 GPD, and would include the capacity of the existing plant (25,000 GPD) which would be relocated to the new site. Treated wastewater effluent would be disposed of using land application and by discharging into Deer Creek during periods of heavy rainfall when irrigation is not possible.

The alternative locations considered for the treatment plant facility included expanding the plant at its current location, constructing a new plant outside of Blue Hole Regional Park and constructing a new plant within the park closer to the park boundary (preferred alternative). The selected location of the proposed treatment facility was decided based on maintaining the vision of the Blue Hole Regional Park Master Plan, and in consideration of grade and buffer zone requirements. The primary factor in locating the proposed facility was finding a location that would not interfere with the function and enjoyment of Blue Hole Park. The proposed location is in the extreme northeast corner of the Blue Hole Park property. The facility site would be set back from the property boundary by an approximate 260-foot buffer.

This preferred alternative would meet the immediate and foreseeable wastewater treatment needs of the central Wimberley area, and provide sustainable and upgradable infrastructure. Further, the location of the proposed new plant conforms to Wimberley's approved Blue Hole Regional Park Master Plan and the use of treated effluent for irrigation would reduce the demand on groundwater within the park. The use of highly treated wastewater for non-potable needs beyond the park boundaries, such as in commercial areas downtown or along Winter's Mill Parkway, could be implemented by extending reclaimed water lines or 'purple pipe' from the new plant. Installing these lines in the same trench as the proposed wastewater lines offers advantages both from a cost perspective and from an environmental standpoint in that future impacts from construction are minimized. The decision to move forward with the reclaimed water

portion of the proposed project would be dependent upon a variety of factors including impacts to construction costs and schedule.

Expansion of the Existing Wastewater Treatment Plant

This alternative would involve the expansion of the existing wastewater treatment plant at its current location to a treatment capacity of 75,000 GPD. Currently, the plant is a 25,000 GPD package treatment plant that discharges through a system of perforated subsurface pipes into a disposal field. Texas Land Application Permit (TLAP) limits for the plant are 35 mg/L of BOD, based on a grab sample. The plant receives approximately 10,000 GPD of wastewater from the Deer Creek of Wimberley Nursing Home and Rehabilitation Center and Blue Hole Regional Park. The effluent quality of the plant far exceeds that outlined in the TLAP, with typical BOD concentrations of 10 mg/L.

The facility is located in an area that was previously cleared with an existing effluent disposal irrigation field adjacent to the site. The expansion of the plant and expansion of the irrigation field would involve less land clearing, grading and filling activities than other alternatives. This alternative would be less expensive than the construction of a new facility.

Although it would be less expensive to expand existing infrastructure, relocating the plant to the northeast corner of the park was specifically identified in the Blue Hole Regional Park Master Plan and is considered preferable from an aesthetic and recreational standpoint.

Pumping Wastewater to a Treatment Facility Owned and Operated by Aqua Texas

This alternative would include the construction of the wastewater collection system proposed for the other alternatives, but would not involve the construction of a new treatment plant within the proposed service area. Wastewater would be pumped from the proposed lift station at Cypress Creek Park underneath Cypress Creek to an existing lift station operated by Aqua Texas, Inc. located behind the Brookshire Brothers

grocery store near downtown. This alternative eliminates the costs associated with expanding or replacing the treatment plant at the Blue Hole Regional Park. However, the customers served by this alternative would be required to pay wastewater rates established in the agreement between Aqua Texas and the City of Wimberley. Under this alternative, the City of Wimberley would not have long term rate control of wastewater treatment. The City would also not have any control over the quality of wastewater produced at the plant or the method(s) by which it is disposed.

No Action

The 'no action' alternative is equivalent to continued use of septic systems to serve the wastewater needs of central Wimberley. As outlined in detail in the Feasibility Study, this method of wastewater disposal is not sustainable both from an economic and environmental standpoint. Continued use of septic systems in areas which are not conducive to their use could impact the quality of ground and surface water and further affect the operation of businesses in the area.

Summary

Based on the above discussion, the preferred option to expand and relocate the existing wastewater treatment plant within Blue Hole Regional Park and construct a new wastewater collection system is in line with Wimberley's future vision, adheres to the Blue Hole Regional Park Master Plan, and acknowledges the sensitive environmental nature of the area compared to the other alternatives.

Under the preferred option, operational control of the collection and treatment system remains with the City of Wimberley, as does the wastewater rates charged to customers. This alternative and the Aqua Texas alternative had virtually the same costs when compared on a net present value basis.

III.A.2 Flow and Waste Reduction Measures

Flow and waste reduction measures were not evaluated as part of this project.

III.A.3 Alternative Alignments, Capacities, and Construction Staging

Alternative Location

Several alternative alignments and facility locations were analyzed. Alternative pipeline alignments included alignments to deliver wastewater to alternative facility locations. The facility location alternatives included the expansion of the existing wastewater treatment plant facility, using the preferred facility location on the northeast corner of the Blue Hole Regional Park, and acquiring land outside of the park for the facility.

Alternative Capacities

The capacity of the proposed project is based on the maximum projected needs of prospective customers of wastewater treatment in the service area. Therefore, alternative higher treatment capacities in the future were considered in the planning and design of the proposed project.

Alternative Construction Staging

Construction staging areas would occur in the most environmentally neutral and practicable locations available on the site.

III.A.4 Alternative Methods of Sludge or Other Project Waste Disposal

Transporting sludge and waste offsite for disposal was the only option considered for all of the alternatives. This was considered to be the most cost effective and environmentally sound solution given the limited land area and environmentally sensitive nature of the surrounding area.

III.B Reasons for Rejecting or Accepting Alternatives

Reasons for accepting or rejecting alternatives include environmental and operational factors, project costs, and immediacy for a solution. Based on these criteria, the preferred alternative is the most feasible.

Reasons for Accepting Preferred Alternative

While the option to expand and relocate the existing plant to a total capacity of 75,000 GPD is initially more expensive than expanding the existing package plant in its current location, it is the preferred option and therefore recommended alternative. The reason for this is primarily due to the fact that the new plant would be located in the area designated in the Blue Hole Regional Park Master Plan and allow park development to continue as planned – out of the way of park amenities yet easily accessible from county roads. Moving the plant further from recreational facilities within the park also minimizes aesthetic impacts.

Although the preferred alternative would have a greater environmental impact in terms of clearing vegetation than would expanding the plant in place, this alternative is expected to have a positive environmental impact through the use of effluent for the irrigation of native plant species in Blue Hole Regional Park. Further, the proposed location of the treatment facility was sited to minimally impact vegetation in Blue Hole Regional Park. Wastewater lines would be located in existing transportation and utility rights of way to the greatest extent possible to limit land clearing and land use impacts.

Reasons for Rejecting Other Alternatives

Environmental factors considered included impacts by filling surface waters, and impacts to potential threatened and endangered species habitat. Like the preferred alternative, the expansion alternative would have a positive environmental impact through the use of effluent for the irrigation of native plant areas and areas slated as restored natural areas within the Blue Hole Regional Park master plan.

The Aqua Texas alternative was rejected because, under this option, the quality of treated effluent would not be within the City of Wimberley's control. Furthermore, the City would have less control over the rates charged to wastewater customers.

The “no action” alternative is not preferable due to the continued reliance on private septic systems and the potential for water quality impacts from those systems.

III.C Floodplain Policy (Floodplain and/or Wetland Management Notice)

The majority of the proposed project is located outside of 100-year floodplains. A small portion of the proposed wastewater pipeline within Blue Hole Regional Park and the existing Deer Creek lift station would be located in the Deer Creek 100-year floodplain. Portions of the western wastewater lines are located either in or immediately adjacent to the 100-year floodplain of Cypress Creek and the Blanco River. The wastewater line following Rio Bonito Road and the lift station it connects to near the intersection of Malone Drive and RR 12 is in the Blanco River 100-year floodplain. Additionally, two segments of the Blue Heron Run gravity main, the western portion of the Blue Hole Road force main segment, and the lift station in Cypress Creek Park near the intersection of Old Kyle Road and RR 12 are in the 100-year floodplain of Cypress Creek. The remaining portions of the project are located outside of 100-year floodplains. A copy of the wetland and floodplain management notice is included in Appendix F.

III.C.1 Direct Impacts

Direct impacts would be temporary for pipeline installation and permanent with installation of the proposed Deer Creek effluent discharge outfall structure. Following the installation of the pipelines, disturbed areas would be graded to their pre-construction contours; thereby, resulting in only temporary impacts occurring during the installation of the pipelines. There would be no change in valley storage following the installation of the pipelines or the lift station. Permanent impacts to Deer Creek resulting from the construction of the proposed effluent discharge outfall would be considered minor. The proposed outfall would occupy a small area and maintain pre-construction contours to the extent practical.

III.C.2 Indirect Impacts

Indirect impacts would be temporary and limited to the duration of the installation of the proposed pipelines. During the pipeline installation, upstream and downstream flows along stream channel could be altered if storm events occurred during the installation.

All installations would be conducted during low to no flow conditions. Traffic patterns during pipeline installation may be impacted. A traffic control plan would be developed to diminish these impacts.

III.C.3 Mitigation

Installation of the pipelines will follow appropriate state and federal guidelines, and received appropriate state and federal permits necessary for compliance. To comply with Section 404 of the Clean Water Act, the proposed project (pipeline installation) was authorized by Nationwide Permit 12 for Utility Line Activities. Following the construction of the pipelines, contours located within the proposed pipeline alignments would be returned to their pre-project elevations. Stream crossings by the pipelines were considered self-mitigating as the area impacted was minimal. The proposed effluent discharge outfall was authorized by Nationwide Permit 12 for Utility Line Activities. The outfall did not require compensatory mitigation due to its minimal impact to Deer Creek. A copy of the USACE authorization is included in Appendix H.

A Floodplain and Wetland Management Notice was sent to the USACE, FEMA, Hays County Director of Transportation Services, TCEQ, TWDB, and USFWS. A copy of the notice is included in Appendix F.

IV PROJECT DESCRIPTION

IV.A Project Description

This section provides a description of the proposed project. The proposed project consists of the relocation and expansion of an extended aeration activated sludge package plant to a rated capacity of 75,000 GPD. To transport wastewater to the proposed facility, approximately 13,000 linear feet of gravity sewer pipeline and 9,000 linear feet of force main pipeline would be installed in the central Wimberley service area as illustrated in the figures located in Appendix A. Three lift stations would also be constructed and one existing lift station (Deer Creek Lift Station) would be upgraded.

IV.A.1 Treatment Processes Proposed

Extended aeration activated sludge biological treatment as well as clarification, filtration, disinfection, and phosphorous removal are proposed processes for the new wastewater treatment plant.

IV.A.2 Anticipated Water Quality Parameters and Other Operational Requirements

The proposed effluent would meet Federal and State Type I reclaimed water standards and permit limits for surface irrigation discharges.

IV.A.3 List of Project Elements and Funding Sources

- Approximately 13,000 linear feet of gravity sewer pipeline
- Approximately 9,000 linear feet of force main pipeline
- Construction of three new lift stations and rehabilitation of one existing lift station
- Relocation and expansion of an existing package plant to a rated capacity of 75,000 GPD using the processes described above
- Construction of a treated effluent discharge outfall structure at Deer Creek
- Construction of a treated effluent holding tank adjacent to the package plant
- Construction of a spray irrigation system within Blue Hole Regional Park

Funding for the proposed project would come from a Texas Water Development Board Tier III Clean Water State Revolving Fund (CWSRF) loan.

The wastewater collection and delivery system would consist of 8-inch diameter gravity mains, 4- and 6-inch diameter force mains, and four lift stations (three new and one rehabilitated lift stations).

The wastewater collection system serving downtown Wimberley would consist of gravity sewer lines serving the businesses and residences in and around Wimberley Square and the northern extent of Oak Street. Wastewater from the downtown area would be transported by gravity to the lift station at Cypress Creek Park on Old Kyle Road.

South of downtown Wimberley, gravity lines along Hinson Street, south Oak Street, and Blue Heron Run would collect wastewater and transport the wastewater to a lift station on Blue Heron Run. From this lift station, wastewater would be pumped through force mains to RR 12 where the force main would transition to a gravity main and flow to the Cypress Creek Park lift station.

Wastewater in the southeastern service area would be collected by gravity lines following eastern RR 12, FM 3237 (aka RM 3237), and Rio Bonito Road and be transported by gravity to a lift station at the intersection of Malone Drive and RR 12. From the RR 12 lift station, the wastewater would be pumped in force mains to just past the intersection of Blue Heron Run and RR 12 where the force main transitions to a gravity line and continues to the Cypress Creek Park lift station.

Due to topographic constraints, individual grinder pumps would convey wastewater from residences along the western portion of Blue Hole Lane to the Deer Creek Lift Station via a force main on Blue Hole Regional Park

The Cypress Creek Park lift station would serve to pump collected wastewater via force main along Old Kyle Road to the Deer Creek lift station. From the Deer Creek lift station the wastewater would be transported via force main to the proposed treatment facility along the existing force main alignment and a new force main segment to the proposed

treatment facility. In total, there would be approximately 13,000 linear feet of gravity sewer and 9,000 linear feet of force main installed for the proposed project.

The treatment plant and effluent disposal system would have a treatment capacity of 75,000 GPD. An extended aeration activated sludge package plant with clarification, filtration, disinfection and phosphorous removal processes would adequately treat the flow for use in spray irrigation and discharges into Deer Creek.

Project element locations and designs were selected based on minimization of environmental and infrastructural impacts. Primarily, the pipeline alignments parallel existing transportation and utility line rights of way to the greatest extent possible. The location of one of the new lift stations is in an area already used for public restrooms, and the location of the other two proposed new lift stations is in private easements in close proximity to disturbed areas (i.e. roadways). Additionally, minimizing the need to remove trees or clear other vegetation was an important criterion when selecting the proposed treatment plant location.

Projected Project Costs

The project costs are listed on the following table and are taken from the *Addendum to the Wastewater Collection and Treatment System Feasibility Study*.

Table IV-1: Opinion of Probable Costs

Element	Cost
Collection System	\$2,259,000
Treatment Plant Cost	\$750,000
Irrigation Cost	\$38,000
Storage Cost	\$300,000
Discharge Cost	\$20,000
Land Acquisition Cost	\$44,000
Subtotal Construction Cost	\$3,411,000
Contingency (20%)	\$682,200
Planning and Design (15%)	\$511,650
Legal, Financial, Permitting	\$175,000
Debt Reserve	\$238,993
TWDB Loan Origination Fee	\$92,849
Total Construction Cost	\$5,111,692

IV.A.4 Existing Treatment Facilities

The existing treatment facility would be taken offline and transported to the proposed facility site to be expanded to a treatment capacity of 75,000 GPD. The existing irrigation fields would continue to receive effluent discharge from the newly expanded treatment facility via surface irrigation. Private septic systems would be replaced by central wastewater collection within the proposed service area.

IV.A.5 Special Project Elements

There would be no special project elements involved with the proposed project.

IV.A.6 Land Required

The total land required for the proposed wastewater lines, lift stations, treatment facility, and irrigation areas is approximately 22 acres. The pipelines would have a combined length of approximately 4.2 miles with a 15-foot wide construction work area totaling an approximately 7.6-acre footprint. Wastewater lines would be located in existing transportation and utility easements, properties owned by the City of Wimberley and in some cases, easements on private property.

Easement acquisition would be necessary for the Blue Heron Run and RR 12 at Malone Drive lift stations, part of the Hinson Street wastewater line and Rio Bonito wastewater line.

The treatment facility would occupy just under a 1-acre footprint. This footprint includes the proposed effluent storage tank. The existing subsurface septic fields and other open areas within the park designated for irrigation total approximately 13 acres. The treatment plant and irrigation fields are located in the limits of the Blue Hole Regional Park which is owned by the City of Wimberley.

IV.A.7 Method(s) of Sludge or Other Project Waste Disposal and Disposal Site(s)

Sludge and waste would be transported offsite for disposal. Given the limited availability of land and sensitive environment surrounding the facility, this is the most cost effective and practicable disposal method.

IV.B Proposed Linework

Proposed linework would consist of approximately 13,000 feet of gravity sewer main and 9,000 feet of force main. Wastewater would be conveyed to the treatment plant through these force mains via four lift stations. The proposed construction cost of the collection system including pipelines and lift stations would be approximately \$2,259,000.

IV.C Map(s) of All Proposed Project Elements

Figure A-1 in Appendix A shows the project area in relation to the service area of the proposed wastewater treatment plant. Figure A-2 shows the location of the proposed project, Figures A-3 shows the proposed project on a USGS topographic map, and Figure A-4 shows the project on a 2012 aerial photograph. Additional related figures are included in Appendix A.

IV.D Total Estimated Project Cost and Financing Sources

The proposed project is anticipated to be funded by a loan under the Clean Water State Revolving Fund Tier III. The total estimated loan amount is \$5,111,692.

V ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

V.A Primary Impacts

This section provides a discussion of primary impacts from construction and operation of the proposed facilities. The discussion is divided into short- and long-term impacts.

V.A.1 Short Term Impacts

V.A.1.a Alterations to Land Forms, Streams, and Natural Drainage Patterns

During open trench construction of the pipelines, there would be a temporary alteration to land forms, streams, and natural drainage patterns. After backfill and grading, the land forms, streams, and natural drainage patterns should be almost identical to the current condition. As discussed elsewhere, all crossings of waters of the United States would be returned to their pre-construction contours.

V.A.1.b Effects of Siltation and Sedimentation on Area Watercourses

A Storm Water Pollution Prevention Plan (SWPPP) would be developed for the wastewater collection and treatment plant construction phases of the project to minimize siltation and sedimentation runoff into creeks, tributaries, and drainages. Typical measures in a SWPPP include silt fencing and upslope diversionary flow trenches. The SWPPP would be to the regulatory standards of a construction project located in the Edwards Aquifer Contributing Zone. Due in part to these measures, no significant siltation or sedimentation is expected to occur.

V.A.1.c Effects of Dredging, Tunneling, and Trenching on Area Watercourses and Mitigative Measures

There are no anticipated permanent impacts to area watercourses that would be caused by dredging, tunneling, and trenching. Following installation of the pipelines, contours would be graded to their original contours. The United States Army Corps of Engineers (USACE) has jurisdiction over discharge of dredged or fill material into waters of the United States. The USACE authorized the proposed project under Nationwide Permit

12 for Utility Line Activities (USACE Project Number SWF-2010-00120). A copy of the USACE authorization is included in Appendix H.

Fill used within jurisdictional waters would consist of earthen backfill using material excavated from the pipeline trench. The trenches would be kept to the minimum necessary for construction. A minimum of four (4) feet of cover would be used on the pipe. The existing topsoil in the vicinity of the crossing would be stockpiled and reapplied during the final grading process to ensure vegetative growth from the existing seed bank.

Under Section 401 of the Clean Water Act compliance, appropriate stormwater best management practices would be employed at the site to minimize sediment migration downstream of construction areas. Additionally the City of Wimberley's design engineer would place notes in project plans that would limit construction activities across Deer Creek to the minimum width necessary for construction, and that construction should only take place during low or no flow conditions.

The proposed project would not require a TPWD administered Sand, Marl, and Gravel Permit. The permit is only required when state navigable waters are impacted. Since Deer Creek does not meet the definition of a state navigable water due to its width being under 30 feet, impacts to Deer Creek by the proposed project would not require a Sand, Marl, and Gravel permit. Additionally, the proposed project would fall under the permit exemption for utility line maintenance and construction projects carried out by public utilities for noncommercial purposes.

V.A.1.d Precautions to Avoid Injury to Cover Vegetation

Injury to cover vegetation would be minimized to the extent practicable by confining construction activities to the treatment facility footprint, and the pipeline temporary construction easement areas. Vegetation clearing would be limited to the least amount possible for the construction of the project. Areas disturbed by pipeline installation and permeable soil in the treatment facility footprint would be reseeded to restore vegetative cover similar to the displaced vegetation after completion of final grading. The City of

Wimberley will utilize a native grass and wildflower seed mixture adapted to the Texas Hill Country for surface restoration areas. The proposed vegetation seeding mixes as recommended in the Blue Hole Regional Park Master Plan are shown in Table V-1 below.

Table V-1: Vegetation List for Planting in Areas Disturbed by Construction

Common Name	Scientific Name	Seeding Rate (lbs/acre)
Lowland Switchgrass	<i>Panicum virgatum</i>	4
Indiangrass	<i>Sorghastrum nutans</i>	6
Little Bluestem	<i>Schizachyrium scoparium</i>	8
Prairie or Canada Wildrye	<i>Elymus canadensis</i>	10
Sidoats Grama	<i>Bouteloua curtipendula</i>	6
Buffalograss	<i>Buchloe dactyloides</i>	6
Cutleaf Daisy	<i>Engelmannia pinnatifida</i>	12
Maximilian Sunflower	<i>Helianthus maximiliani</i>	4
Scarlet Sage	<i>Salvia coccinea</i>	8
Illinois Bundleflower	<i>Desmanthus illinoensis</i>	19

Additionally, the City of Wimberley intends to perform a tree survey for trees eight inches or greater in diameter at DBH within the project area. Should trees greater than eight inches DBH be removed, the City of Wimberley would replace those trees within Blue Hole Regional Park at a ratio of three:one. Replacement trees would be of equal or greater value to wildlife than the tree species removed. All replacement trees would be regionally adaptive native species. The City, or appointed representative would monitor the survival of the replacement trees to ensure 80% survival for two consecutive years. If 80% survival of the replacement trees is not attained, the City would replant and the two year monitoring period would start from the replanting date.

V.A.1.e Precautions Taken to Protect the Area’s Environment from Herbicides, Defoliant, and Cutting or Burning

No herbicides or defoliant would be used in clearing of vegetation or in future facility maintenance. Cutting and burning may be an option for the disposal of vegetation. Any burning of vegetation would adhere to local, state, federal rules and regulations. The

contractor would be required to adhere to all county burn notices. The contractor would be required to minimize removal of trees of significant size.

V.A.1.f Final Disposal Method for Soil and Vegetative Spoil

Excavation is anticipated for the installation of pipelines and for the below-grade structures associated with the lift stations (i.e. wet wells). Excavated material would be used in backfilling of pipeline trenches. Any excavation for the treatment facility construction would be reapplied to disturbed areas of the site and seeded according to section V.A.1.d. Excess excavated material would be properly disposed of either on- or off-site in compliance with applicable local, state, and federal laws. Disturbed areas would be restored to their existing grades. Vegetative spoil would be disposed of in accordance with appropriate local, state, and federal rules and regulations.

V.A.1.g Acquired Land

The proposed project would be located on land previously acquired by the City of Wimberley for the Blue Hole Regional Park, in existing county and municipal utility and transportation rights of way and in private easements.

V.A.1.h Permit or Mitigative Measures Required by the United States Army Corps of Engineers

The USACE authorized the proposed project under Nationwide Permit 12 for Utility Line Activities and outfalls (USACE Project Number SWF-2010-00120). A copy of the USACE authorization is included in Appendix H. Based on the minimal impacts to waters of the U.S., the project was considered self-mitigative.

V.A.1.i Dust Control Measures During Construction

Construction measures to assist in dust control would include driving construction vehicles at low speeds and watering disturbed, soil exposed roadways and work areas.

V.A.1.j Precautions for Protection from Noise

Noise effects would be minimal and for short duration during project construction. Some wildlife may leave the general area, but is expected to return after construction is complete. During project construction, noise would be intermittent. Major noise generation would be anticipated from the operation of heavy equipment. Construction would occur during daylight hours when disruption to receptors would likely be minimal. Noise originating from the project site would be attenuated by distance. Pipeline installation closer to residential and business receptors would only occur for a short period of time. Additionally, consideration may be given during the design phase to incorporate private service connection installation into the project. In many cases, connecting private residences / businesses to wastewater collection lines is the responsibility of the property owner. However, due to the complexity of the septic system orientation on some properties and to facilitate ease of making these connections, it may be advantageous to integrate this into the overall project. If, upon further analysis, this approach is selected, construction on private property would be more substantial but would still be for only a short duration as each connection is made.

Pipeline and lift station construction in Wimberley would occur during the day, and noise levels are not anticipated to exceed levels generated by typical road maintenance and construction. The construction specifications would require the contractor to be familiar with, observe, and comply with federal, state, and local laws, ordinances, and regulations that apply to the conduct of work including the Occupational Safety and Health Administration regulations with respect to noise. Therefore, noise levels, which would be unacceptable from a health and safety standpoint, should not occur.

V.A.1.k Areas to be Affected by Blasting

No blasting activities are anticipated during project construction.

V.A.1.1 Measures to Minimize Vehicular and Pedestrian Traffic Disruption and to Protect the Public from Construction Hazards

There are no anticipated disruptions in road traffic or pedestrian traffic that would result from the proposed project beyond that of typical road maintenance and construction. Most crossings of transportation rights of way are perpendicular to the road and would be directionally drilled in order to avoid disruption of traffic. Vehicular traffic to and from the proposed project site may increase during the construction phase, but would subside after project completion. The additional construction traffic is not anticipated to adversely affect the flow of traffic.

V.A.1.m Effects of Night Work on Area Environment

It is anticipated that construction would only take place during daylight hours.

V.A.2 Long Term Impacts

V.A.2.a Beneficial Land Uses Eliminated by the Project

The proposed project would not eliminate any beneficial land uses. The pipeline alignment would be located along existing transportation and utility rights of way to the greatest extent possible. The treatment facility site is located within an area specified in the Blue Hole Regional Park Master Plan for a wastewater treatment plant. The project would augment vegetation established in areas of Blue Hole Regional Park where the spray irrigation system is located.

V.A.2.b Interference with Scenic Views

There is no anticipated impact to scenic views that would be incurred by the proposed project. However, a viewshed analysis has not been performed.

V.A.2.c Potential Odor Effects

The designs of the treatment facility and lift stations will include odor abatement measures. There are no odor issues anticipated beyond the immediate vicinity of the treatment facility. There are currently no human receptors that would be impacted by

odors from the facility in the immediate vicinity of the proposed project, and the plant location would conform to the minimum 150-foot buffer requirement from the property boundary of Blue Hole Regional Park.

V.A.2.d Effects on Water Supply

The proposed project is expected to have positive effects on water supply by decreasing the reliance on private septic system treatment of wastewater and the water quality impacts that may be attributed to these systems. Effluent discharges to Deer Creek are expected to be infrequent and would meet or exceed TCEQ water quality standards for discharges to receiving water bodies. The project will also reduce the demand on groundwater to irrigate areas within Blue Hole Regional Park.

V.A.2.e Effects of Interbasin Transfer

The proposed project would not involve interbasin water transfers.

V.A.2.f Effects on Historical, Cultural, and Archaeological Resources

AR Consultants, Inc., an archaeological consulting company, reviewed the available records in the Texas Historical Commission's Texas Archaeological Sites Atlas and conducted a site investigation to determine the potential for archaeological sites in the project area. AR Consultants concluded that the likelihood of finding cultural or historical resources is remote.

V.A.2.g Potential Effect on Protected Species and/or Their Habitat

There are no federal or state protected species whose critical habitat would be affected by the proposed project. Although several endangered and threatened species have the potential to occur within or migrate across the subject property, no adverse impacts to these species is anticipated by the proposed activities. Habitat for the Black Capped Vireo and the Golden Cheeked Warbler are known to exist in the area. However, the USFWS concluded in a letter dated December 3, 2010 (included in Appendix D) that there was not suitable habitat of the Golden-cheeked Warbler and other species of concern located in the limits of Blue Hole Regional Park that would be impacted by park

improvements projects. Further, in 2010, the USFWS concluded that a proposed Guadalupe Blanco River Authority (GBRA) and City of Wimberley wastewater improvement project, summarized in a draft TWDB Environmental Information Document (EID), was not likely to adversely affect species of concern. Concerning the current proposed project, the USFWS concluded that there would be no USFWS action required for the proposed project. A letter showing the USFW finding of “no action” is included in Appendix H.

To limit potential impacts to migratory birds, the City of Wimberley would make every effort to convey to the contractor the need to perform vegetation clearing activities outside of the nesting season spanning March through August. Should clearing need to be performed during nesting season, the City would perform a migratory bird survey for species, their nests or young. If a migratory bird species bird, nest, or young be observed, the occupied area would be buffered by a minimum of 300 feet and avoided until the eggs have hatched and the young have fledged.

To limit potential impacts to horned lizards, the City of Wimberley would host a pre-construction meeting with construction contractors to educate and inform the contractor’s staff about horned lizards and harvester ants and to provide the contractor with best management practices to avoid impacts to the horned lizard. The City design engineer would at a minimum place notes in project plans to cover trenching activities at night when practicable, and if not practicable, observe area trenches for horned lizards prior to daily construction commencement.

To limit potential impacts to other state listed threatened, endangered, or rare species, the City of Wimberley would host a pre-construction meeting to educate and inform the contractor’s staff about the spot-tailed earless lizard, the Texas garter snake, the Plains spotted skunk, or any other potential listed threatened, endangered, candidate, or rare species that may occur in the project vicinity. The contractor would be told to avoid these species, and the consequences for impacting these species. The City would provide the contractor with best management practices to avoid impacts to these species. A qualified biologist would be available at the meeting to answer any

questions that may arise. The City of Wimberley would instruct the contractor to not kill, injure, or maim any snake located within the project area. The City or their appointed representative would review the current state and federal listing for threatened, endangered, candidate, or rare species immediately prior to construction commencement and provide an opinion on potential impacts to these species from construction activities. Should any questions or concerns arise, the City of Wimberley would contact either TPWD Wildlife Division staff or USFWS staff for guidance.

V.A.2.h Effect on Recreational Areas or Natural Preserves

The proposed project is not anticipated to have any long-term effects on recreational or natural areas. The location of the treatment plant would be in the northeast corner of Blue Hole Regional Park as designated in the Blue Hole Regional Park Master Plan, in order to minimize potential aesthetic impacts and not interfere with planned uses for the park. Recreational areas such as hike/bike trails may be temporarily affected during construction of the wastewater lines within the park but no long term impacts from wastewater line construction are anticipated.

Construction of the proposed lift station in Cypress Creek Park would have temporary impacts to this recreational area during construction. Design of the lift station will include elements to minimize the long-term aesthetic impact of this project component by implementing below-grade construction (i.e. submersible pumps) and odor control. The lift station is expected to be located adjacent to the current public restrooms. The septic tank that currently serves these restrooms would be removed.

V.A.2.i Potential Noise Levels

During project construction, noise would be intermittent. Major noise generation would be anticipated from the operation of heavy equipment. Construction would occur during daylight hours when disruption to receptors would likely be minimal. Noise originating from the project site would be attenuated by distance. The operation of lift stations and the treatment facility is not anticipated to generate unacceptable noise levels.

V.A.2.j *Potential Impacts on Different Socioeconomic Groups*

Under the Environmental Protection Agency's (EPA's) methodology¹ for calculation of a Potential Environmental Justice Index, demographics are analyzed in one and fifty square mile study areas around each Environmental Justice point location. The one square mile area corresponds to a 0.56 mile radius, and the fifty square mile area corresponds to a 4 mile radius. The Potential Environmental Justice Index is the product of a Population Factor and an Economic Status Score. The Population Factor is based on population density (Table V-2). The Economic Status Score (Table V-3) is based on the percentage of households in the study area with incomes of less than \$20,000 per year.

Table V-2: Population Factor

Population per Square Mile, X	Population Factor
0	0
$0 < X \leq 200$	1
$200 < X \leq 1,000$	2
$1,000 < X \leq 5,000$	3
$5,000 < X$	4

Table V-3: Economic Status Score

Percentage of Households With Income Less than \$20,000 per Year	Economic Status Score
$0 < X \leq 23.6$ (Texas Average)	1
$23.6 < X \leq 31.4$	2
$31.4 < X \leq 39.2$	3
$39.2 < X \leq 47.2$	4
$47.2 < X \leq 100$	5

The Potential Environmental Justice Indices for the proposed project is presented in Table V-4. The proposed project has a Potential Environmental Justice Index of 1 out of a possible 20 for a 1-square mile area, and 1 out of 20 for a 50-square mile area,

¹ *Computer Assisted Environmental Justice Index Methodology*, Office of Planning and Analysis, U.S. EPA Region VI, July 1994.

indicating that low-income populations would not endure a disproportionate share of environmental impacts from the proposed project.

Table V-4: Potential Environmental Justice Indices

Study Area (sq. mi.)	Population Density (cap/sq. mi.)	Population Factor	Percentage of Households With Income Less Than \$20,000 per Year	Economic Status Score	Potential Environmental Justice Index (Out of 20)
1	94	1	17%	1	1
50	137	1	17%	1	1

V.A.2.k Control of Access to the Facilities

Access would be controlled by the construction contractor. The contractor would be required to develop a plan, approved by the design engineer that would specify the exact precautions to be taken to control access to the facilities during construction. Construction traffic to the site would be restricted to daylight hours, and public entrance would not be allowed.

Following construction, the City of Wimberley would be responsible for facility access and security. A facility access and security plan for the facility would be established in accordance with state and federal law.

V.A.2.l Potential Insect Nuisances and Methods of Control

It is not anticipated that the proposed project would cause an insect nuisance. Therefore, no insect control measures are planned.

V.A.2.m Potential Effects on Floodplains and Flood Levels

See discussion in Section III.C.1.

V.A.2.n Effect on Air Quality

Construction activities associated with the proposed project would not have a long-term effect on air quality. Implementation of the project would not have a long-term effect on air quality.

V.A.2.o *Expected Energy Consumption during Operation and Chemicals Used in Treatment*

Rough estimates for electrical and chemical uses are as follows:

- Annual average power usage is expected to be approximately 130,000 kilowatts.
- Chlorine for disinfection and aluminum sulfate for phosphorous removal would be used and stored at the treatment plant facility.

V.A.2.p *Abandoned Facilities*

The existing package treatment plant would be taken offline and transported to the proposed facility location in the northeast corner of Blue Hole Regional Park. The relocated package plant would be expanded to a rated treatment capacity of 75,000 GPD.

V.A.2.q *Effects on Coastal Zones*

There are no coastal zones or coastal management zones located within or near the service area.

V.B Secondary Impacts

Secondary impacts are indirect or induced changes caused by the proposed project. Potential secondary impacts such as impacts of future development on land use, air quality, water quality and availability, public services, economics, land use planning, and environmentally sensitive areas are discussed below.

V.B.1 Impacts of Future Development on Land Use

The proposed project is not anticipated to impact population growth in the project area. The project is in response to deteriorating infrastructure.

V.B.2 Effects on Air Quality

The proposed project should have little if any impact on air quality. Construction of the proposed project may increase particulate levels in the vicinity, but these problems would be temporary and short-lived. Dust emissions can be controlled by appropriate methods during construction.

V.B.3 Effects on Water Quality and Availability

The proposed project is expected to provide beneficial impacts to water quality and availability. The proposed project would decrease the reliance on private septic systems, which in many cases are deteriorating, and potentially impacting the water quality of Cypress Creek. Additionally, treated effluent from the proposed wastewater treatment facility would provide a source of irrigation water for Blue Hole Regional Park amenities, and potentially for commercial users, thereby reducing the reliance on groundwater for non-potable water needs. Effluent discharges to Deer Creek would occur infrequently and would meet or exceed TCEQ water quality standards for discharges to Deer Creek and the Blanco River.

V.B.4 Effects on Public Services

Public service in the service area would be improved by providing a central wastewater collection system.

V.B.5 Economic Impacts

The funding options available to the City of Wimberley to finance the construction of the wastewater collection and treatment system include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in

assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values.

V.B.6 Conformance or Conflict with Land Use Planning

The proposed project conforms to current land use planning in the service area.

V.B.7 Impacts of Development on Environmentally Sensitive Areas

The proposed project is not anticipated to induce population or commercial growth in floodplains, wetlands, or other environmentally sensitive areas.

VI ADVERSE IMPACTS WHICH CANNOT BE AVOIDED SHOULD THE PROJECT BE IMPLEMENTED

Environmental impacts were discussed in detail in Section V, and adverse impacts that cannot be avoided are reviewed below. Adverse impacts are anticipated to be minor, and through best management practices, impacts are anticipated to be abated in a short time after implementation.

VI.A Primary Adverse Impacts

During construction, there would be unavoidable short-term adverse impacts such as a minor increase in air pollution (primarily dust), disruption of the natural soil, emigration of wildlife, temporary loss of habitat within the construction area, and increased noise. There would also be temporary impacts from pipeline installation to creeks identified in the proposed project area. The construction of the proposed effluent discharge outfall in Deer Creek would permanently impact the creek. However, the outfall structure design would minimize permanent impacts by limiting the size of the structure and having the structure follow existing contours of the creek as much as possible. Construction practices are available which, if employed, can minimize many of these impacts. These requirements would be included in the specifications and Storm Water Pollution Prevention Plan for the project, and the contractor's activities would be monitored to ensure compliance. These impacts, to the extent they do occur, are temporary. When construction is completed, the impacts would abate within a short period of time.

Treated wastewater effluent discharges to Deer Creek are expected to be infrequent and would meet or exceed water quality standards established by the TCEQ for discharges to receiving water bodies.

VI.B Secondary Adverse Impacts

Secondary impacts are indirect or induced changes caused by the proposed project (See discussion in Section V.B). There are no anticipated secondary adverse impacts associated with the proposed project.

VII RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

No tradeoffs between short-term environmental gains at the expense of long-term environmental gains or vice versa have been identified. Overall the proposed project considers both short and long term impacts and is designed to provide the most environmentally beneficial design in the near and long term.

VIII IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES TO THE PROPOSED PROJECT

No irreversible or irretrievable commitments of resources have been identified.

IX PUBLIC PARTICIPATION AND COORDINATION

IX.A Discussion

A summary of public participation and coordination is included in the following narratives. Coordination included a published notice in the Wimberley View and Dripping Springs News-Dispatch, a 30-day comment period, and a public hearing to discuss the proposed projects and its alternatives.

IX.B Public Hearing

Pursuant to Clean Water State Revolving Funds Tier III guidance, a public hearing for the proposed project was held on May 5, 2014 at the Wimberley Community Center. A copy of the presentation, attendee list, and a verbatim transcript of the proceedings is included in Appendix G.

IX.B.1 Advertisement

The public was notified of the public hearing through advertisements placed in the Wimberley View, the Dripping Springs News-Dispatch, and on the City's website. The advertisement contained the Notice of Public Hearing and Availability of Environmental Information Document. Copies of the notice and publishers affidavit are included in Appendix G.

A written notice of the hearing was also sent to the appropriate local and state agencies, councils of government, and all parties that expressed an interest in the project. As part of the Public Hearing Record, a distribution list is included in section IX.C.1.

IX.B.2 Hearing Notice

The Notice of Public Hearing and Availability of the Environmental Information Document, presented as part of the Public Hearing Record, is included in the following section (IX.B.3).

IX.B.3 Public Availability of EID

The Notice of Public Hearing and Availability of Environmental Information Document was published in the Wimberley View and the Dripping Springs News-Dispatch on April 3, 2014 and delivered to the appropriate local, county, state, and federal agencies. A copy of the notice is included in Appendix G.

IX.B.4 Hearing Format

The public hearing included the following elements:

- Call to order;
- Statement of the purpose of the public hearing (including the following statement: “One of the purposes of this hearing is to discuss the potential impacts of the project and alternatives to it.”);
- The considerations to be taken into account under law and regulations; a brief description of the proposed project; its costs and alternatives, including the estimated monthly bill to a typical residential household as above, any connection fee and an estimate of the private (service line) costs;
- A question and answer period;
- A list of witnesses; and
- Testimony.

IX.B.5 Hearing Record

The public hearing record (Appendix G) includes a copy of the hearing notice, letters of notification and list of all recipients, a copy of the public hearing presentation, a list of witnesses at the public hearing, and a verbatim transcript of the public hearing.

IX.C Coordination of Review

This section describes activities to coordinate review of the Draft Environmental Information Document.

IX.C.1 Circulation of EID

Copies of the Draft Environmental Information Document (Draft EID) were delivered by certified mail to the applicable offices of each agency below.

- U.S. Army Corps of Engineers, Fort Worth District Regulatory Branch
- U.S. Fish and Wildlife Service
- Texas Historical Commission, State Historic Preservation Officer
- Federal Emergency Management Agency, Region VI Federal Center
- Texas Commission on Environmental Quality, Chief Engineer
- Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program, Wildlife Division
- Natural Resources Conservation Service, Assistant State Conservationist, Water Resources
- U.S. Forest Service, Regional Environmental Coordinator
- U.S. National Park Service, Wild and Scenic River Coordinator
- Capital Area Council of Governments

The following agencies received the Notice of Public Hearing and Availability of the Environmental Information Document also by certified mail.

- Bureau of Reclamation, Texas Representative
- Department of Housing, Environmental Officer
- U.S. Geological Survey, Director, Central Region
- Bureau of Land Management
- Hays Trinity Groundwater Conservation District
- Hays County Resource Protection, Transportation, and Planning Department
- Edwards Aquifer Authority

Copies of the cover letters and return receipts are included in Appendix G.

IX.C.2 Notice of the Public Hearing and Availability

The notice of public hearing and availability of the Draft EID was published in the Wimberley View and the Dripping Springs News-Dispatch on April 3, 2014. The same notice was included in correspondence with the reviewing State and Federal agencies. Copies of the Draft EID were made available during the public review period at Wimberley City Hall, Wimberley Library, and the Wimberley Community Center.

IX.C.3 Documentation

Copies of transmittal letters and the comments from the reviewing agencies are included in Appendix H. Responses to the comments are as follows.

U.S. Army Corps of Engineers (USACE)

The USACE was provided a copy of the Draft EID, a copy of the preliminary jurisdictional determination report, and a request for Section 404 of the Clean Water Act review. The USACE reviewed the request for authorization under Nationwide Permit 12 for Utility Line Activities. On May 23, 2014, the USACE provided authorization of the project with coverage under Nationwide Permit 12 for Utility Line Activities.

Texas Parks and Wildlife Department (TPWD)

On May 12, 2014, the TPWD responded to the Draft EID with recommendations. The recommendations and responses to the recommendations are as follows.

Recommendation 1: The TPWD recommends clearing the least amount of vegetation possible for the construction of this project, especially undisturbed native vegetation and mature trees.

Response to Recommendation 1: The City of Wimberley will limit clearing of vegetation to the minimum width necessary to safely construct the project. The

City of Wimberley will utilize a native grass and wildflower seed mixture adapted to the Texas Hill Country for surface restoration of areas impacted by construction. (Incorporated in EID Section V.A.1.d)

Recommendation 2: TPWD recommends tree mitigation for the loss of trees greater than 12 inches in diameter at breast height (DBH) at a ratio of three trees for every one lost and trees less than 12 inches at DBH at a ratio of one tree for every one lost. Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species. A three to five year maintenance plan that ensures 85 percent survival should be developed for the replacement trees.

Response to Recommendation 2: The City of Wimberley intends to perform a tree survey for trees 8 inches or greater in diameter at DBH within the project area. Should trees greater than 8 inches DBH be removed, the City of Wimberley will replace those trees within Blue Hole Regional Park at a ratio of 3:1. Replacement trees will be of greater value to wildlife than the tree species removed. All replacement trees will be regionally adaptive native species. The City or appointed representative will monitor the survival of the replacement trees to ensure 80% survival for two consecutive years. If 80% survival of the replacement trees is not attained, the City will replant and the two year monitoring period will start from the replanting date. (Incorporated in EID Section V.A.1.d)

Recommendation 3: TPWD recommends that construction of the pipelines across Deer Creek be installed by boring underneath the stream versus trenching through the stream substrate. This construction practice would serve to minimize impacts to the streambed as well as wildlife habitat within the stream. If boring underneath Deer Creek is not practicable, TPWD recommends the trenching take place when the stream is dry.

Response to Recommendation 3: Construction of the pipeline across Deer Creek by boring is not practicable due to the limited size and ephemeral nature of the creek. The pipeline will be constructed by open trench installation techniques. The City's design engineer will place notes on the plans that "construction across Deer Creek should be limited to the minimum width necessary for construction and construction will only take place during low or no flow conditions." The project has also received a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers – Fort Worth District. As a component of the Section 401 of the Clean Water Act coordination with the TCEQ, appropriate stormwater best management practices will also be employed at the site to minimize sediment migration downstream of the construction area. (Incorporated in EID Section V.A.1.c)

Recommendation 4: *TPWD recommends that if the proposed project would impact a State-navigable stream bed, the project would require a permit from TPWD under Chapter 86, Parks and Wildlife Code. If the proposed project would impact a state stream bed, contact Tom Heger with TPWD Wetlands Conservation Team for sand, gravel, or marl permit coordination.*

Response to Recommendation 4: Tom Heger stated that the proposed project would not require a TPWD administered Sand, Marl, and Gravel Permit. The permit is only required when state navigable waters are impacted. Since Deer Creek does not meet the definition of a state navigable water due to its width being under 30 feet, impacts to Deer Creek by the proposed project would not require a Sand, Marl, and Gravel permit. Additionally, the proposed project would fall under the permit exemption for utility line construction and maintenance projects carried out by public utilities for noncommercial purposes. (Incorporated in EID Section V.A.1.c, correspondence with Mr. Heger included in Appendix H)

Recommendation 5: Project be designed to avoid adverse impacts and protect water quality downstream of the project in the Blanco River, Cypress Creek, as well as other water crossings that may be affected by the project.

Response to Recommendation 5: The proposed project is in response to improving water quality in Cypress Creek and the Blanco River. The proposed project is intended to place Wimberley's Central Business District (CBD) and residential areas surrounding the CBD on a regional collection system that is conveyed to a centralized treatment facility. This would in turn decommission aging and leaking septic systems that the businesses and residents surrounding the CBD currently employ. As mentioned in Response to Rec. 3, best management practices will be utilized to minimize impacts to area aquatic resources from construction related activities. (Incorporated in EID Section V.A.1.c, and discussed in Section V.A.1.b)

Recommendation 6: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the Migratory Bird Treaty Act. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends Alan Plummer Associates, Inc. (APAI) survey the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

Response to Recommendation 6: The City of Wimberley will make every effort to convey to the contractor the need to perform vegetation clearing activities during the months of September through February. However, dictating schedules to a contractor can result in significantly higher construction costs. Should clearing need to be performed between the months of March through August, the City of Wimberley agrees to perform a migratory bird survey for species, their nests or

young. The City also agrees that should a migratory bird species, their nest, or young be observed, the occupied area would be buffered by a minimum of 300 feet and avoided until the eggs have hatched and the young have fledged. (Incorporated in EID Section V.A.2.g)

Recommendation 7: TPWD recommends APAI survey for suitable Golden-cheeked Warbler (GCW) and Black-capped Vireo (BCV) habitat in areas that were surveyed in 2010 as well as areas within the proposed alignment that have not been surveyed yet (areas outside of Blue Hole Regional Park). TPWD notes that the vegetation composition of the areas that were surveyed in 2010 may have changed in the years since the original survey. Even if habitat for this species would not be directly impacted by vegetation removal, if nesting pairs are present in the surrounding vegetation, they could be disrupted by noise and activity during construction. Because the definition of take in the Endangered Species Act (ESA) includes harming or harassing a listed species, this disturbance could constitute a violation of the ESA. If suitable habitat for the GCW and BCV is present adjacent to the right of way, TPWD recommends APAI perform surveys during the appropriate season to determine if the habitat is occupied by this species. TPWD recommends APAI conduct presence/absence surveys according to USFWS GCW survey guidelines.

Response to Rec. 7: The USFWS concluded that the proposed project would not likely adversely affect the GCWA or BCVI; therefore, no further GCWA or BCVI studies are warranted. (USFWS correspondence included in Appendix H)

Recommendation 8: TPWD recommends that a pre-construction survey be conducted to determine if horned lizards are present in the areas proposed for disturbance. If horned lizards are found on-site, TPWD recommends contacting this office to develop plans to relocate them, particularly if there is likelihood that they would be harmed by project activities. TPWD recommends the use of the BMPs described in the Texas Horned Lizard Watch – Management and Monitoring Packet to minimize impacts to the Texas Horned Lizard.

Response to Rec. 8: Although no horned lizards were observed (PBSJ study and the Alan Plummer field assessment), the City of Wimberley agrees to host a pre-construction meeting with the contractor to educate and inform the contractor's staff about horned lizards and harvester ants and to provide the contractor with best management practices to avoid impacts to the horned lizard. The City's design engineer will at a minimum place notes on the plans to "cover trenching activities at night when practicable, and if not practicable, observe area trenches for horned lizards prior to daily construction commencement." (Incorporated in EID Section V.A.2.g)

Recommendation 9: *TPWD recommends that the project area be surveyed for Warnock's coral-root where suitable habitat is present.*

Response to Recommendation 9: For the Blue Hole Regional Park, PBSJ performed a survey for suitable Warnock's coral-root habitat. The conclusion from that survey- "Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007." With regard to the conveyance pipelines outside of Blue Hole Regional Park, the majority of the proposed pipelines would be within existing roadways, immediately adjacent to existing roadways, or within previously impacted areas. Therefore, further study for the Warnock's coral-root is unwarranted.

Recommendation 10: *TPWD recommends that the project area be surveyed for springs. If springs are present, TPWD recommends APAI perform a [Blanco River Springs] salamander survey. If salamanders are present on-site and would be adversely impacted by the proposed project, then this office should be contacted for guidance on protection of this species.*

Response to Recommendation 10: No springs were identified during the Alan Plummer field assessment for the proposed project. The only aquatic resources identified in the immediate project area consisted of the ephemeral Deer Creek

and two unnamed ephemeral tributaries to Deer Creek. Further study for the Blanco River Springs salamander is unwarranted.

Recommendations 11, 12, 13, and 14: TPWD recommends APAI monitor the listing status of the Spot-tailed earless lizard throughout project planning and construction and perform required consultation, permitting, and mitigation with the USFWS if this species becomes listed under the ESA. TPWD also recommends APAI survey for this species in areas proposed for disturbance, and avoid impacts to this species if found on-site.

Snakes are generally perceived as a threat and killed when encountered during clearing or construction. Therefore, TPWD recommends that personnel involved in clearing and construction be informed of the potential for the rare Texas garter snake to occur on the project site. Personnel should be advised to avoid impacts to this snake as it is non-venomous and poses no threat to humans. Contractors should avoid contact with this species if encountered and allow the snake to safely leave the premises.

If during construction the project area is found to contain the rare species listed [Spot-tailed Earless Lizard, Texas Garter Snake, and Plains Spotted Skunk], TPWD recommends that precautions be taken to avoid impacts to them.

Please review the TPWD county list for Hays County, as rare species in addition to these discussed above could be present, depending upon habitat availability. This list is available online at <http://www.tpwd.state.tx.us/gis/ris/es>. If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species. For the USFWS threatened and endangered species lists by county, please visit <http://www.fws.gov/endangered>.

Response to Recommendations 11, 12, 13, and 14: The City of Wimberley will host a pre-construction meeting to educate and inform the contractor's staff about the spot-tailed earless lizard, the Texas garter snake, the Plains spotted skunk, or any other potential listed threatened, endangered, candidate, or rare species that may occur in the project vicinity. The contractor will be told to avoid these species, and the consequences for impacting these species. The City will provide the contractor with best management practices to avoid impacts to these species. A qualified biologist will be available at the meeting to answer any questions that may arise. The City of Wimberley will instruct the contractor to not kill, injure, or maim any snake located within the project area. The City or their appointed representative will review the current state and federal listing for threatened, endangered, candidate, or rare species immediately prior to construction commencement and provide an opinion on potential impacts to these species from construction activities. Should any questions or concerns arise, the City of Wimberley will contact either TPWD Wildlife Division staff or USFWS staff for guidance. (Incorporated in EID Section V.A.2.g)

Texas Historical Commission

The Texas Historical Commission deferred to Texas Water Development Board staff archaeologists to provide a cultural and/or historical determination. For the proposed project, AR Consultants, Inc. produced an addendum to their 2010 cultural resources evaluation for the 2010 GBRA and City of Wimberley wastewater improvement project. This addendum reviewed additional project component locations not evaluated in the 2010 report. The 2010 cultural resources evaluation and its 2014 addendum are included in Appendix E and will be submitted to TWDB staff archaeologists for their review.

Texas Commission on Environmental Quality

On May 21, 2014, the TCEQ commented in favor and support of the proposed project.

U.S. Fish and Wildlife Service

In 2010, the USFWS found that components of the proposed project as reviewed in a 2010 draft TWDB EID would not likely adversely affect the continued existence of the Golden-cheeked Warbler in the proposed project area and its immediate vicinity. In review of the 2014 draft EID for the proposed project, the USFWS provided a “no action” statement for the proposed project. The 2010 USFWS responses are included in Appendix D, and responses directed to the current proposed project are included in Appendix H.

Texas Water Development Board and Federal Emergency Management Agency

Both entities deferred to the local floodplain administrator for coordination. Since the City of Wimberley is a participant in the National Flood Insurance Program, all potential impacts to delineated floodplains should be coordinated with the City of Wimberley’s floodplain administrator. Copies of the agency comments are included in Appendix H. FEMA responded in a letter dated April 28, 2014, and the TWDB response is from their 2010 review of the GBRA and City of Wimberley wastewater project draft EID. The project components differ very slightly between the project proposed in 2010 and the proposed project discussed in this document.

National Park Service, Nature Resources Conservation Service, U.S. Forest Service, and Capital Area Council of Governments

These agencies did not provide comment to the 2014 draft EID for the proposed project. To show agency coordination and findings of no environmental concern for the proposed project, agency responses to the 2010 GBRA and City of Wimberley wastewater project draft EID are included in Appendix H. These agencies had no comments or concerns in regards to the project as proposed in 2010. Since the project components in the 2010 Draft EID and the current project are very similar, and these agencies were looking for environmental impacts in relation to natural resources involving Scenic Rivers and National Parks, National Forests, and

farmland, the scope of their review and findings of no environmental concern would be the same for the current proposed project.

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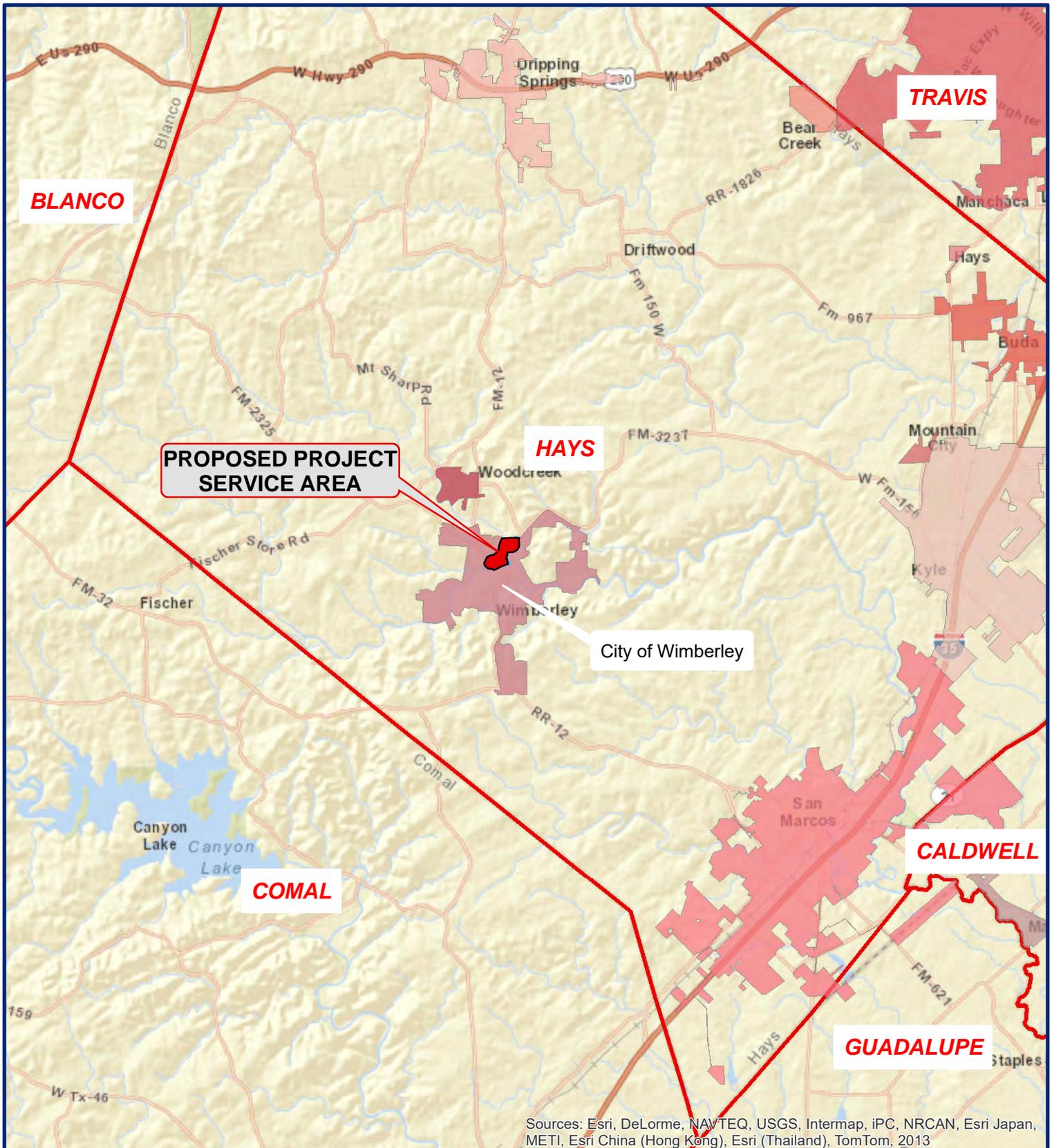
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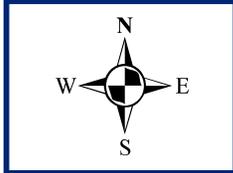
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APPENDIX A
FIGURES



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013



DATE: 5/19/2014

**FIGURE A-1
SERVICE AREA
CITY OF WIMBERLEY WASTEWATER COLLECTION
AND TREATMENT SYSTEM**

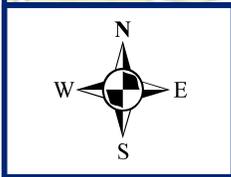
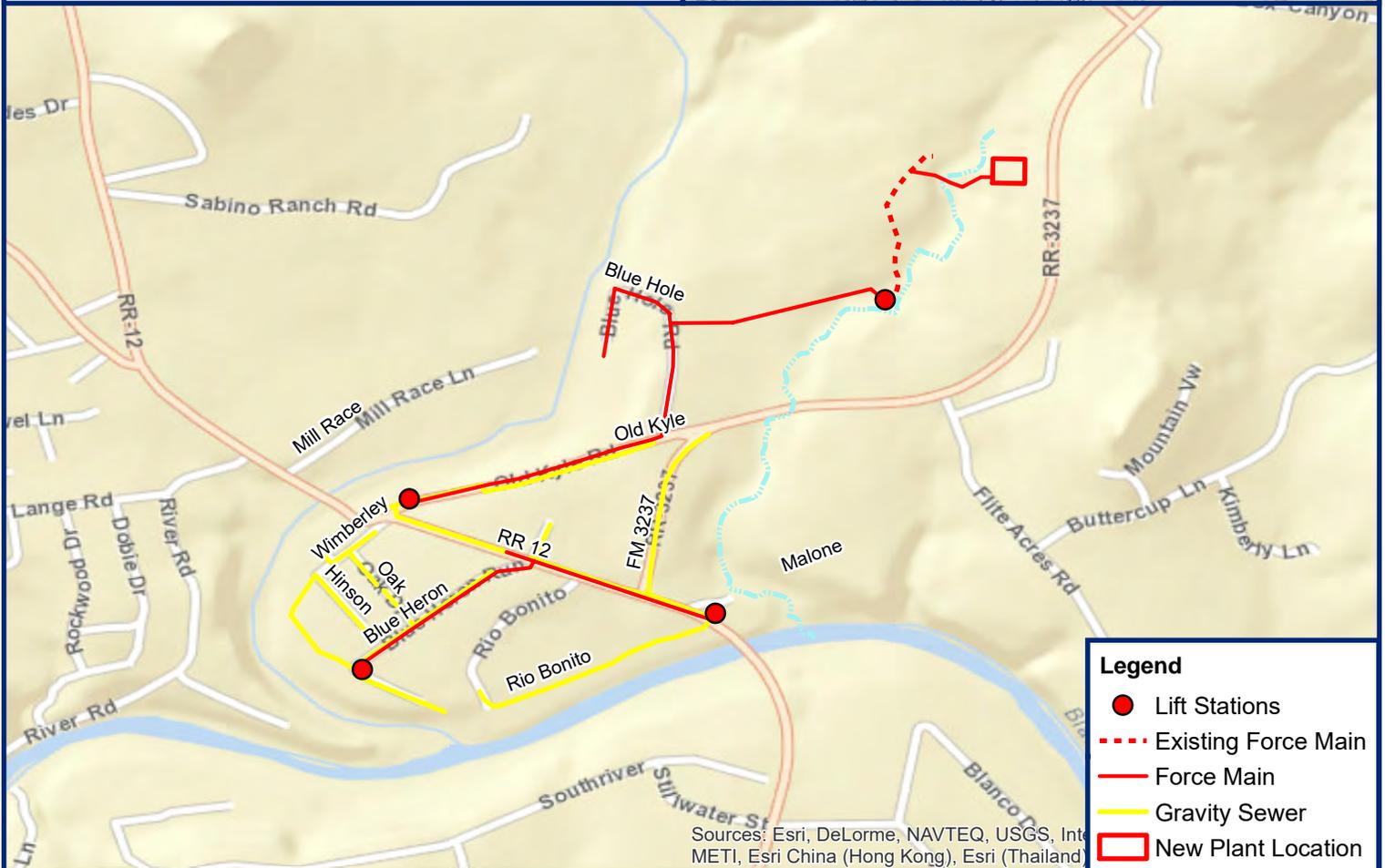
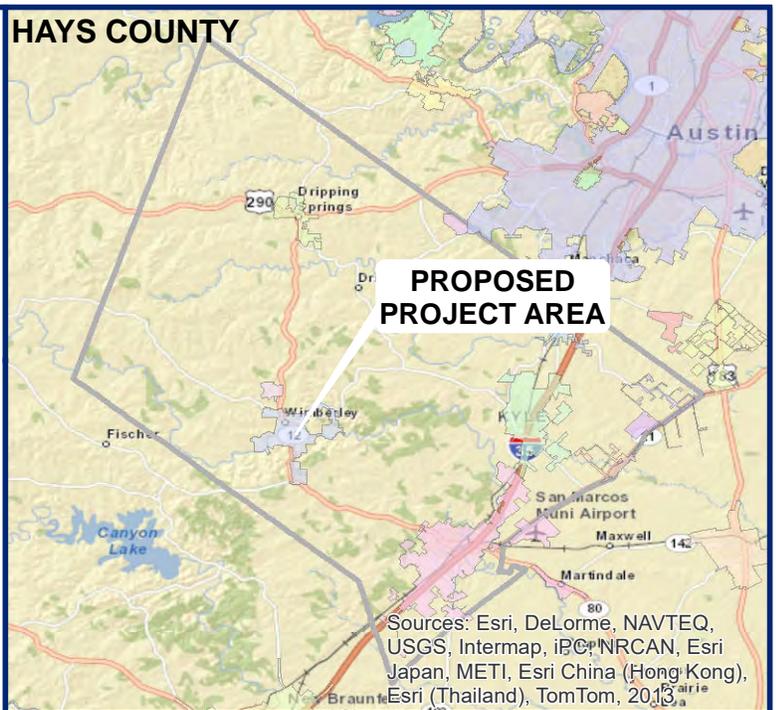
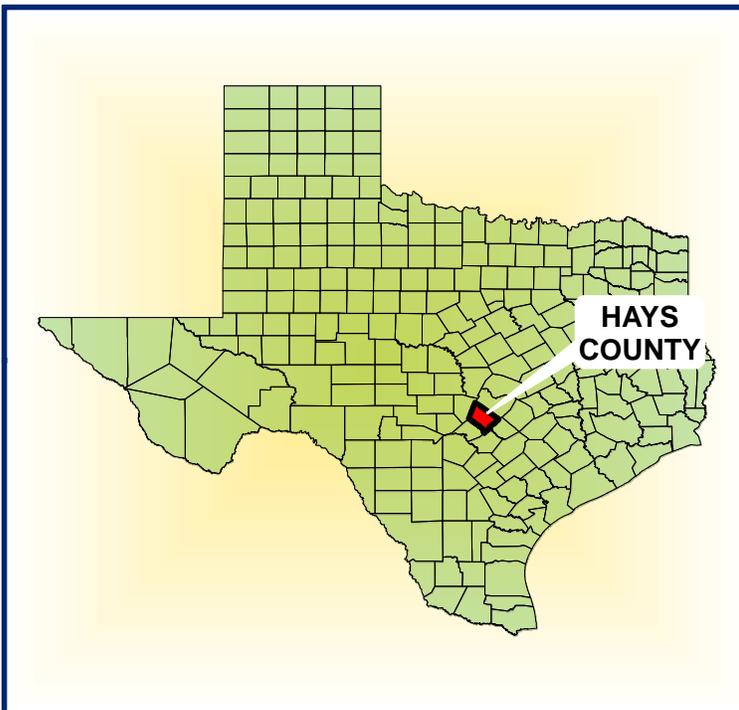
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FIGURE 1 OF 11



SOURCE:
TEXAS NATURAL RESOURCES INFORMATION SYSTEMS
CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



DATE: 5/19/2014

**FIGURE A-2
GENERAL LOCATION MAP
CITY OF WIMBERLEY WASTEWATER COLLECTION
AND TREATMENT SYSTEM**

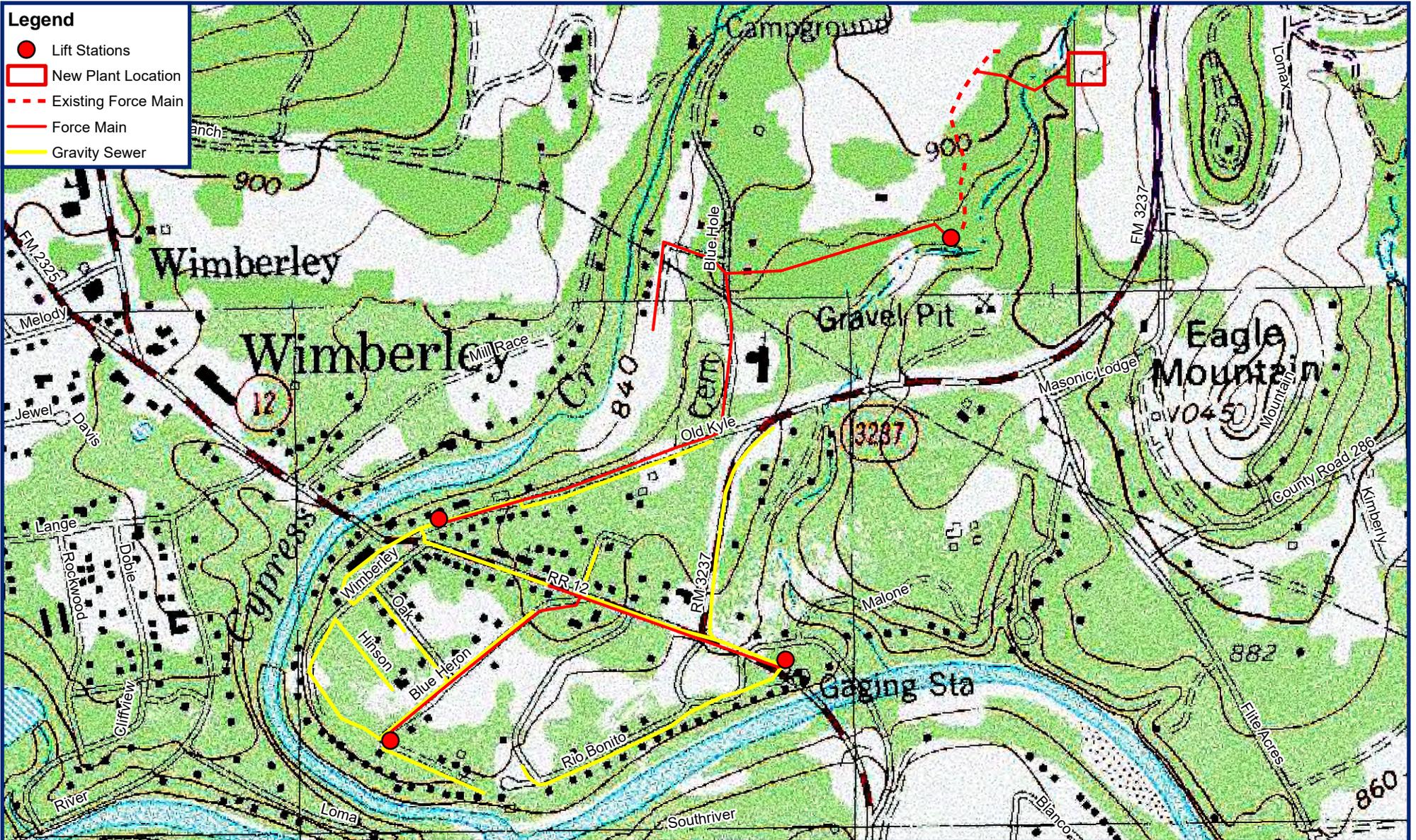
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FIGURE 2 OF 11



SOURCE: TEXAS NATURAL RESOURCES INFORMATION SYSTEMS
CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER: 1732-002-01



Legend

- Lift Stations
- New Plant Location
- Existing Force Main
- Force Main
- Gravity Sewer

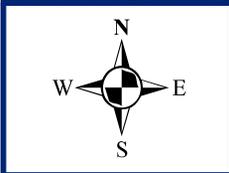


FIGURE A-3
U.S.G.S. TOPOGRAPHIC MAP (DRIFTWOOD AND WIMBERLEY, TEXAS QUADRANGLES)
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

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FIGURE 3 OF 11

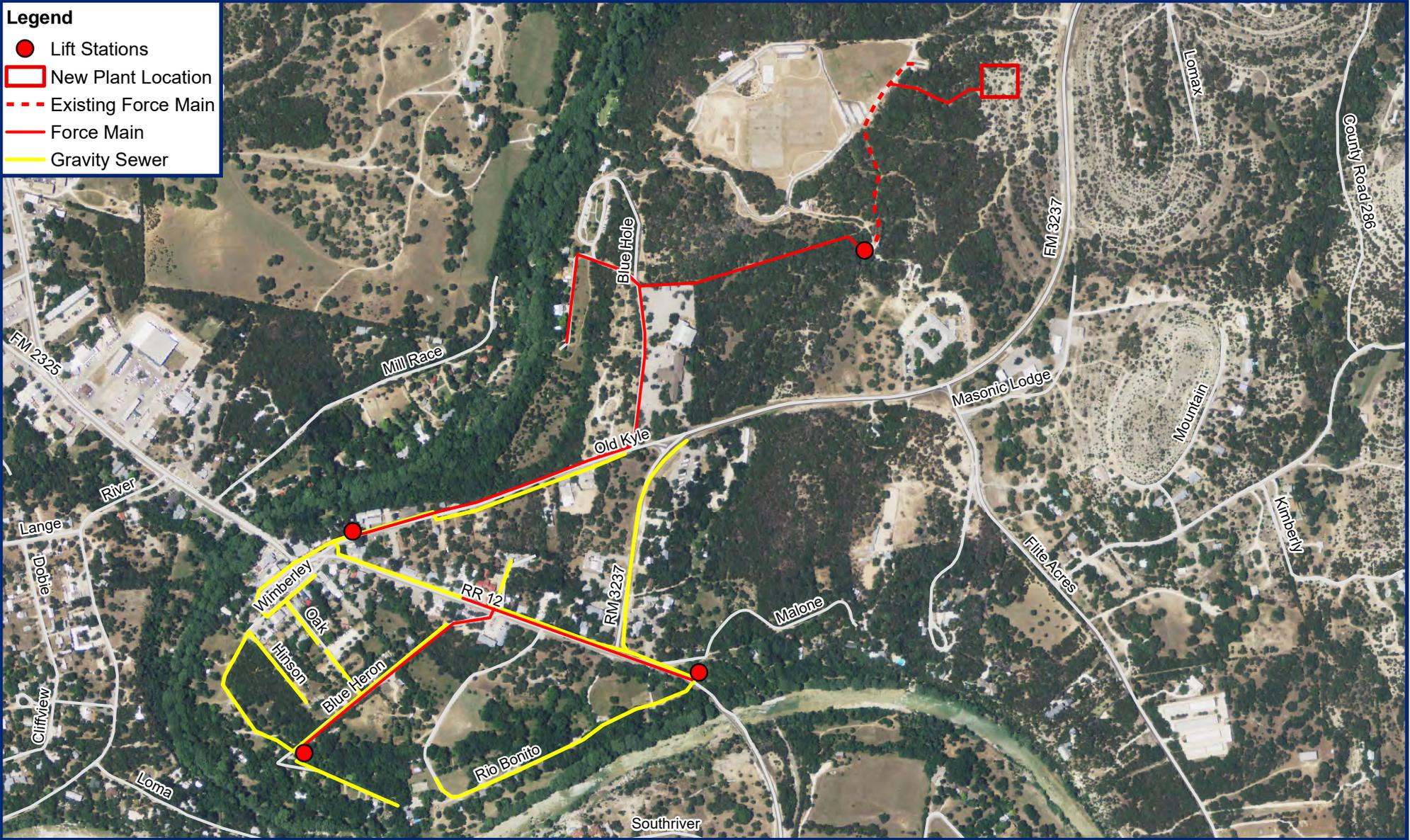


SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01

Legend

- Lift Stations
- New Plant Location
- Existing Force Main
- Force Main
- Gravity Sewer



DATE: 5/19/2014

FIGURE A-4
2012 AERIAL PHOTOGRAPH
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

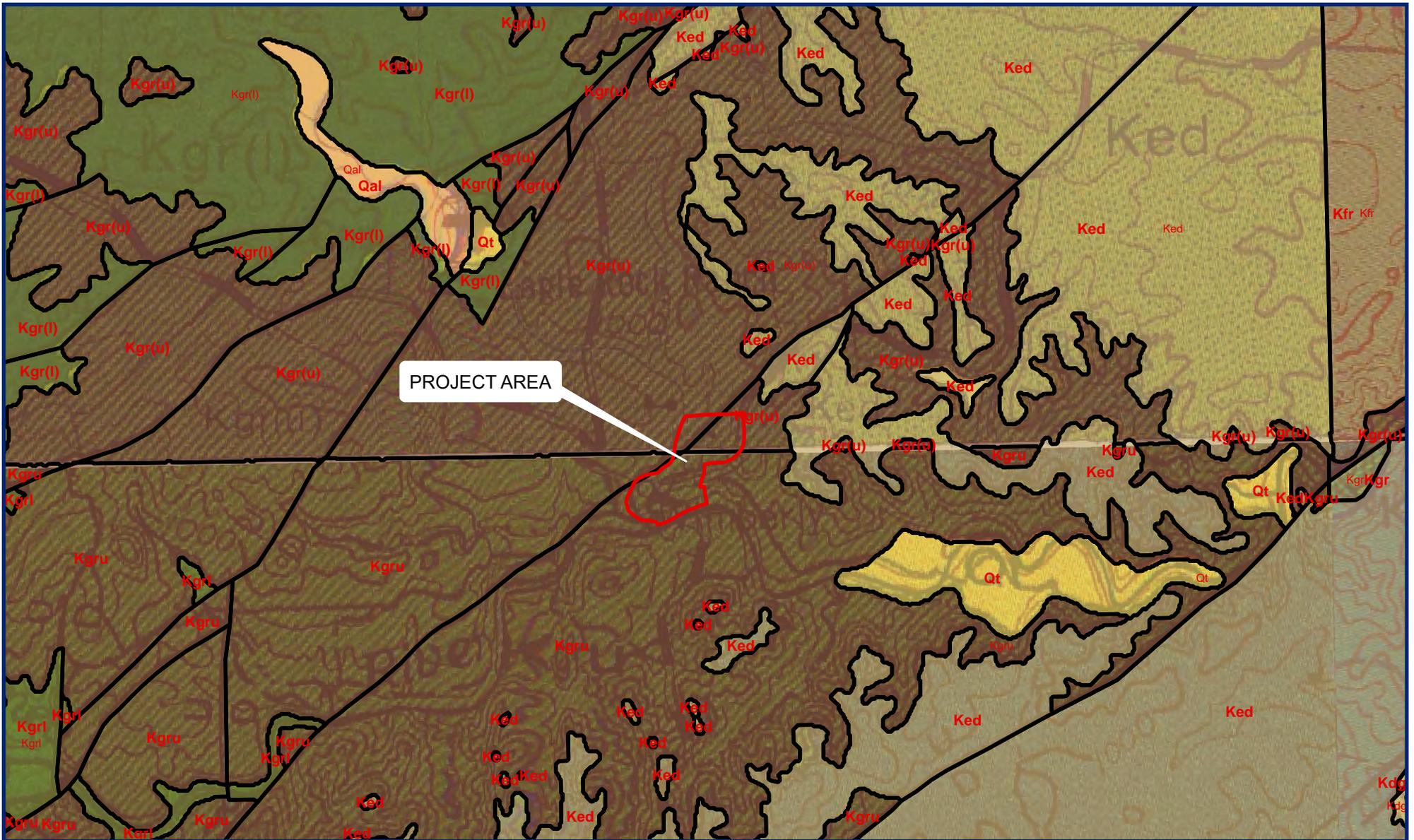
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FIGURE 4 OF 11

800 400 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



DATE: 5/19/2014

**FIGURE A-5
GEOLOGICAL FORMATIONS
GEOLOGICAL ATLAS OF TEXAS LLANO AND SAN ANTONIO SHEETS
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

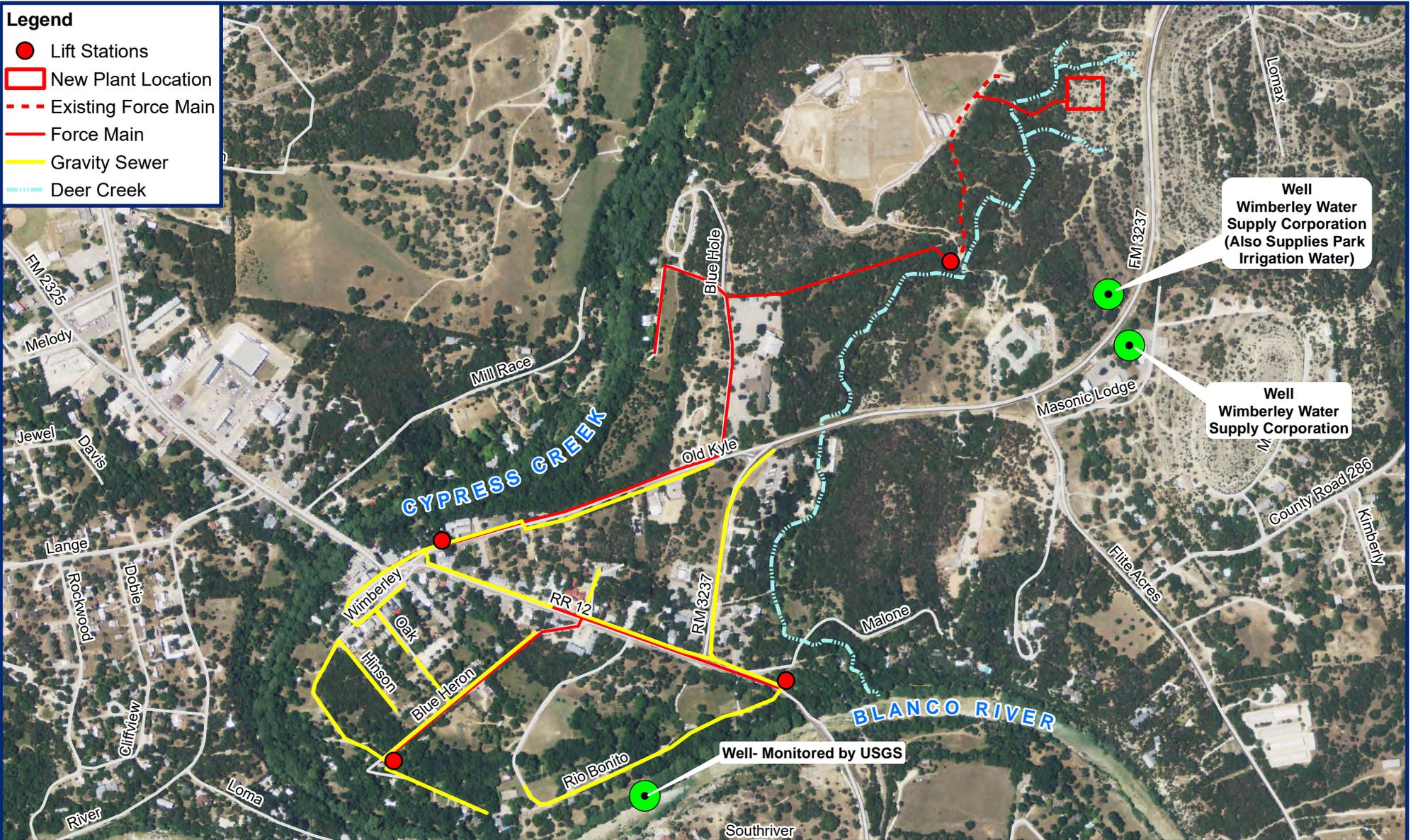
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FIGURE 5 OF 11

6,000 3,000 0 Feet

SOURCE:
 TEXAS NATURAL RESOURCE INFORMATION SYSTEM DIGITIZED FROM THE GEOLOGICAL ATLAS OF TEXAS
 PUBLISHED BY THE TEXAS BUREAU OF ECONOMIC GEOLOGY

PROJECT NUMBER:
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DATE: 5/19/2014

FIGURE A-6
TEXAS WATER DEVELOPMENT BOARD GROUNDWATER DATABASE RECORDED WELLS
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

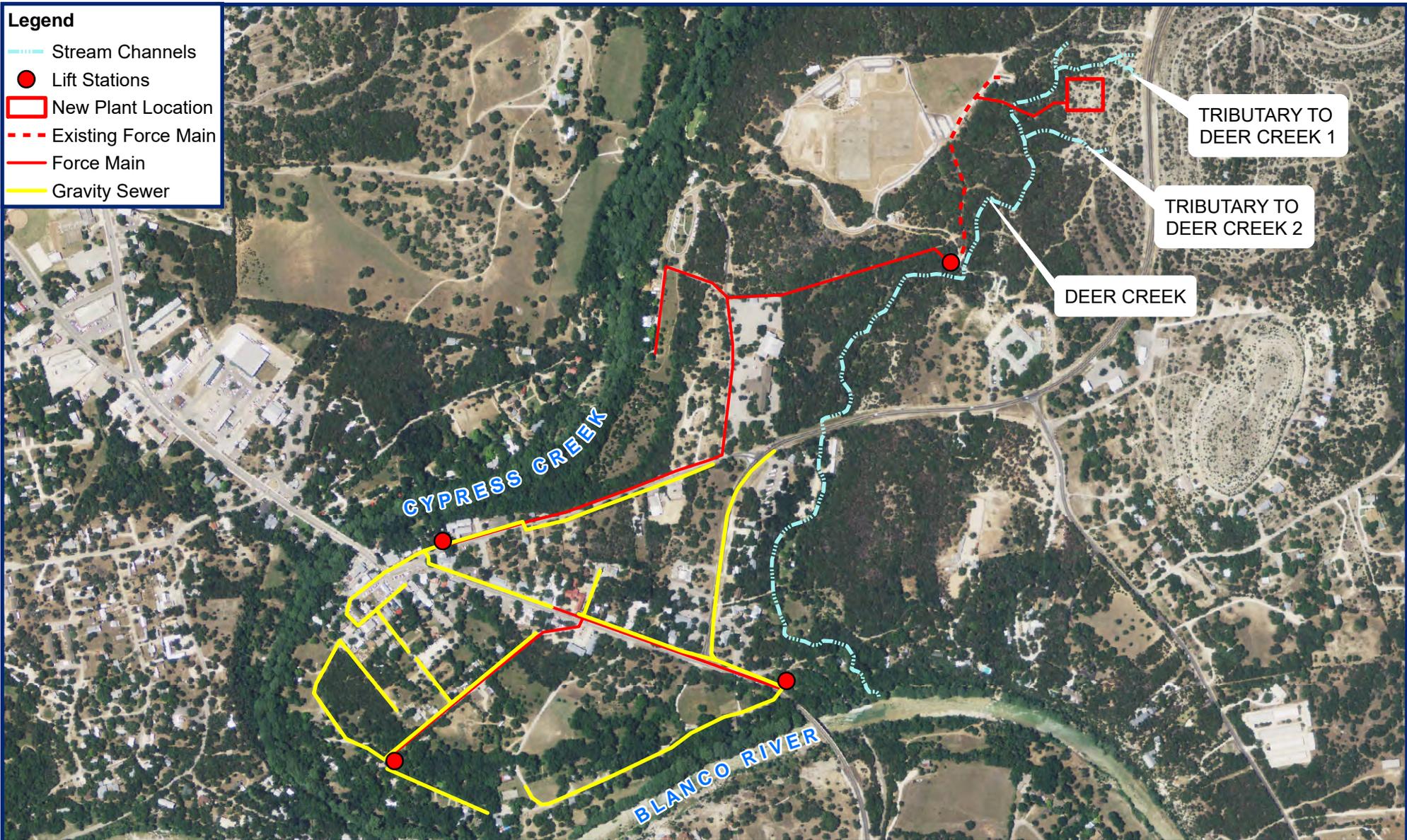
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FIGURE 6 OF 11

800 400 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE & TEXAS WATER DEVELOPMENT BOARD

PROJECT NUMBER:
 1732-002-01



DATE: 5/19/2014

FIGURE A-7
PRELIMINARY JURISDICTIONAL DETERMINATION OF WATERS OF THE U.S.
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

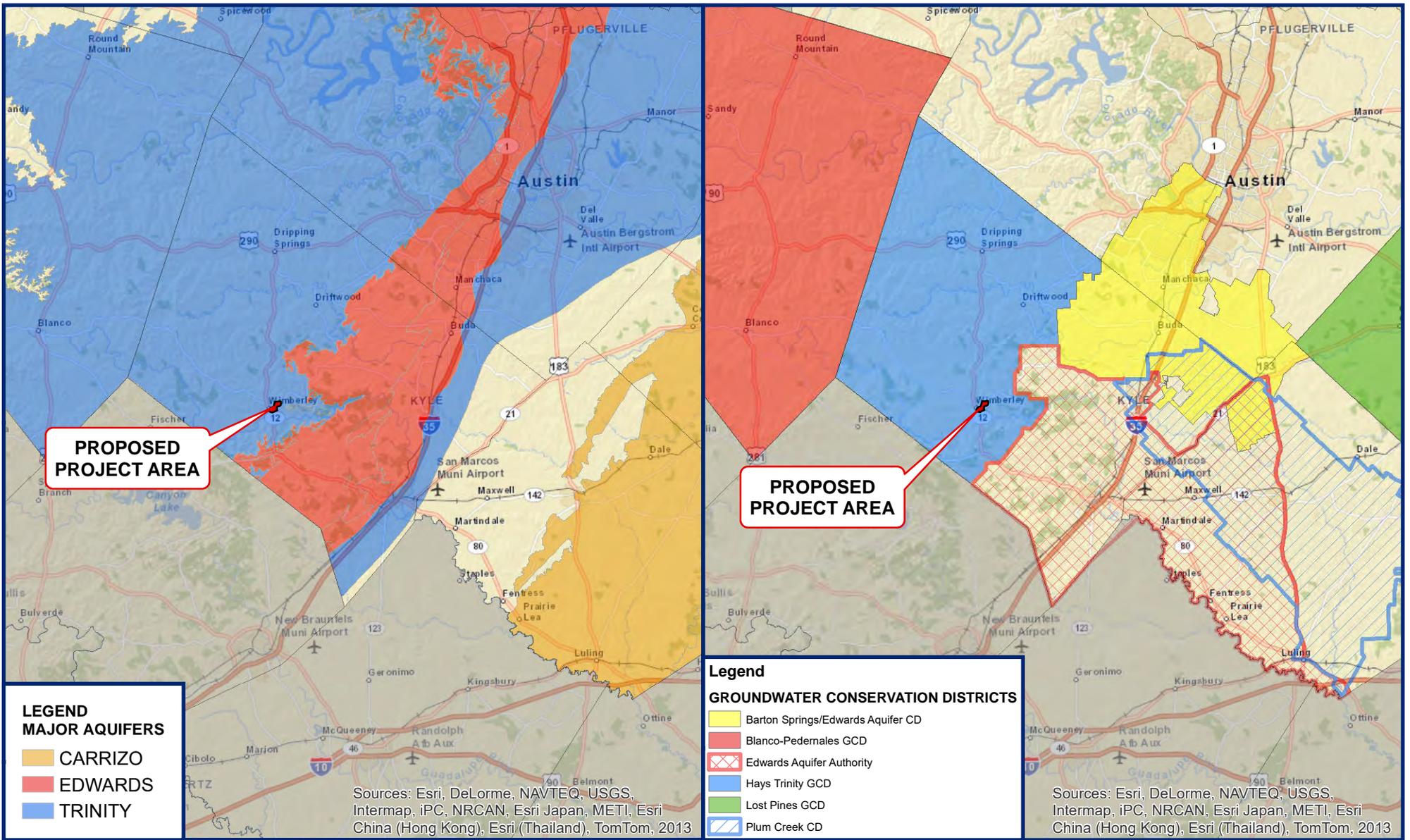
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FIGURE 7 OF 11

800 400 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
 1732-002-01



PROPOSED PROJECT AREA

PROPOSED PROJECT AREA

**LEGEND
MAJOR AQUIFERS**

- CARRIZO
- EDWARDS
- TRINITY

**Legend
GROUNDWATER CONSERVATION DISTRICTS**

- Barton Springs/Edwards Aquifer CD
- Blanco-Pedernales GCD
- Edwards Aquifer Authority
- Hays Trinity GCD
- Lost Pines GCD
- Plum Creek CD

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

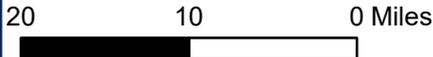


**FIGURE A-8
AREA AQUIFERS AND GROUNDWATER DISTRICTS
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

DATE: 5/19/2014

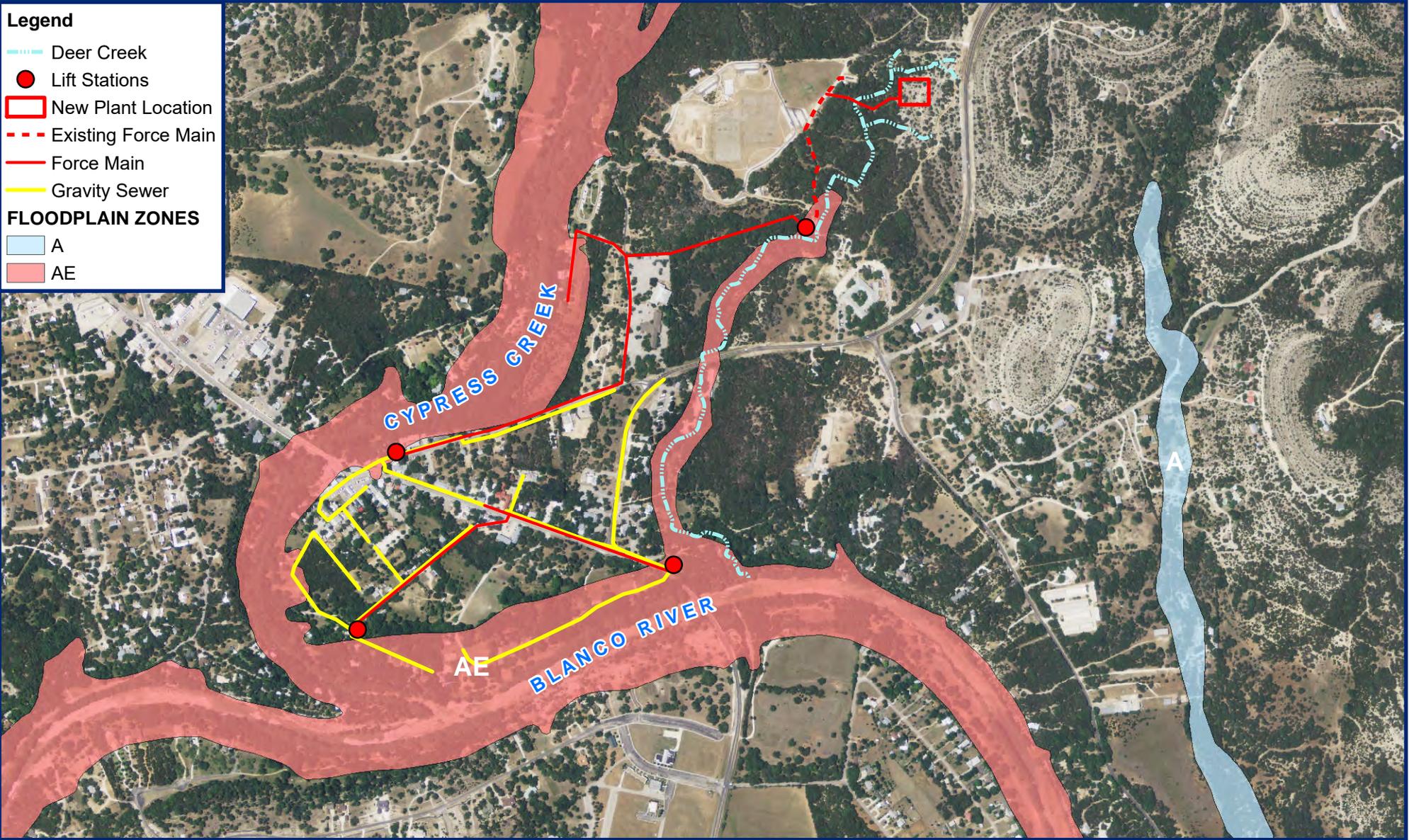
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FIGURE 8 OF 11



SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



DATE: 5/19/2014

**FIGURE A-9
FEDERAL EMERGENCY MANAGEMENT AGENCY'S
FLOOD INSURANCE RATE MAP
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

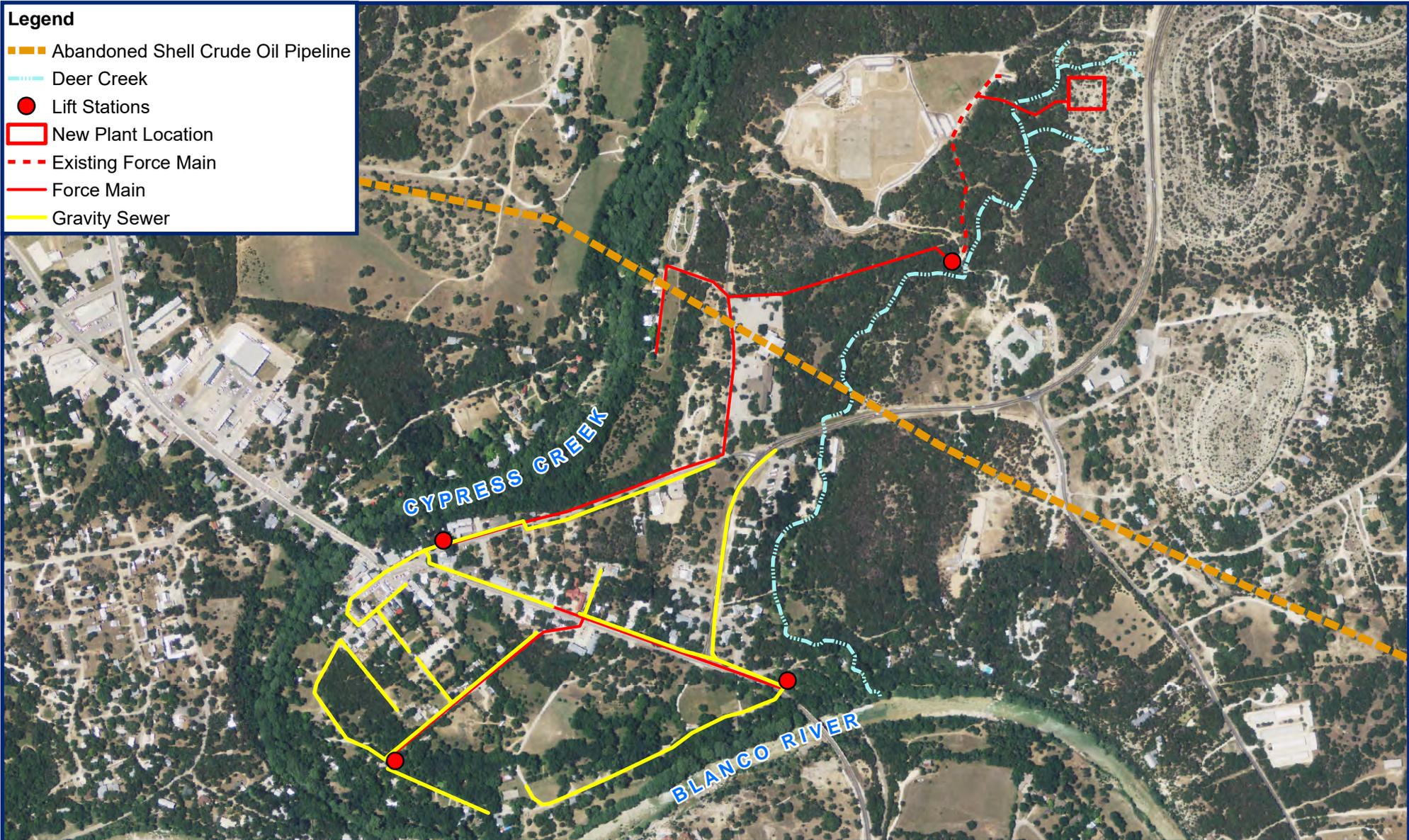
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FIGURE 9 OF 11

1,000 500 0 Feet

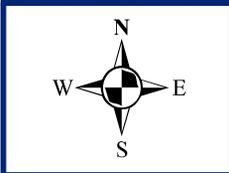
SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



Legend

- Abandoned Shell Crude Oil Pipeline
- ... Deer Creek
- Lift Stations
- New Plant Location
- Existing Force Main
- Force Main
- Gravity Sewer

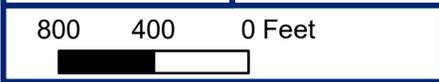


DATE: 5/19/2014

FIGURE A-10
ABANDONED SHELL TEXAS TO NEW MEXICO CRUDE OIL PIPELINE
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

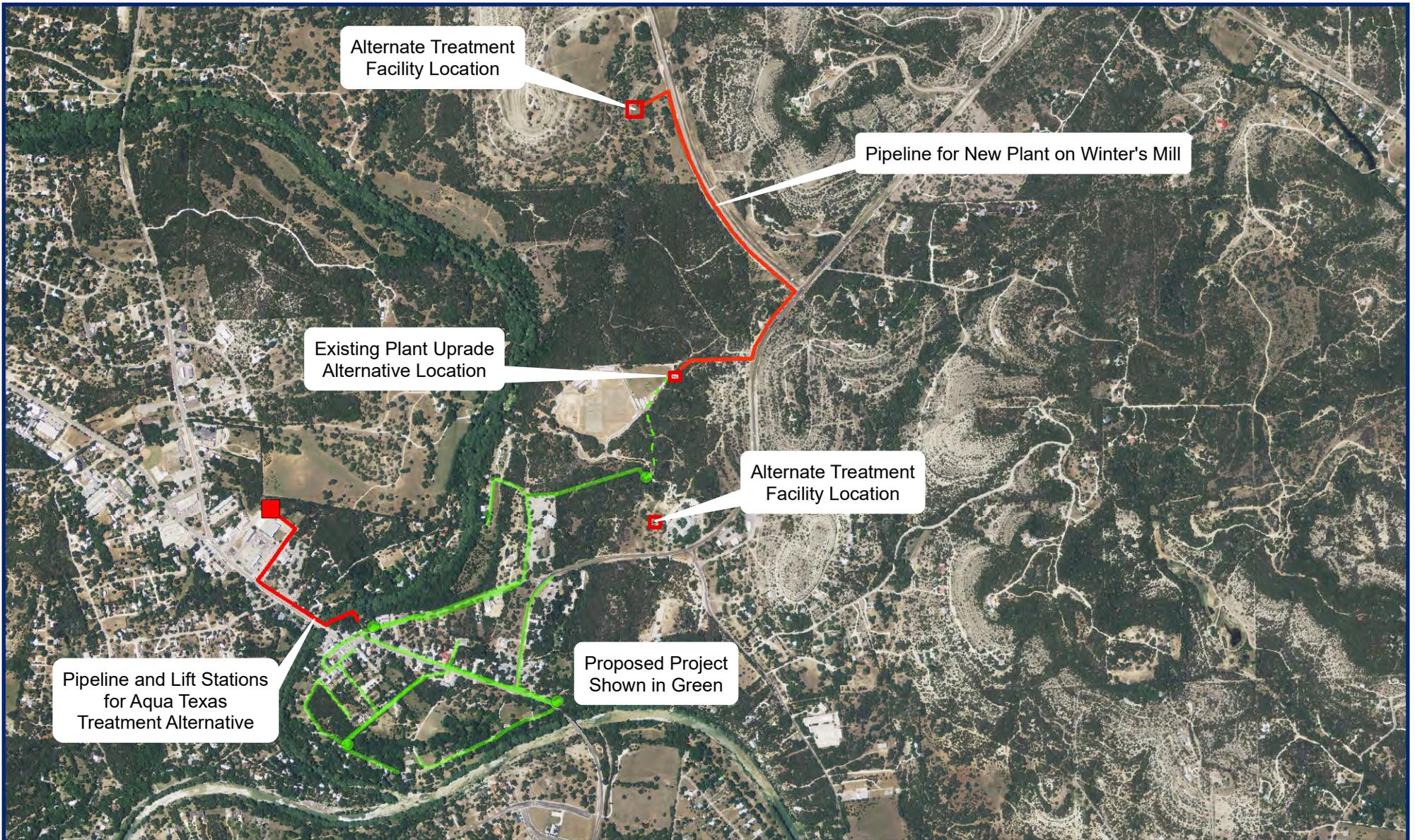
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FIGURE 10 OF 11



SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



DATE: 5/19/2014

**FIGURE A-11
PROJECT ALTERNATIVES CONSIDERED
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

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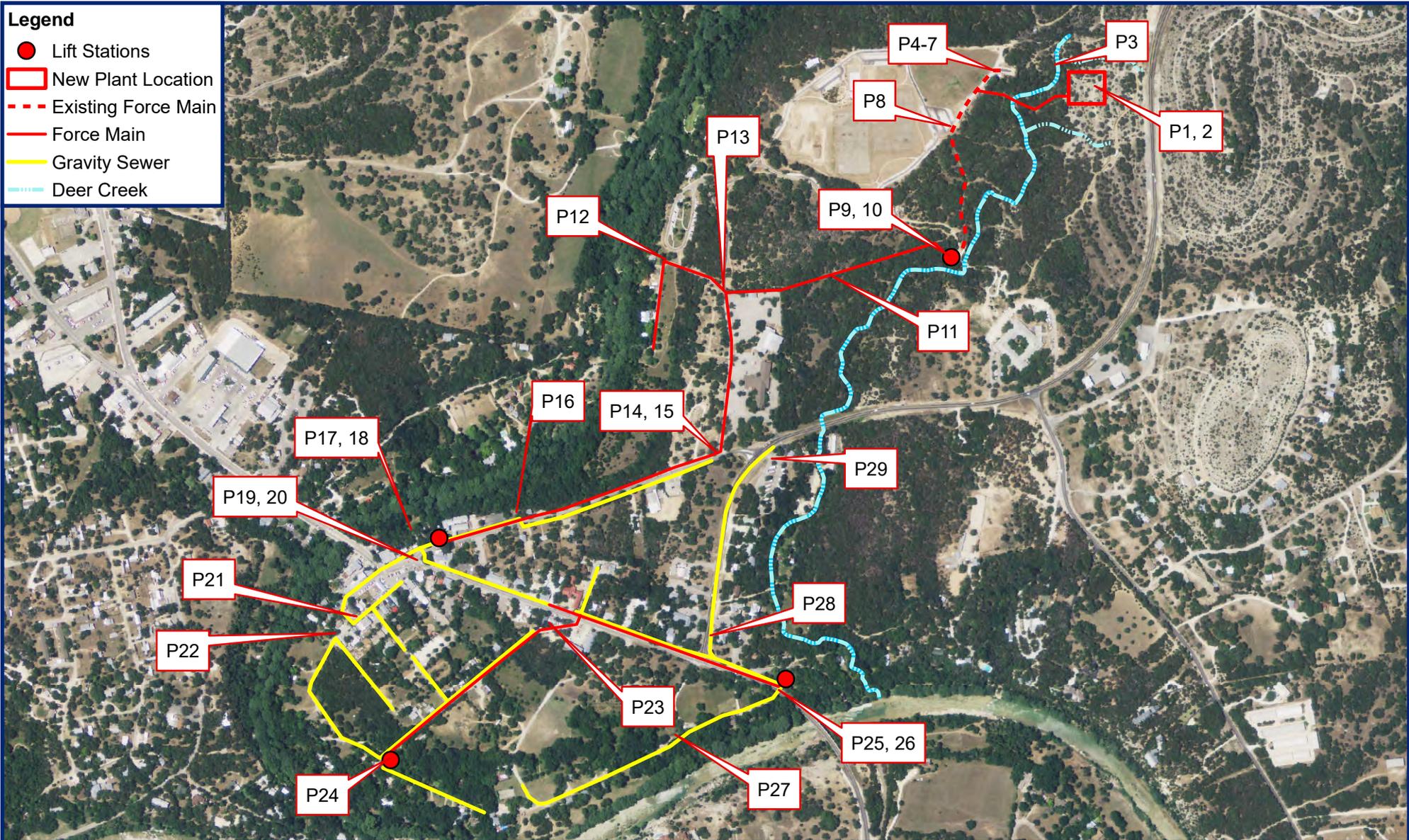
FIGURE 11 OF 11

1,300 650 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

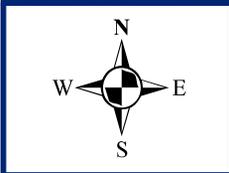
PROJECT NUMBER:
1732-002-01

APPENDIX B
SITE PHOTOGRAPHS



Legend

- Lift Stations
- ▭ New Plant Location
- - - Existing Force Main
- Force Main
- Gravity Sewer
- Deer Creek



DATE: 5/19/2014

**FIGURE B-1
REPRESENTATIVE PHOTOGRAPH LOCATIONS
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

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 FAX: (817) 870-2536

FIGURE 1 OF 1

750 375 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



P1. Proposed treatment facility site looking south and southeast from northern extent of site.



P2. Proposed treatment facility site looking south and southwest from northern extent of site.



P3. Approximate location in Deer Creek of proposed effluent discharge outfall, looking downstream south.



P4. Existing package treatment facility that will be relocated to the proposed facility site and expanded to a treatment capacity of 75,000 GPD.



P5. Existing subsurface effluent disposal fields.



P6. Open areas in Blue Hole Regional Park – proposed location of spray irrigation.



P7. Force Main alignment along Blue Hole Regional Park road northeast of existing package treatment facility.



P8. Existing wastewater pipeline alignment that would be utilized for a proposed force main, looking south from Blue Hole Regional Park road.



P9. Existing pipeline alignment from Deer Creek lift station to Blue Hole Regional Park road, looking north.



P10. Existing Deer Creek lift station that will be upgraded.



P11: Proposed force main alignment following an electric line right of way between commercial property and Deer Creek lift station.



P12. Proposed Blue Hole Road force main alignment on west side of cemetery property looking south.



P13. Proposed Blue Hole Road force main alignment on the north side of cemetery property looking west.



P14. Proposed Blue Hole Road force main alignment looking north along cemetery and commercial properties.



P15. Old Kyle Road looking west from intersection with Blue Hole Road.



P16. Old Kyle Road looking west from between downtown Wimberley and Blue Hole Road intersection.



P17. Old Kyle Road looking east from park.



P18. Existing public restrooms at Cypress Creek Park. Proposed site of new lift station.



P19. Proposed gravity line alignment location along RR 12, looking southeast from intersection with Old Kyle Road.



P20. North Wimberley Square, looking west along proposed gravity line alignment.



P21. South Wimberley Square, looking east along proposed gravity line alignment.



P22. Hinson Road west of downtown Wimberley, looking south along proposed gravity line alignment.



P23. Blue Heron Run, looking southeast along proposed gravity line alignment.



P24. Lift Station location at western extent of Hinson Street and Blue Heron Run.



P25. RR12 looking northwest from intersection with Malone and Rio Bonito Roads. Gravity lines and force mains would parallel the road right of way.



P26. Lift station location at intersection of Malone Drive and RR 12. The lift station would collect gravity flows from RR 12, FM 3237, and Rio Bonito Road, and pump the wastewater northwest through a force main along RR 12.



P27. Rio Bonito Road looking northeast along rental cabins and proposed gravity line alignment.

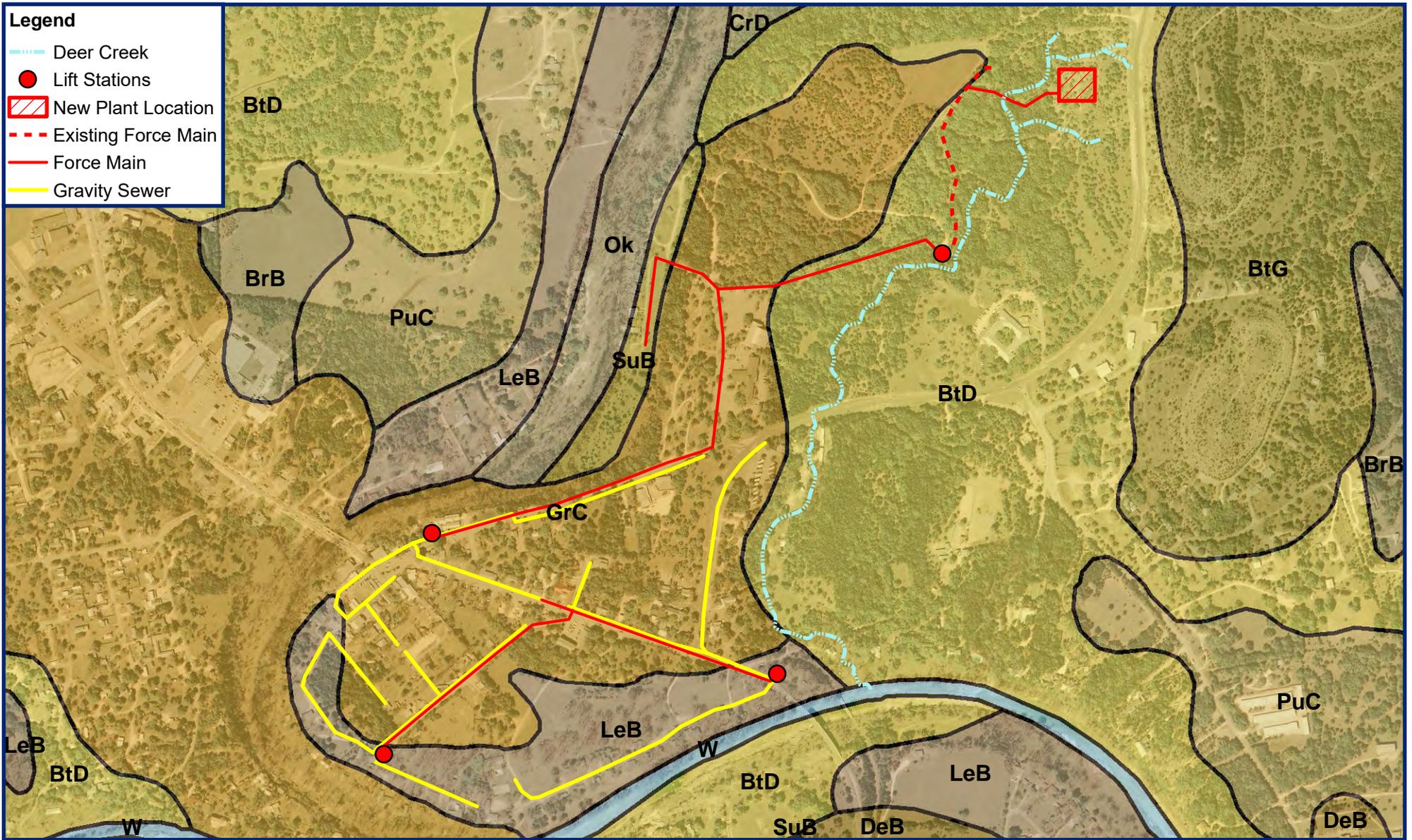


P28. FM 3237, looking north along the proposed gravity line alignment.



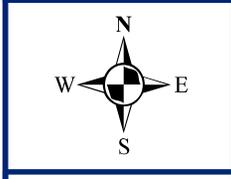
P29. FM 3237, looking northeast along the proposed gravity line alignment, near intersection with Old Kyle Road.

APPENDIX C
DESCRIPTIONS OF PROJECT AREA SOIL UNITS



Legend

- ⋯ Deer Creek
- Lift Stations
- New Plant Location
- - - Existing Force Main
- Force Main
- Gravity Sewer



DATE: 5/19/2014

FIGURE C-1
MAPPED SOIL TYPES IDENTIFIED IN THE PROJECT VICINITY
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

ALAN PLUMMER ASSOCIATES, INC.
 ENVIRONMENTAL ENGINEERS AND SCIENTISTS
 1320 S. UNIVERSITY DRIVE SUITE 300
 FORT WORTH, TEXAS 76107
 PHONE: (817) 806-1700
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FIGURE 1 OF 1

800 400 0 Feet

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
 1732-002-01

BRACKETT SERIES

The Brackett series consists of very shallow to shallow soils over bedrock. These well drained and moderately permeable soils formed in residuum over chalky limestone bedrock mainly of the Glenrose formation of Cretaceous Age. These soils are on gently sloping to very steep uplands. Slopes range from 1 to 60 percent.

TAXONOMIC CLASS: Loamy, carbonatic, thermic, shallow Typic Haplustepts

TYPICAL PEDON: Brackett gravelly clay loam--rangeland. (Colors are for dry soil unless otherwise stated.)

A--0 to 6 inches; grayish brown (10YR 5/2) gravelly clay loam, dark grayish brown (10YR 4/2) moist; moderate fine subangular blocky and granular structure; hard, friable; common fine roots; few masses and nodules of calcium carbonate; about 15 percent, by volume, weakly cemented limestone pebbles 2mm to 1 inch across; violently effervescent; moderately alkaline; clear smooth boundary. (3 to 12 inches thick)

Bw--6 to 14 inches; light gray (10YR 7/2) gravelly clay loam, light brownish gray (10YR 6/2) moist; moderate fine subangular blocky and granular structure; hard, friable; common fine roots; few masses and nodules of calcium carbonate; about 20 percent, by volume, weakly cemented limestone pebbles 2mm to 1 inch across; violently effervescent; moderately alkaline; clear wavy boundary. (3 to 16 inches thick)

Cr--14 to 60 inches; weakly cemented, fractured and weathered limestone bedrock with vertical fractures that roots can enter, 4 to 10 inches apart, interbedded with thin strata of pale yellow and very pale brown weathered chalk bedrock; moderately alkaline.

TYPE LOCATION: Hays County, Texas. From the intersection of Ranch Road 32 and Ranch Road 12 about 10 miles west of San Marcos, 6 miles west on Ranch Road 32 and 1,000 feet north of the road, in rangeland.

RANGE IN CHARACTERISTICS: The solum thickness over limestone bedrock ranges from 6 to 20 inches. Rock fragments above the paralithic contact average 0 to 35 percent by volume. Calcium carbonate equivalent ranges from 40 to about 85 percent in the fine-earth fraction and increases with depth. Reaction is slightly alkaline or moderately alkaline throughout. Carbonate clay content is 2 to 10 percent and silicate clay is 18 to 30 percent in the control section.

The A horizon has hue of 10YR or 2.5Y, value of 5 to 8, and chroma of 2 to 4. Texture is loam, clay loam, gravelly loam or gravelly clay loam. Where value is 5 the organic carbon content is less than 2.5 percent.

The Bw horizon has hue of 10YR or 2.5Y, value of 5 to 8, and chroma of 2 to 4. Yellowish and brownish mottles occur in the soil and within porous limestone fragments in some pedons. Texture is loam, clay loam, gravelly loam or gravelly clay loam. Secondary forms of calcium

carbonate on fragments and within the soil ranges from few to common nodules, concretions, or masses.

In some pedons a Cr/Bk horizon is present that has the same colors as the Bk horizon in the fine earth fraction. The limestone bedrock in the Cr are mostly white or yellow but mottles or individual fragments may be, brownish or grayish in some pedons. The Cr is extremely weakly to moderately cemented chalk with weathered rinds of soft bedrock that slakes in water. The fine-earth fraction is loam or clay loam. Secondary forms of calcium carbonate on fragments and within the soil ranges from common to many nodules, concretions, or masses of calcium carbonate.

The Cr layer is extremely weakly to moderately cemented chalky limestone that is more than 6 inches thick with vertical fractures more than 4 inches apart horizontally. Most fractures are filled with secondary calcium carbonate.

COMPETING SERIES: These are no competing series in the same family. Similar soils include Doss and Whitewright. Doss soils have a typic ustic moisture regime and a mollic epipedon. Whitewright soils formed over the Austin Chalk.

GEOGRAPHIC SETTING: Brackett soils occur on undulating to hilly uplands. Slopes are mostly 1 to 20 percent but range from 1 to 60 percent. The soil formed in interbedded marl and limestone of the Lower Cretaceous age like the southern portion of the Glen Rose formation and Commanche Peak formations with some acreage on the Walnut and Keys Valley marl. The limestone in these areas weathers to a benched or stair stepped topography consisting of risers and treads. The Brackett soils are mainly on the treads. The mean annual precipitation ranges from about 26 to 32 inches, and mean annual air temperature ranges from 64 to 69 degrees F. Frost free days range from 210 to 270 days and elevation ranges from 600 to 2450 feet. Thornthwaite annual P.E. indices range from 32 to 52.

GEOGRAPHICALLY ASSOCIATED SOILS: These are Cranfill, Denton, the Doss, Eckrant, Karnes, Maloterre, Real, Topsey, and Tarrant series. Denton soils occur at lower elevations, and do not have a paralithic contact within 20 inches of the surface. Doss soils are drier in the control section and have a mollic epipedon. Eckrant, Maloterre, and Tarrant soils occur at higher elevations, and are clayey-skeletal. Real soils occur on similar surfaces and are loamy-skeletal. Cranfill, Karnes, and Topsey soils are deep and are very deep and are below or on slightly lower positions.

DRAINAGE AND PERMEABILITY: Well drained. Runoff is very low on 1 to 3 percent slopes, low on 3 to 5 percent slopes, medium on 5 to 20 percent slopes and high on 20 to 60 percent slopes. Permeability is moderate.

USE AND VEGETATION: Mainly used for livestock grazing and wildlife habitat. Original vegetation was rolling prairies dominated by little bluestem, indiangrass, and grama species. Woody vegetation includes juniper, sumac, liveoak, Vasey Oak, and Texas oak. Most of these plants can still be observed on these soils. In many places extended periods of overgrazing

allows plants such as Texas grama, red grama, hairy tridens, and juniper to replace plants more desired by livestock.

DISTRIBUTION AND EXTENT: Eastern Edwards Plateau and Grand Prairie Land Resource areas of southwest and central and north-central Texas. The series is extensive.

MLRA OFFICE RESPONSIBLE: Temple, Texas

SERIES ESTABLISHED: Kinney County, Texas (Reconnaissance Soil Survey of Southwest Texas); 1911.

REMARKS: Classification was changed 11/89 from Typic Ustochrepts to Udic Ustochrepts. On 10/2001 the type location was moved to Hays County, and the depth was changed from very deep to shallow and the subgroup changed back to Typic which was the original series concept.

Diagnostic horizons and features recognized in this pedon are:

Ochric epipedon - 0 to 7 inches after mixing (A and Bw)

Cambic horizon - 6 to 14 inches (Bk)

Paralithic contact - at 14 inches (top of Cr)

Ecological Sites: 1 to 20 percent slopes, Adobe PE 31-44 (081BY320TX), Adobe PE 44+(081CY355TX); and 20 to 60 percent slopes, Steep Adobe PE 31-44 (081BY348TX), Steep Adobe PE 44+ (081CY362TX).

ADDITIONAL DATA:

TAXONOMIC VERSION: Soil Taxonomy, Second Edition, 1999.

COMFORT SERIES

The Comfort series consists of well drained, slowly permeable soils that formed in clayey residuum over dolomitic limestone rocks of the Lower Cretaceous period. These soils are on nearly level to sloping upland plateaus and ridges. Slopes range from 0 to 8 percent.

TAXONOMIC CLASS: Clayey-skeletal, mixed, superactive, thermic Lithic Argiustolls

TYPICAL PEDON: Comfort stony clay--rangeland. (Colors are for dry soil unless otherwise stated.)

A--0 to 5 inches; dark grayish brown (10YR 4/2) stony clay, very dark grayish brown (10YR 3/2) moist; moderate medium angular blocky structure parting to moderate fine subangular blocky; very hard, very firm; many fine roots; few very fine tubular pores; 15 percent by volume angular limestone pebbles, 40 percent by volume cobbles and stones partially on the surface and in the soil; slightly alkaline; clear wavy boundary. (3 to 10 inches thick)

Bt--5 to 17 inches; dark reddish gray (5YR 4/2) stony clay, dark reddish brown (5YR 3/2) moist; moderate medium subangular and angular blocky structure parting to moderate fine angular blocky; very hard, very firm; few fine and medium roots; patchy clay films; 40 percent by volume cobble and stone size angular limestone fragments, many roots matted at soil rock interfaces; slightly alkaline; abrupt wavy boundary. (7 to 14 inches thick)

R--17 to 20 inches; indurated crystalline dolomitic limestone with irregular veins filled with soil.

TYPE LOCATION: Kendall County, Texas; from the intersection of Ranch Road 474 and U.S. Highway 87 in Boerne, northwest on U.S. 87 to Interstate Highway 10 west access road, then northwest 1 mile to Cibolo Creek Road, then west approximately 3 miles to entrance to a subdivision, then south on a paved road, 1.3 miles, then west 0.3 mile on top of a ridge in rangeland.

RANGE IN CHARACTERISTICS: Solum thickness ranges from 9 to 20 inches and corresponds to the depth to bedrock. Soil reaction ranges from neutral through moderately alkaline. Coarse fragments of stone, cobble, and pebble size range from 35 to 70 percent on the surface and in the soil. Cobbles and stones are crystalline dolomitic limestone and pebbles are dominantly chert.

The A horizon has hue of 5YR, 7.5YR or 10YR with chroma of 3 or 4 and value of 2. Texture of the fine earth fraction is clay or clay loam.

The Bt horizon has hue of 2.5YR, 5YR, or 7.5YR, chroma of 3 or 4 and value of 2 to 6. Texture of the fine earth fraction is clay, with clay. Clay content ranges from 55 to 75 percent.

COMPETING SERIES: Ridgelite is the only series in the same family. Similar series in other families are Bexar, Eckrant, Hensley, Rumple, Speck, Spicewood, Tarpley, and Tarrant series.

Ridgelite soils have lower soil temperatures and moisture. Bexar, Rumble, and Spicewood soils have sola more than 20 inches thick. Eckrant and Tarrant soils do not have Bt horizons. Hensley soils lack mollic epipedons. Speck and Tarpley soils have less than 35 percent coarse fragments.

GEOGRAPHIC SETTING: Comfort soils are on nearly level to sloping upland plateaus and low ridges. Slopes are plane to convex and gradients range from 0 to 8 percent, but are mostly less than 5 percent. The soils formed in clayey residuum over crystalline dolomitic limestone of Lower Cretaceous age. The climate is dry subhumid with a mean annual precipitation of 23 to 36 inches and average annual air temperature of 65 to 69 degrees F. The Thornthwaite annual P-E index ranges from 42 to 50. Frost free days range from 210 to 260. Elevation ranges from 1000 to 2300 feet.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the competing Eckrant, Speck, Spicewood, Tarpley, and Tarrant series and Brackett and Real series. Eckrant, Speck, Spicewood, Tarpley, and Tarrant soils are on similar surfaces. Brackett and Real soils do not have Bt horizons and are on slopes below plateaus. In addition, Brackett soils do not have mollic epipedons.

DRAINAGE AND PERMEABILITY: Well drained. Runoff is low on 0 to 1 percent slopes, medium on 1 to 5 percent slopes and high on 5 to 8 percent slopes; Permeability is medium.

USE AND VEGETATION: Mostly used for rangeland and rural homesites. Native vegetation consists mostly of Texas wintergrass, threeawns, sideoats grama, little bluestem, and indiangrass. Woody vegetation consists of Texas oak, shin oak, liveoak, Texas persimmon and pricklypear.

DISTRIBUTION AND EXTENT: Central Texas; mainly in the southeastern part of the Edwards Plateau. The soils of this series are moderately extensive, about 100,000 acres.

MLRA OFFICE RESPONSIBLE: Temple, Texas

SERIES ESTABLISHED: Kendall County, Texas; 1979.

REMARKS: Comfort series was formerly included in the Tarrant series. Diagnostic horizons and features recognized in this pedon are:

Mollic epipedon - 0 to 17 inches (A and Bt horizon) Lithic Contact - 17 inches (R horizon)
Argillic horizon - 5 to 17 inches (Bt horizon)

ADDITIONAL DATA: none

TAXONOMIC VERSION: Keys to Soil Taxonomy, Ninth Edition 2003.

GRUENE SERIES

The Gruene series consists of shallow, well drained, moderately slowly permeable soils that formed in clayey sediments over gravel. These soils are on gently sloping uplands. Slopes range from 1 to 5 percent.

TAXONOMIC CLASS: Clayey, mixed, active, thermic, shallow Petrocalcic Paleustolls

TYPICAL PEDON: Gruene clay--rangeland on low ridge. (Colors are for dry soil unless otherwise stated.)

A1--0 to 13 inches; very dark grayish brown (10YR 3/2) clay, very dark brown (10YR 2/2) moist; strong coarse blocky structure breaking to moderate fine blocky; very hard, very firm; common fine roots; few chert pebbles and few limestone and chert cobbles on the surface and within horizon; very gravelly clay layer about 2 inches thick in the lower part; noncalcareous; mildly alkaline; clear wavy boundary. (7 to 16 inches thick)

Ccam--13 to 22 inches; strongly cemented, massive caliche containing embedded rounded siliceous and limestone pebbles; abrupt wavy boundary. (2 to 24 inches thick)

IIC--22 to 80 inches; stratified very pale brown (10YR 7/4) very gravelly loam, becoming sandier with depth; some strata have rounded rock fragments up to 6 inches across.

TYPE LOCATION: Hays County, Texas; 4.9 miles north on Interstate Highway 35 from the intersection of Interstate Highway 35 and State Highway 80 in San Marcos; 550 feet east of access road at exit No. 210 in pasture.

RANGE IN CHARACTERISTICS: Solum thickness ranges from 7 to 16 inches and corresponds to depth of the petrocalcic horizon. The A horizon is brown, dark brown, very dark gray, or very dark grayish brown in hues of 7.5YR and 10YR with values of 3 and 4 and chromas

of 1 and 2. It is clay or clay loam and contains 0 to 15 percent by volume of siliceous and limestone pebbles. Structure is blocky or subangular blocky. Reaction ranges from neutral through mildly alkaline, but is noncalcareous. The A horizon in some pedons has a thin strata that is very gravelly and calcareous in the lower part.

The Ccam horizon is massive strongly cemented or indurated caliche containing about 30 to 70 percent by volume of chert and limestone. The IIC horizon is stratified very gravelly loams and sands. In some pedons there are strata of weakly cemented nongravelly caliche.

COMPETING SERIES: These include the Slaughter series in the same family and the Kavett, Mereta, Patrick, Queeny, Quihi, and Stephen series. Slaughter, Mereta, and Kavett soils are drier for longer periods. In addition, Slaughter soils have a Bt horizon and Mereta and Kavett soils are calcareous. Queeny soils are calcareous and contain less than 35 percent in the control section. Patrick and Stephen soils lack petrocalcic horizons and are calcareous. Quihi soils have

more than 35 percent coarse fragments in the control section, have a Bt horizon, and have a solum more than 20 inches thick.

GEOGRAPHIC SETTING: These soils are on gently sloping ancient stream terraces. Slopes are convex and are mostly 1 to 5 percent but range up to 8 percent. The soils formed over thick beds of gravel deposited by streams of Pleistocene Age. The climate is warm and subhumid; mean annual precipitation ranges from about 30 to 34 inches; mean annual temperature from about 65 degrees to 70 degrees F and the Thornthwaite P-E indices from 42 to 50.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the competing Patrick series and the Branyon, Krum, Lewisville, and Sunev series. They all lack Petrocalcic horizons and occur at slightly lower elevations. In addition, Branyon, Krum, Lewisville and Sunev soils have sola more than 20 inches thick.

DRAINAGE AND PERMEABILITY: Well drained, medium run-off, permeability of the A horizon is moderately slow and of the Petrocalcic horizon very slow.

USE AND VEGETATION: Mainly used for rangeland and as a source of gravel. Local areas are cultivated and used for small grains and hay. Present grasses include Texas wintergrass, buffalograss, Wright's threeawn, pinhole bluestem, fall witchgrass, and silver bluestem. Woody plants include honey mesquite, hackberry, Texas persimmon, and live oak.

DISTRIBUTION AND EXTENT: South Central Texas. These soils are moderately extensive.

MLRA OFFICE RESPONSIBLE: Temple, Texas

SERIES ESTABLISHED: Hays County, Texas; 1981.

REMARKS: The Gruene series was formerly included in the Queeny series.

LEWISVILLE SERIES

The Lewisville series consists of very deep, well drained, moderately permeable soils that formed in ancient loamy and calcareous sediments. These upland soils have slopes of 0 to 10 percent.

TAXONOMIC CLASS: Fine-silty, mixed, active, thermic Udic Calcicustolls

TYPICAL PEDON: Lewisville silty clay--pasture. (Colors are for dry soil unless otherwise stated.)

Ap--0 to 6 inches; dark grayish brown (10YR 4/2) silty clay; very dark grayish brown (10YR 3/2) moist; moderate very fine subangular blocky and granular structure; hard, friable; contains a few strongly cemented calcium carbonate concretions; calcareous; moderately alkaline; abrupt smooth boundary. (0 to 7 inches thick)

A--6 to 16 inches; dark grayish brown (10YR 4/2) silty clay, very dark grayish brown (10YR 3/2) moist; moderate fine subangular blocky structure; hard, firm; few root channels; common strongly cemented calcium carbonate concretions about 2 to 5 mm in diameter; calcareous; moderately alkaline; gradual smooth boundary. (7 to 15 inches thick)

Bk1--16 to 34 inches; grayish brown (10YR 5/2) silty clay, dark grayish brown (10YR 4/2) moist; moderate fine subangular blocky structure; very hard, firm; common strongly cemented calcium carbonate concretions 2 to 5 mm in diameter; a few threads of soft calcium carbonate; calcareous; moderately alkaline; gradual smooth boundary. (13 to 30 inches thick)

Bk2--34 to 62 inches; pale brown (10YR 6/3) silty clay; brown (10YR 5/3) moist; weak subangular blocky structure; hard, firm; common soft masses of segregated calcium carbonate, few small, strongly cemented calcium carbonate concretions; calcareous; moderately alkaline.

TYPE LOCATION: Collin County, Texas; from the intersection of Farm Road 546 and Texas Highway 75 in McKinney, 5 miles southeast on Farm Road 546, 1.2 miles south on county road, 60 feet east in pasture.

RANGE IN CHARACTERISTICS: Solum thickness ranges from 60 to about 80 inches. It is clay loam, silty clay loam, or silty clay with silicate clay content ranging from 24 to 35 percent. Calcium carbonate equivalent in the 10- to 40-inch control section ranges from about 20 to 40 percent.

The A horizon has color in hue of 7.5YR and 10YR, value of 3 to 5, and chroma of 2 and 3. Thickness is 10 to 20 inches.

The Bk1 horizon is grayish, brownish, or yellowish in hue of 2.5Y to 7.5YR, value of 4 to 6, and chroma of 2 to 4. Some pedons in hue of 10YR and 7.5YR have chroma of 6. Soft bodies, concretions, films, and threads of calcium carbonate comprise about 3 to 8 percent by volume.

The Bk2 horizon has colors similar to the Bk1 horizon except they have values about 1 or 2 units higher. Some pedons have hue of 5YR and chroma of 6. Secondary forms of calcium carbonate comprise 5 to about 15 percent by volume.

Some pedons are underlain at depths of 3 to 15 feet by sediments containing 15 to 50 percent gravel.

COMPETING SERIES: There are no other series in this family. Similar series are the Altoga, Austin, Nuvalde, Quanah, Venus, and Volente series. Nuvalde and Quanah soils are dry in the moisture control section for longer periods. Altoga and Austin soils have more than 40 percent calcium carbonate equivalent in the control section. In addition, Altoga soils lack mollic epipedons. Venus soils have fine-loamy control sections. Volente soils have more than 35 percent silicate clay content in the control section.

GEOGRAPHIC SETTING: Nearly level to rolling landscapes having plane to convex surfaces. Slopes range from 0 to 10 percent, but they are mostly 2 to 6 percent. The soil formed in ancient loamy and limy alluvium assumed to have originated in areas underlain by limestone. The climate is moist subhumid with an annual mean precipitation of about 28 to 38 inches and the Thornthwaite P-E index of 44 to 66. At the type location the mean annual temperature is 66 degrees F.

GEOGRAPHICALLY ASSOCIATED SOILS: These include the competing Altoga, Venus, and Volente series and Eddy, Krum, and Stephen series. Altoga, Eddy, and Stephen soils occur on erosional surfaces at higher elevations. Eddy and Stephen soils are less than 20 inches thick and are underlain by chalk or weakly cemented limestone. In addition, Eddy soils contain more than 35 percent by volume of coarse fragments. Krum, Venus, and Volente soils occur at lower elevations as stream terraces or lower portions of narrow valleys. In addition, Krum soils have clayey control sections and vertic features of cracking widely and deeply when dry.

DRAINAGE AND PERMEABILITY: Well drained; runoff is slow to medium; permeability is moderate.

USE AND VEGETATION: Mostly cultivated, mainly to small grains. Originally vegetation was mid and tall grasses and a few widely separated elm, hackberry, and mesquite trees.

DISTRIBUTION AND EXTENT: Mainly in Texas, along major streams in the Blackland Prairies and the Grand Prairie; possibly in Oklahoma. The series is of moderate extent.

MLRA OFFICE RESPONSIBLE: Temple, Texas

SERIES ESTABLISHED: Denton County, Texas; 1918.

REMARKS: Diagnostic horizons and features recognized in this pedon are:

Mollic epipedon - 0 to 16 inches, the Ap and A horizons. Calcic horizon - 16 to 62 inches, the Bk horizons.

APPENDIX D
PRIOR THREATENED AND ENDANGERED SPECIES
COORDINATION

**UNITED STATES FISH AND WILDLIFE SERVICE
BLUE HOLE REGIONAL PARK THREATENED AND
ENDANGERED SPECIES FINDINGS**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

10711 Burnet Road, Suite 200

Austin, Texas 78758

512 490-0057

FAX 490-0974

DEC 03 2010



Mr. Don Ferguson
City Administrator
City of Wimberley
P.O. Box 2027,
Wimberley, Texas 78676

Consultation Number 21450-2010-I-0149

Dear Mr. Ferguson:

This responds to the City of Wimberley's May 30, 2010, letter and the attached information regarding development of the Blue Hole Regional Park (Park), Wimberley, Hays County, Texas (proposed project). The City of Wimberley submitted the letter and supporting documentation to the U.S. Fish and Wildlife Service (Service) requesting concurrence that future improvement projects on the approximately 126-acre site, as described within the *2007 Blue Hole Regional Park: A Master Planning Vision* (Park Master Plan), may affect, but will not likely adversely affect the golden-cheeked warbler (*Dendroica chrysoparia*), a species listed pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act). Critical habitat has not been designated for the golden-cheeked warbler, therefore none will be affected. Suitable habitat for the black-capped vireo (*Vireo atricapilla*), and other species listed pursuant to the Act, does not occur within the action area. Therefore, no adverse effects to these species are anticipated.

The Service previously reviewed two individual improvement projects within the Park property that had been submitted by the City of Wimberley and the Texas Department of Transportation (TxDOT) in 2009 and 2010. However, to preclude review of future individual projects within the Park, the Service requested to review the Park property in its entirety. The March 3, 2010, submittal from the Guadalupe Blanco River Authority (GBRA) included the Park Master Plan as Appendix F in the *Draft Environmental Information Document for Village of Wimberley Wastewater Collection and Treatment System*, dated March, 2010.

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that the actions authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy critical habitat of such species. It is our understanding that the Federal Highway Administration (FHWA) and the Environmental Protection Agency have provided funding for improvement projects within the Park.

The limits of the proposed project are within an approximately 126-acre site along Cypress Creek in western Hays County, Texas (Page 108, Park Master Plan). Currently, the proposed project site is a mix of riparian areas along drainages, woodlands, grassland, and existing use

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areas such as roadways, trails, and a wastewater treatment plant (Pages 17-36, Park Master Plan). The City of Wimberley is proposing the construction of various park improvements including bank stabilization, construction of a pavilion, amphitheatre, basketball court, soccer fields, tennis courts, restrooms, and additional trails. The City of Wimberley and GBRA are also proposing to replace the existing wastewater treatment plant. At full development, the total impervious cover within the Park will be less than seven percent of the 126-acre site.

According to the Park Master Plan, prepared by the Lady Bird Johnson Wildflower Center, woodlands within the site are dominated by Ashe juniper (*Juniperus ashei*) and lack sufficient levels of deciduous trees to qualify as habitat for the golden-cheeked warbler. Additionally, the *Programmatic Categorical Exclusion for Proposed Improvements on Blue Hole Loop from Ranch to Market Road 12 to Blue Hole Park*, dated January, 2010, prepared for the FHWA and TxDOT states that no habitat for golden-cheeked warbler occurs within the right-of-way of a 2.73-mile hike and bike trail that terminates within the Park due to lack of appropriate species and canopy closure. This document also notes that surveys along the Winter's Mill Trail area in 2006 and 2007 failed to detect golden-cheeked warblers.

Due to the lack of suitable habitat within the Park, we concur that the project as proposed may affect, but will not likely adversely affect the golden-cheeked warbler pursuant to section 7 of the Act. Therefore, no further action pursuant to the Act is necessary at this time. However, modifications to the proposed project or the addition of new information that suggests listed species or critical habitat may be affected by your proposed project should be submitted to our office for further consideration.

If you have any questions or comments, please contact Charlotte Kucera at 512-490-0057, extension 224.

Sincerely,



Adam Zerrenner
Field Supervisor

cc: Miguel Flores, Environmental Protection Agency, Dallas, Texas
Clarence Rumancik, Federal Highway Administration, Austin, Texas

TEXAS PARKS AND WILDLIFE DEPARTMENT
BLUE HOLE REGIONAL PARK HABITAT ASSESSMENT AND
SENSITIVE SPECIES SURVEY

Document No. 100178
PBS&J Job No. 100010045

**HABITAT ASSESSMENT AND
SENSITIVE SPECIES SURVEY
BLUE HOLE REGIONAL PARK
HAYS COUNTY, TEXAS**

Prepared for:

DESIGN WORKSHOP

801 Congress Ave
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Austin, Texas 78701

Prepared by:

PBS&J
6504 Bridge Point Parkway
Suite 200
Austin, Texas 78730

October 2010

Printed on recycled paper

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Acronyms and Abbreviations

BMP	best management practice
FEMA	Federal Emergency Management Agency
TPWD	Texas Parks and Wildlife Department
TXNDD	Texas Natural Diversity Database
NWI	National Wetland Inventory
SOC	species of concern
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

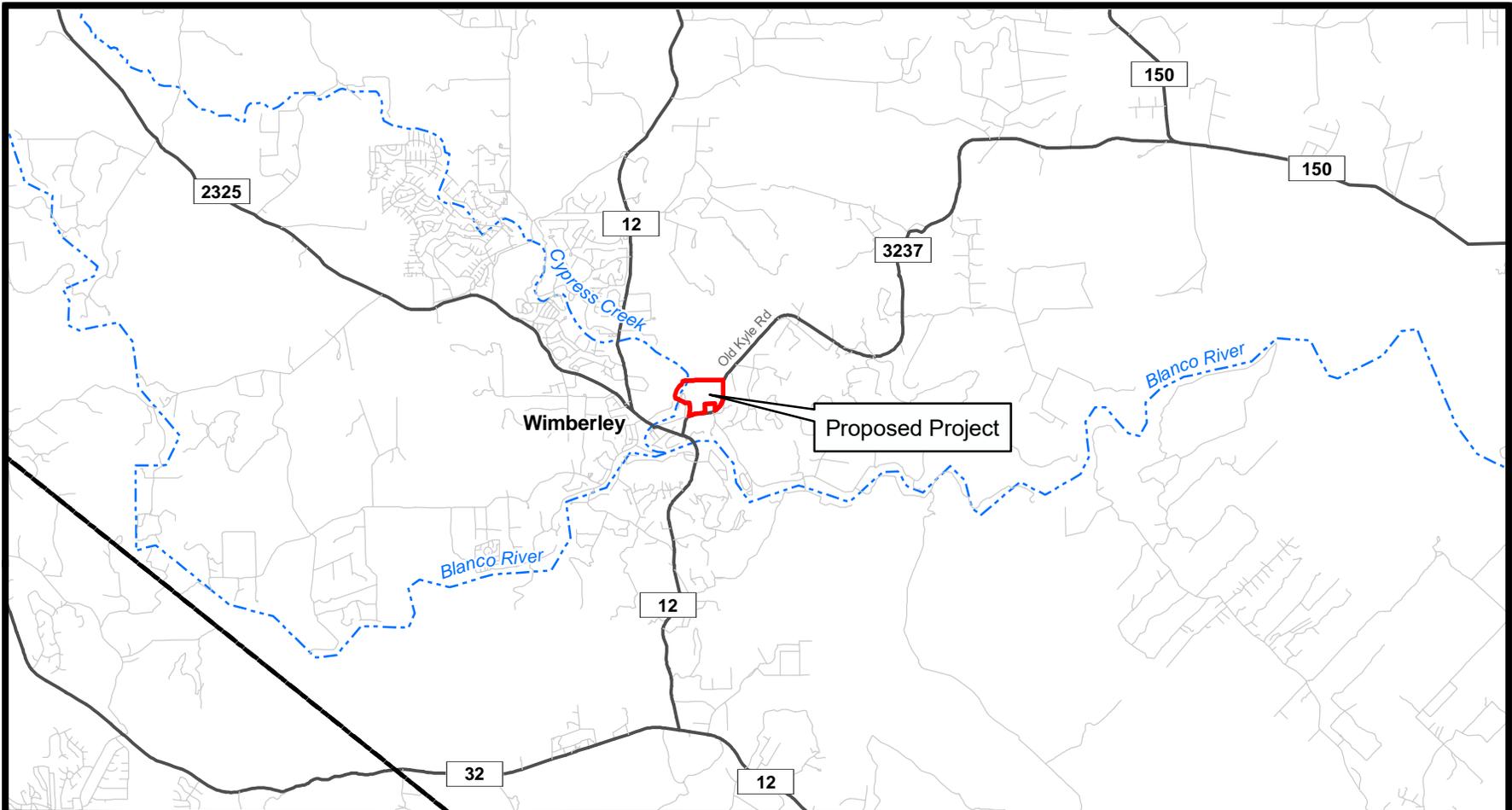
1.0 INTRODUCTION

The Village of Wimberley proposed to conduct improvements to Blue Hole Regional Park. Wimberley is located on Ranch Road 12, 14 miles from Dripping Springs and San Marcos (Figure 1). Blue Hole Regional Park occurs immediately east of the downtown square on Blue Hole Lane, off Old Kyle Road near the junction of Farm to Market Road 3237 (see Figure 1).

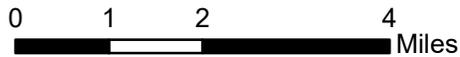
In 2005, Blue Hole Regional Park was purchased by the Village of Wimberley to save it from encroaching development. Goals of the proposed Blue Hole Regional Park improvement project (project) are to protect, restore, and develop the park as a recreational, educational and, ecological resource for present and future generations (Lady Bird Johnson Wildflower Center, 2007). The 126 acres will be sensitively developed for the enjoyment of residents, visitors, and future generations. Plans include new recreational facilities needed by the growing community and ecological restoration of native landscapes.

An environmental addendum was implemented by Texas Parks and Wildlife Department (TPWD), which required a habitat assessment and survey for specific species prior to the onset of project activities (Appendix A). TPWD requested the following species be assessed: Blanco River springs salamander (*Eurycea pterophila*), Western burrowing owl (*Athene cunicularia hypugaea*), zone-tailed hawk (*Buteo albonotatus*), golden-cheeked warbler (*Dendroica chrysoparia*), Texas fatmucket (*Lampsilis bracteata*), golden orb (*Quadrula aurea*), false spike mussel (*Quadrula mitchelli*), Texas pimpleback (*Quadrula petrina*), creeper (squawfoot) (*Strophitus undulates*), pistolgrip (*Tritogonia verrucosa*), plains spotted skunk (*Spilogale putorius interrupta*), Cagle's map turtle (*Graptemys caglei*), spot-tailed earless lizard (*Holbrookia lacerate*), Texas horned lizard (*Phrynosoma cornutum*), Texas garter snake (*Thamnophis sirtalis annectens*), Hill County wild-mercury (*Argythamnia apheroides*), Warnock's coral root (*Hexalectris warnockii*), and canyon mock-orange (*Philadelphus ernestii*).

Design Workshop contracted PBS&J to conduct surveys for 17 of the 18 species. The golden-cheeked warbler will be assessed by Cliff Ladd of Loomis Consulting. This report presents the results of the habitat assessment and species survey conducted for the proposed project. The purpose of the assessment was to identify habitat and species of concern so they would be protected during park development.



Vicinity Map



6504 Bridge Point Pkwy, Ste. 200
 Austin, Texas 78730
 Phone: (512) 329-8342 Fax: (512) 327-2453

Figure 1
General Project Location
Blue Hole Regional Park Habitat Assessment
City of Wimberley, Hays County

Job No.: 100010045

Scale: 1" = 2 miles

Prepared by: CW

Date: 9/18/2010

File: N:/Clients/U_Z/Wimberley_City/Blue_Hole/100010045/geo/figs/Project_Location_Map.mxd

2.0 METHODS

2.1 HABITAT ASSESSMENTS

Vegetation communities were delineated within the project area using National Wetland Inventory (NWI) maps (U.S. Fish and Wildlife Service [USFWS], 1992), Federal Emergency Management Agency (FEMA) floodplain maps (FEMA, 1985), data obtained from the Blue Hole Regional Park Master Plan prepared by the Lady Bird Johnson Wildflower Center (Lady Bird Johnson Wildflower Center, 2007), aerial interpretation of recent infrared and true color aerial imagery, and field surveys. PBS&J ecologists characterized vegetation communities and potential habitat impacts for the study area.

2.2 STATE-LISTED THREATENED AND SPECIES OF CONCERN

Prior to conducting field surveys, PBS&J ecologists reviewed the TPWD's Natural Diversity Database (TXNDD) (TPWD, 2010a) to identify previously recorded occurrences of endangered, threatened and species of concern within Hays County. USFWS's threatened and endangered species county list was also reviewed (USFWS, 2010). Additionally, staff ecologists reviewed the soil surveys for Hays County, Texas (NRCS, 2006) and 7.5-minute U.S. Geological Survey (USGS) topographic maps for the Driftwood and Wimberley quads (USGS, 1998). The project area was assessed for potentially suitable habitat for 17 of 18 species listed species in TPWD's Environmental Addendum (see Appendix A) on May 5, May 20, May 24, and July 21, 2010.

PBS&J botanists conducted presence/absence surveys in appropriate habitat during the blooming period for each plant species listed in Appendix A (April–June for the canyon mock-orange [*Philadelphus ernestii*] and Hill Country wild mercury [*Argythamnia aphoroides*], and June–August for Warnock's coral root [*Hexalectris warnockii*]). A list of plant species found within the area was recorded and is included in Appendix B. PBS&J aquatic and wildlife biologists assessed appropriate habitats and sampled areas, as appropriate, for the potential presence of animal species listed in Appendix A.

3.0 EXISTING ENVIRONMENT

3.1 HABITAT ASSESSMENT

Vegetation communities and habitat types observed include Riparian, Juniper/Live Oak Woodland, Stream Channel, Grassland/Savanna, Disturbed Woodland, and Disturbed Areas. A brief description of each community is provided below.

3.1.1 Riparian

Riparian community refers to linear bands of trees, shrubs or other vegetation paralleling flowing water bodies such as creeks, streams or rivers. Riparian areas adjacent to Cypress Creek are shaded by bald cypress (*Taxodium distichum*), with scattered individuals of American sycamore (*Plantanus occidentalis*) and cedar elm (*Ulmus crassifolia*). Woody vegetation in the northern stretch of bank was limited primarily to a single line of cypress trees, but to the west and south of the access road there was more woody vegetation and higher diversity (Lady Bird Johnson Wildflower Center, 2007). The sparse understory was dominated by roughleaf dogwood (*Cornus drummondii*) and possumhaw (*Ilex deciduas*), with scattered patches of yaupon holly (*Ilex vomitoria*) and mustang grape (*Vitis mustangensis*). Woody exotic species included Japanese ligustrum (*Ligustrum japonicum*), Chinese ligustrum (*Ligustrum sinense*), English ivy (*Hedera helix*), and Japanese honeysuckle (*Lonicera japonica*) (Lady Bird Johnson Wildflower Center, 2007). Golden groundsel (*Packera obovata*) was widespread and abundant. Lyre-leafed sage (*Salvia lyrata*), which is typically found in the eastern quarter of Texas, and is considered to be rare in neighboring Travis County, was also abundant, perhaps the result of introduction. Additional herbaceous species included little bluestem (*Schizachyrium scoparium*), inland sea oats (*Chasmanthium latifolium*), rosettegrasses (*Dichanthelium acuminatum*), sedges, Japanese brome (*Bromus japonicas*), frogfruit (*Phyla* sp.), Mexican hat (*Ratibida columnaris*), catchweed bedstraw (*Galium aparine*), and scattered patches of maidenhair fern (*Adiantum pedatum*) (Lady Bird Johnson Wildflower Center, 2007).

3.1.2 Juniper/Live Oak Woodland

The majority of upland areas supported dense woodland heavily dominated by mature specimens of Ashe juniper (*Juniperus ashei*) with plateau live oak (*Quercus fusiformis*) as a lesser co-dominant. The largest and best developed specimens were on the deeper soils, mapped as Gruene clays, and the more westerly portions of the areas mapped as Brackett-Rock Outcrop (Lady Bird Johnson Wildflower Center, 2007). The canopy contained a few specimens of Texas oak (*Quercus buckleyi*) and Durand's oak (*Quercus sinuata* var. *sinuate*), but species diversity of trees was generally very low. Cedar elm and sugar hackberry (*Celtis laevigata*) were present, but were most noticeable in the thin strip of woodlands west of the cemetery. Other than live oak and juniper, the most common understory components were Texas persimmon (*Diospyros texana*), agarita (*Mahonia trifoliolata*), and twisted-leaf yucca (*Yucca rupicola*). Lindheimer silktassel (*Garrya ovata* subsp. *Lindheimeri*) was fairly common in some areas. Texas barberry (*Berberis* sp.), widely distributed on the property and fairly common in these woodlands, is an

interesting component, being restricted in range to portions of the Edwards Plateau (Lady Bird Johnson Wildflower Center, 2007). Although relatively rare over most of the Hill Country, it is locally common in portions of Hays and Blanco Counties. Additional woody species included bush croton (*Croton fruticosus*), saw greenbriar (*Smilax bona-nox*), elbowbush (*Forestiera angustifolia*), red buckeye (*Aesculus pavia*), and flame-leaf sumac (*Rhus copallina*). The most common herbaceous component in closed woodlands was cedar sedge (*Carex planostachys*). Also present was golden groundsel and scattered grasses.

3.1.3 Stream Channel

As previously mentioned, the project area includes Cypress Creek and Deer Creek. Cypress Creek is a 44 km freshwater spring-fed tributary of the Blanco River within the Guadalupe River Basin. The flow is perennial in the lower 22 km, below Jacob's Well, and intermittent above (Dedden, 2008). The Cypress Creek watershed has significant local water use, with total combined water use in Wimberley and Woodcreek of 1,166 ac-ft during 2000 (TWDB, 2006). The Blanco River and Cypress Creek have been nominated by the Texas Parks and Wildlife Department as Ecologically Significant River and Stream Segments. The Texas Commission on Environmental Quality classifies Cypress Creek in terms such as high water-quality, exceptional aquatic life, and high aesthetic value (TCEQ, 2007). The northwestern portion of the property and areas adjacent to and west of the current entry road drain to Cypress Creek. The creek channel immediately downstream from the swimming hole was braided with flow divided into several smaller channels where riffle and run areas were observed.

Deer Creek is an intermittent drainage, which flows to the southwest from the northeastern portion of park boundary. The majority of Deer Creek, and portions of its minor tributaries, were bound by steep bluffs and occasional limestone rimrock features. Several of the minor tributaries contained small limestone step-down or waterfall areas having vertical drops of up to 7 feet in height (Lady Bird Johnson Wildflower Center, 2007). A segment in the southern portion of Deer Creek became narrowly incised to a depth of over 5 feet with evidence of a rapidly eroding stream system. Close to the southern boundary of the property, Deer Creek developed a wider floodplain that included a section where the drainage became indistinct with braiding of channels, damming by flotsam, and overland flow (Lady Bird Johnson Wildflower Center, 2007).

3.1.4 Grassland/Savanna

This vegetation community was observed where juniper/live oak woodland transitioned into a savanna, where the junipers and live oaks were generally smaller and more sparsely dispersed. Woody species were similar to those of the juniper/oak woodlands, but agarita, Texas prickly pear (*Opuntia lindheimeri*), and Texas sotol (*Dasyilirion texanum*) were more frequent. Although hardly pristine, these areas contained the greatest diversity of herbaceous species, especially the large clearing to the west of the rehabilitation center. Savanna grass species included little bluestem, silver bluestem (*Bothriochloa saccharoides*), hairy grama (*Bouteloua hirsute*), sideoats grama (*Bouteloua curtipendula*), plains lovegrass (*Eragrostis*

intermedia), purpletop (*Tridens flavus*), Texas wintergrass (*Nassella leucotricha*), oldfield threeawn (*Aristida oligantha*), purple threeawn (*Aristida purpurea*), and Drummonds dropseed (*Sporobolus compositus*). Common and widespread herbaceous species included four-nerve daisy (*Tetraneuris scaposa*), zexmenia (*Wedelia texana*), and wild onion (*Allium canadense*).

3.1.5 Disturbed Woodland

An area of disturbed woodland was observed southwest of the drainfields. This area appeared to have been cleared of all woody vegetation and is now dominated by low, bushy, shrubby regrowth of Ashe juniper. This area appears to have been previously leveled, and the junipers were appeared to be uniform in size and were distributed in clumps and bands of varying density (Lady Bird Johnson Wildflower Center, 2007).

3.1.6 Disturbed Areas

For the purposes of this report, disturbed areas include parking areas, trails, and maintained areas where exotic species are dominant. An on-site wastewater line, lift station, treatment plant, and drainfields serving the Deer Creek Rehabilitation Center are included in this classification. Additionally, an open area between the Cypress Creek swimming hole (Blue Hole) and the bluffs bordering the juniper/live oak woodland is included in this classification as it is dominated by exotic St. Augustine grass.

3.2 STATE-LISTED THREATENED AND SPECIES OF CONCERN

State law prohibits any take (incidental or otherwise) of state-listed species. Laws and regulations pertaining to state-listed endangered or threatened animals are contained in Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code; laws pertaining to endangered and threatened plants are contained in Chapters 88 of the TPW Code.

As per TPWD's Environmental Addendum, sixteen species were assessed on May 5, May 20, May 24, and July 21, 2010. Six species are listed as state threatened and include zone-tailed hawk (*Buteo albonotatus*), Texas fatmucket (*Lampsilis bracteata*), golden orb (*Quadrula aurea*), false spike mussel (*Quadrula mitchelli*), Texas pimpleback (*Quadrula petrina*), and Texas horned lizard (*Phrynosoma cornutum*). The remaining eleven species are considered by TPWD as species of concern and include Blanco River springs salamander (*Eurycea pterophila*), Western burrowing owl (*Athene cunicularia hypugaea*), creeper (squawfoot) (*Strophitus undulates*), pistolgrip (*Tritogonia verrucosa*), plains spotted skunk (*Spilogale putorius interrupta*), Cagle's map turtle (*Graptemys caglei*), spot-tailed earless lizard (*Holbrookia lacerate*), Texas garter snake (*Thamnophis sirtalis annectens*), Hill County wild-mercury (*Argythamnia aphoroides*), Warnock's coral root (*Hexalectris warnockii*), and canyon mock-orange (*Philadelphus ernestii*). Table 1 contains a list of these species, status, a brief life history or habitat association, and potential for occurrence within the project area.

Table 1: State-Listed Threatened or Species of Concern with Potential to Occur
Within the Blue Hole Regional Park, Hays County, Texas¹

Species ²	Life History or Habitat Association	Federal/State Status ³	Habitat On-site?	Potential to Occur
AMPHIBIANS				
Blanco River Springs salamander (<i>Eurycea pterophila</i>)	Subaquatic; springs and caves within the Blanco River drainage.	NL/SOC	Yes	High. TXNDD records an occurrence in Cypress Creek Springs, approximately 0.5 mile southwest of the project area (TPWD, 2010a).
BIRDS				
Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	Found in open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows.	NL/SOC	Yes	Low. No TXNDD recorded occurrences for Hays County and no sign of this species was observed during the field surveys. Minimal grassland/savanna present within the park.
Zone-tailed hawk (<i>Buteo albonotatus</i>)	Arid open country, including open deciduous or pine-oak woodland, mesa or mountain country, often near watercourses, wooded canyons, tree-lined rivers along middle-slopes of desert mountains; nests in various habitats and sites, ranging from small trees in lower desert, giant cottonwoods in riparian areas, to mature conifers in high mountain regions.	NL/ST	Yes	Low. No recorded TXNDD sightings for Hays County and not observed during the field surveys. According to Lockwood and Freeman (2004) no occurrences have been recorded by for Hays County; however, sightings have been recorded in neighboring Kendall and Blanco counties. Suitable habitat is present within the park and this species may occur.
MOLLUSKS				
Texas fatmucket (<i>Lampsilis bracteata</i>)	Streams and rivers on sand, mud, and gravel substrates; intolerant of impoundment; broken bedrock and coarse gravel or sand in moderately flowing water; Colorado and Guadalupe River basins.	NL/ST	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.
Golden orb (<i>Quadrula aurea</i>)	Sand and gravel in some locations and mud at others; intolerant of impoundment in most instances; endemic to the Guadalupe, San Antonio, and Nueces	NL/ST	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during

Species ²	Life History or Habitat Association	Federal/State Status ³	Habitat On-site?	Potential to Occur
	River basins. Only seven extant populations of this mussel have been noted from the upper and central Guadalupe River, central San Antonio River, lower San Marcos River, and Lake Corpus Christi.			the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.
False spike mussel (<i>Quadrula mitchelli</i>)	Substrates of cobble and mud, with water lilies present; Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins.	NL/ST	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.
Texas pimpleback (<i>Quadrula petrina</i>)	Mud, gravel and sand substrates, generally in areas with slow flow rates; endemic to the Colorado and Guadalupe drainages.	NL/ST	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.
Creeper (squawfoot) (<i>Strophitus undulates</i>)	Small to large streams, prefers gravel or gravel and mud in flowing water; Colorado, Guadalupe, San Antonio, Neches (historic), and Trinity (historic) River basins.	NL/SOC	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.
Pistolgrip (<i>Tritogonia verrucosa</i>)	Stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins.	NL/SOC	Yes	Low. Deer Creek is an ephemeral drainage and does not provide habitat for this species. No mussels were observed during the aquatic survey within the portion of Cypress Creek that occurs within the study area. This species may be present downstream of the project area; however, it is unlikely to occur within the study area.

Species ²	Life History or Habitat Association	Federal/State Status ³	Habitat On-site?	Potential to Occur
MAMMALS				
Plains spotted skunk (<i>Spilogale putorius interrupta</i>)	Species is catholic and can be found in open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie.	NL/SOC	Yes	High. No recorded TXNDD sightings within Hays County and species was not observed during the field surveys; however, suitable habitat is present and this species may occur. In addition, Schmidly (2004) records the occurrence of <i>Spilogale putorius</i> within Hays County.
REPTILES				
Cagle's map turtle (<i>Graptemys caglei</i>)	Endemic to the Guadalupe River system; short stretches of shallow water with swift to moderate flow and gravel or cobble bottom, connected by deeper pools with a slower flow rate and a silt or mud bottom; gravel bar riffles and transition areas between riffles and pools especially important in providing insect prey items; nest on gently sloping sand banks within 30 feet of water's edge.	NL/SOC	Yes	High. TXNDD records the closest sighting approximately 1.35 miles southeast of the project area within the Blanco River (TPWD, 2010a). Species was not observed during the field surveys; however, suitable habitat is present within and adjacent to Cypress Creek.
Spot-tailed earless lizard (<i>Holbrookia lacerate</i>)	Central and southern Texas and adjacent Mexico; areas that are sparsely vegetated with some bare ground; a variety of soil types, though never on pure sand; upland savannas, plowed fields in places that originally were grasslands, thinly vegetated mesquite shrublands, semi-xeric mesquite and prickly pear brushlands, and coastal prairie.	NL/SOC	Yes	High. No recorded TXNDD for Hays County and species was not observed during field surveys; however, suitable habitat is present within the project area and this species may occur. In addition, Dixon (2000) records sightings of the subspecies <i>Holbrookia lacerate lacerate</i> (plateau earless lizard) from Hays County.
Texas horned lizard (<i>Phrynosoma cornutum</i>)	Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March–September.	NL/ST	Yes	High. No recorded TXNDD sightings within Hays County and species was not observed during the field surveys; however, minimally suitable habitat is present within the park and this species may occur. Dixon (2000) records this species presence in Hays County.
Texas garter snake (<i>Thamnophis sirtalis annectens</i>)	Wet or moist microhabitats are conducive to the species occurrence, but is not necessarily restricted to them; hibernates underground or in/under surface cover; breeds March–August.	NL/SOC	Yes	High. Although species was not observed during field surveys, TXNDD records a sighting approximately 15 miles east of the project area (TPWD, 2010a).
PLANTS				

Species ²	Life History or Habitat Association	Federal/State Status ³	Habitat On-site?	Potential to Occur
Hill County wild-mercury (<i>Argythamnia aphoroides</i>)	Texas endemic; mostly in bluestem-grama grasslands associated with plateau live oak woodlands on shallow to moderately deep clays and clay loams over limestone on rolling uplands, also in partial shade of oak-juniper woodlands in gravelly soils on rocky limestone slopes; flowering April-May with fruit persisting until midsummer.	NL/SOC	Yes	Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007; however suitable habitat is present within the project area. TXNDD records the closest sighting approximately 6.35 miles southeast of the project area (TPWD, 2010a).
Warnock's coral root (<i>Hexalectris warnockii</i>)	Leaf litter and humus in oak-juniper woodlands on shaded slopes and intermittent, rocky creekbeds in canyons; in the Trans Pecos in oak-pinyon-juniper woodlands in higher mesic canyons (to 2000 m [6550 ft]), primarily on igneous substrates; in Terrell County under <i>Quercus fusiformis</i> mottes on terraces of spring-fed perennial streams, draining an otherwise rather xeric limestone landscape; on the Callahan Divide (Taylor County), the White Rock Escarpment (Dallas County), and the Edwards Plateau in oak-juniper woodlands on limestone slopes; in Gillespie County on igneous substrates of the Llano Uplift; flowering June-September; individual plants do not usually bloom in successive years.	NL/SOC	Yes	Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007; however suitable habitat is present within the project area. TXNDD records the closest sighting approximately 0.66 miles south/southwest of the project area (TPWD, 2010a).
Canyon mock-orange (<i>Philadelphus ernestii</i>)	Texas endemic; usually found growing from honeycomb pits on outcrops of Cretaceous limestone exposed as rimrock along mesic canyons, usually in the shade of mixed evergreen-deciduous canyon woodland; flowering April-June, fruit dehiscing September-October.	NL/SOC	Yes	Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007; however suitable habitat is present within the project area. TXNDD records the closest sighting approximately 8.3 miles northwest of the project area (TPWD, 2010a).

¹ According to TPWD 2009 Environmental Addendum for the WIMBERLEY Blue Hole Regional Park II, Project Number 50-000419 (Appendix A).

² Nomenclature follows FWS (2010) and TPWD (2010b).

³ According to FWS (2010) and TPWD (2010b).

NL = no federal listing; ST – state threatened; SOC = state species of concern

4.0 RESULTS

4.1 VEGETATIVE COMMUNITIES AND HABITAT

As previously mentioned, vegetation communities and habitat types observed include Riparian, Juniper/Live Oak Woodland, Stream Channel, Grassland/Savanna, Disturbed Woodland and Disturbed Areas. The amount (acres) of each type is listed below in Table 2, and is illustrated on Figure 2.

Table 2: Vegetation Communities and Habitats within Blue Hole Regional Park, Hays County, Texas

Vegetation Community	Area within Park Boundary (acres)
Riparian	6.9
Juniper/Live Oak Woodland	72.5
Stream Channel	1.7
Grassland/Savanna	21.6
Disturbed Woodland	13.4
Disturbed Areas	5.6
Total	121.7

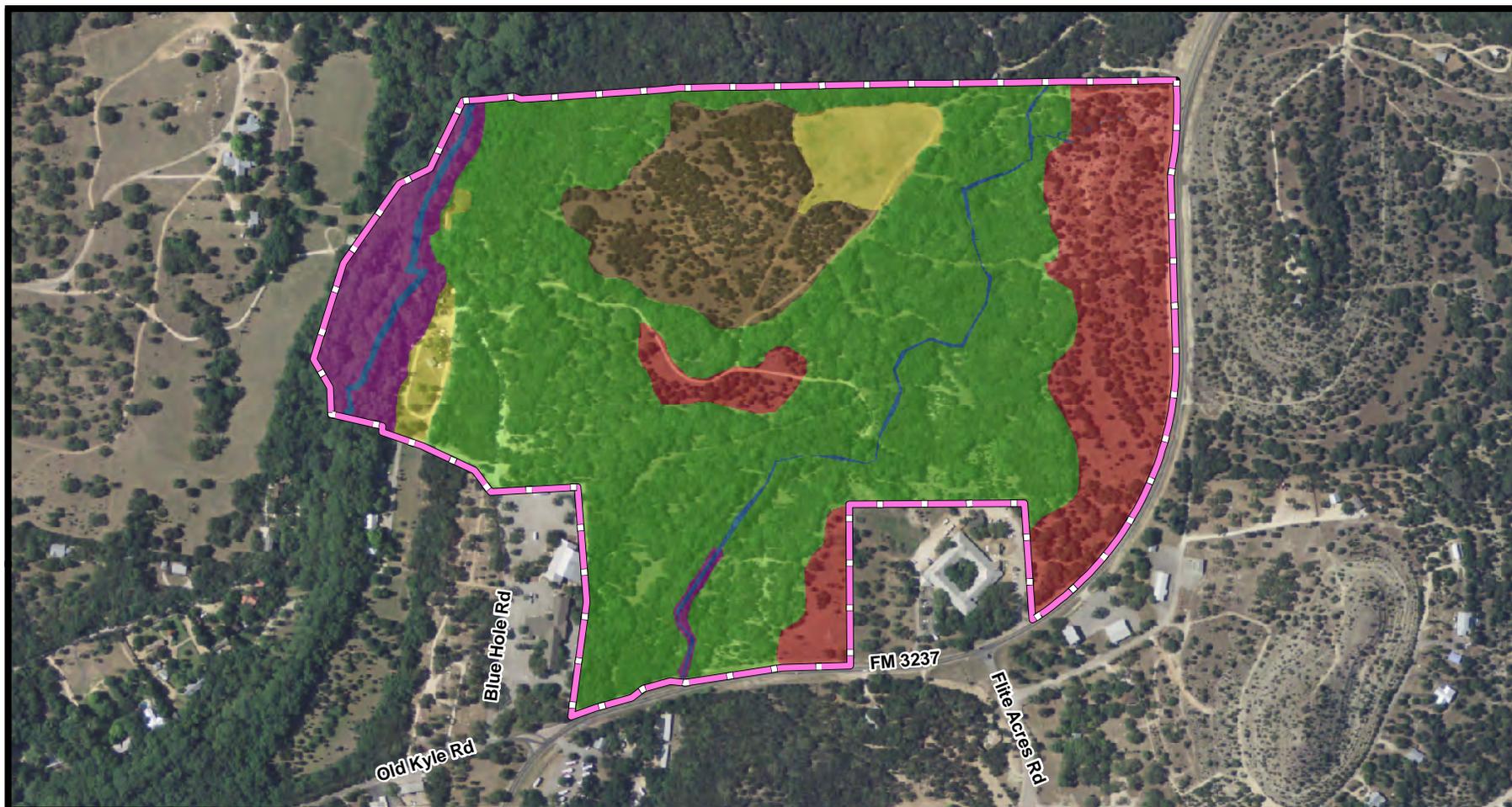
4.2 STATE-LISTED THREATENED AND SPECIES OF CONCERN

None of the species listed in Table 1 were observed during the field surveys. Figure 3 displays TXNDD records of occurrence for some of the species listed in Appendix A.

Habitat for Hill country wild-mercury, Warnock’s coral root, and canyon mock-orange is present within the study area; however, these species are given an “unlikely” potential for occurrence because extensive surveys were conducted in 2007 by Lady Bird Johnson Wildflower Center and by PBS&J in 2010 with no findings. TXNDD records an occurrence of Hill country wild-mercury approximately 6.35 miles southeast of the project area, an occurrence of Warnock’s coral root approximately 0.66 mile south-southwest of the project area, and an occurrence of canyon mock-orange approximately 8.3 miles northwest of the project area (TPWD, 2010a; see Figure 3). The proposed park improvement project may affect, but is unlikely to adversely affect, these species.

Species having a low potential to occur within the project area include Western burrowing owl, zone-tailed hawk, Texas fatmucket, golden orb, false spike mussel, Texas pimpleback, creeper, and pistolgrip.

Western burrowing owl is uncommon to common summer resident and uncommon to rare winter resident in the western half of the state, east to Wilbarger County (Lockwood and Freeman, 2004). This species is found in open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant



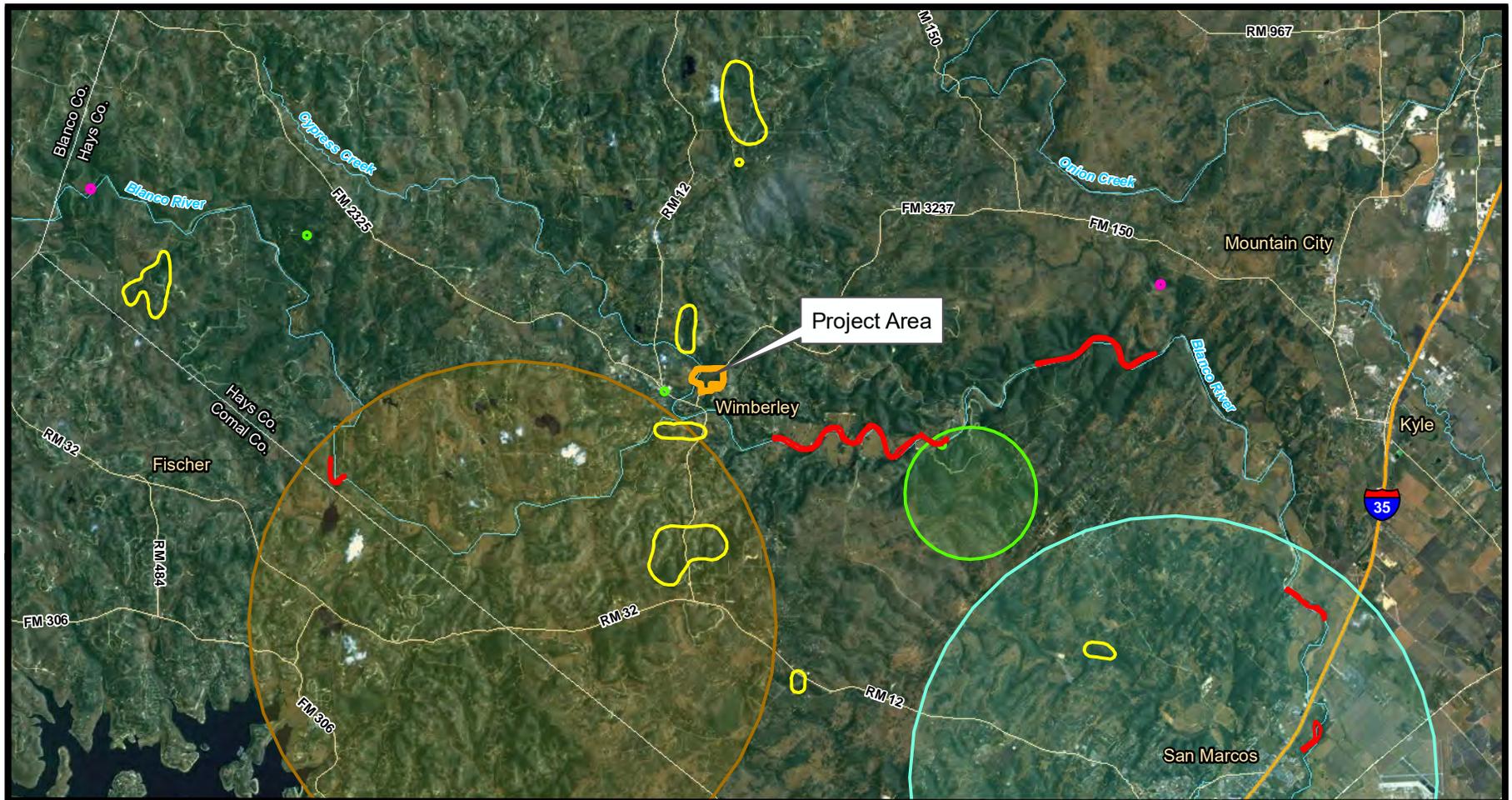
-  Project Boundary (121.8 acres)
-  Disturbed (5.6 acres)
-  Disturbed Woodland (13.4 acres)
-  Grassland/Savannah (21.6 acres)
-  Juniper/Live Oak/Woodland (72.5 acres)
-  Riparian (6.9 acres)
-  Stream Channel (1.7 acres)



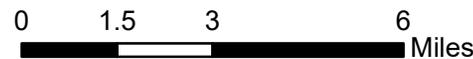
6504 Bridge Point Pkwy, Ste. 200
 Austin, Texas 78730
 Phone: (512) 329-8342 Fax: (512) 327-2453

Figure 2
Vegatative Communities and Habitat Types
Blue Hole Regional Park Habitat Assessment
City of Wimberley, Hays County

Prepared for: City of Wimberley	
Job No.: 100010045	Scale: 1" = 600'
Prepared by: CW	Date: 09/18/2010
File: N:/Clients/U_Z/Wimberley_City/Blue_Hole/100010045/geo/figs/vegetation.mxd	



- Project Area
- Blanco River springs salamander (0.5 miles to project area)
- Cagle's map turtle (1.35 miles to project area)
- Canyon mock-orange (8.3 miles to project area)
- Golden-cheeked warbler (0.35 miles to project area)
- Hill Country wild-mercury (6.35 miles to project area)
- Warnock's coral-root (0.66 miles to project area)



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Figure 3
TXNDD Species Occurrences
Blue Hole Regional Park Habitat Assessment
City of Wimberley, Hays County

Job No.: 100010045

Scale: 1" = 3 miles

Prepared by: CW

Date: 9/18/2010

File: N:/Clients/U_Z/Wimberley_City/Blue_Hole/100010045/geo/figs/NDD.mxd

lots near human habitation (TPWD, 2010b). There is minimal open grassland habitat within the proposed project area and no TXNDD records exist for this species in Hays County; therefore, Western burrowing owl is unlikely to occur. The proposed park improvement project may effect, but is unlikely to adversely affect, this species.

The zone-tailed hawk is a rare to uncommon breeding bird in the mountains and canyon lands of the Trans-Pecos and Edwards Plateau regions of Texas and is a rare migrant and winter resident in the Lower Rio Grande Valley (Johnson et al., 2000; Lockwood and Freeman, 2004). Oberholser (1974) shows a questionable Hays County record. According to TXNDD (TPWD, 2010), no documented records of the species exist from the study area. According to Lockwood and Freeman (2004), no occurrences have been recorded by for Hays County; however, sightings have been recorded in neighboring Kendall and Blanco counties. Suitable habitat is present within the park and this species may occur; however, the proposed park improvement project may affect, but is unlikely to adversely affect, the zone-tailed hawk.

The state-listed threatened Texas fatmucket (*Lampsilis bracteata*) occurs in streams and rivers on sand, mud, and gravel in the San Antonio, Guadalupe, and Colorado river systems, with the Colorado River populations occurring at least as far west as Concho River tributaries in Tom Green County (Howells et al., 1996). In the past 30 years, natural and human-induced stressors have lead to the dramatic decline of this species and remaining populations are at risk from scouring floods, dewatering, and poor land management (TPWD, 2009). As mentioned above, Deer Creek is an ephemeral drainage and does not provide habitat for this species and no mussels were observed within the portion of Cypress Creek in the study area during the aquatic survey. This species may be present downstream of the project area; however, it is unlikely to occur within the study area. The proposed park improvement project will have no effect on the Texas fatmucket.

The state-listed threatened golden orb (*Quadrula aurea*) occurs in the San Antonio, Guadalupe, Colorado, Brazos, Nueces, and Frio River systems (Howells et al., 1996). Individuals have been reported being found in sand and gravel in some locations and mud at others, while having an intolerance of impoundment in most instances (TPWD, 2009). As mentioned above, Deer Creek is an ephemeral drainage and does not provide habitat for this species and no mussels were observed within the portion of Cypress Creek in the study area during the aquatic survey. This species may be present downstream of the project area; however, it is improbable that the species would be found within the study area. The proposed park improvement project will have no effect on the golden orb.

The state-listed threatened false spike (*Quadrula mitchelli*) is known from only two disjunct populations, one in the Brazos, Colorado, and Guadalupe river basins of central Texas and the other in the Rio Grande drainage (TPWD, 2009). It is found in substrates varying from mud to mixtures of sand, gravel, and cobble, with water lilies present at one study site (Wurtz, 1950). This species may possibly be extirpated in Texas. Deer Creek is an ephemeral drainage and does not provide habitat for this species. During the aquatic survey, no mussels were observed within the portion of Cypress Creek in the study area. This species may be present downstream of the project area; however, it is unlikely that the species would be

found within the study area. The proposed park improvement project will have no effect on the false spike mussel.

The state-listed threatened Texas pimpleback (*Quadrula petrina*) occurs in the Guadalupe and Colorado river systems, including reports from the Llano, San Saba, and Pedernales rivers, and is found in mud and gravel, at slow flow rates (Howells et al., 1996). The only confirmed significant population in the Concho River persists, but has been badly reduced by dewatering (TPWD, 2009). Consequently, it is unlikely that this species would be present within the study area. The proposed park improvement project will have no effect on the Texas pimpleback.

Species having a high potential to occur within the project area include the Blanco River springs salamander, plains spotted skunk, Cagle's map turtle, spot-tailed earless lizard, Texas horned lizard, and Texas garter snake. These species are discussed below.

The Blanco River springs salamander is a subaquatic species endemic to the springs and caves associated with the Blanco River drainage. TXNDD records show an occurrence in Cypress Creek Springs, approximately 0.5 mile southwest of the project area in. This species has potential to occur within the project area; however, the proposed park improvement project will have no effect on this species.

The spot-tailed earless lizard is believed to be areas that are sparsely vegetated with some bare ground. It is found on a variety of soil types, though never on pure sand. It is known to occur in upland savannas, plowed fields in places that originally were grasslands, thinly vegetated mesquite shrublands, semi-xeric mesquite and prickly pear brushlands, and coastal prairie. Although no TXNDD sightings have been recorded within Hays County, this species has potential to occur within the project area. The proposed project may affect, but is unlikely to adversely affect, this species.

The Texas horned lizard occurs throughout the western half of the state in a variety of habitats, but prefers arid and semi-arid habitats in sandy loam or loamy sand soils that support patchy bunch-grasses, cacti, yucca, and various shrubs (Henke and Fair, 1998). It historically occurred throughout Texas, but over the past 20 years, it has almost vanished from the eastern half of the state, although it still maintains relatively stable numbers in west Texas. While TXNDD (TPWD, 2010a) shows no documented records from the study area, the species occurs or has occurred in all study area counties (Dixon, 2000). The proposed project may affect, but is unlikely to adversely affect, the Texas horned lizard.

Appropriate habitat exists within the park for plains spotted skunk, Cagle's map turtle and Texas garter snake and these species have potential to occur within the project area. TXNDD (TPWD, 2010a) has recorded occurrences for Cagle's map turtle approximately 1.35 miles southeast of the project area within the Blanco River (see Figure 3), and an occurrence of Texas garter snake approximately 15.5 miles east of the project area. The proposed park improvement project may affect, but is unlikely to adversely affect, the plains spotted skunk and Texas garter snake. The proposed park improvement project will have no effect on Cagle's map turtle.

5.0 CONCLUSION

The proposed park improvement project is unlikely to adversely affect any of the 17 species evaluated in this report. As noted during a December 1, 2009 telephone conversation between Steven Spears from Design Workshop and Jill Seed from PBS&J, the City of Wimberley will utilize Cliff Ladd (Loomis Consulting) to further consult with USFWS regarding GCWA and attain the appropriate permits, if any, that may be required.

A major design parameter of park improvements is that the impervious cover total does not exceed 10% of the site to avoid potentially impacting groundwater and aquifer recharge. Additionally, design features adjacent to the Blue Hole swimming area within Cypress Creek do not result in discharge of fill material; rather, the improvements in this area will stabilize areas to reduce erosion and provide bank stabilization. For these reasons, downstream impacts to any mussels and Blanco River springs salamander are not expected.

The Blue Hole park improvement project is designed to minimize impacts to the surrounding habitat while enhancing usability of the site. As previously mentioned, the major design component of the project is to keep the impervious cover to under 10%, which further reduces the possibility for water quality degradation in Cypress Creek and Deer Creek. The mission of the proposed improvement project is to “protect, restore, and develop Blue Hole Regional Park as a recreational, educational, and ecological resource for present and future generations.” With this in mind, Design Workshop established and will implement the project vision, which aims “to create an ecologically and economically sustainable regional park which celebrates the character of the Wimberley Valley and thoughtfully considers the environmental and recreational needs of the community. The park invites people to experience, respect, and enjoy the uniqueness and beauty of the Texas Hill Country.”

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Appendix A

Texas Parks and Wildlife Department Environmental Addendum

ENVIRONMENTAL ADDENDUM

Project Name/Number: WIMBERLEY Blue Hole Regional Park II, Project Number 50-000419

Pursuant to requirements of the National Environmental Policy Act of 1969 (Public Law 91-190) and the Endangered Species Act of 1973, as amended (Public Law 93-205), this addendum is hereby incorporated into the grant agreement.

The **Village of Wimberley** (sponsor) is hereby advised that based on the project description, **the following is required:**

On-the-ground surveys by qualified biologists should be performed to determine if habitat is present within the project area and adjacent to and/or downstream of the project for the following species:

Federal and State-listed Endangered:

Golden-cheeked Warbler (*Dendroica chrysoparia*)

State listed Threatened

Zone-tailed Hawk (*Buteo albonotatus*)

Texas horned lizard (*Phrynosoma cornutum*)

Rare Species:

Amphibians:

Blanco River Springs Salamander (*Eurycea pterophila*)

Reptiles:

Cagles' map turtle (*Graptemys caglei*)

Birds:

Western Burrowing Owl (*Athene cunicularia hypugaea*)

Mammals:

Plains spotted skunk (*Spilogale putorius interrupta*)

Reptiles:

Spot-tailed earless lizard (*Holbrookia lacerata*)

Texas garter snake (*Thamnophis sirtalis annectens*)

Mollusks (Mussels):

Creeper (squawfoot) (*Strophitus undulatus*)

False spike mussel (*Quincuncina mitchelli*)

Golden orb (*Quadrula aurea*)

Pistolgrip (*Tritogonia verrucosa*)

Texas fatmucket (*Lampsilis bracteata*)

Texas pimpleback (*Quadrula petrina*)

Plants:

Canyon mock-orange (*Philadelphus ernestii*)

Hill Country wild-mercury (*Argythamnia aphyroides*)

Warnock's coral root (*Hexalectris warnockii*)

If habitat for any of the species listed above is present, then presence-absence surveys should be performed to determine if the species are present on site and would be impacted by the project. If the habitat assessments determine the need for presence-absence surveys, Federal and State permits and special protocols may be required. If adverse impacts are anticipated or presence-absence surveys are needed, contact the USFWS and TPWD for further guidance.

Prior to any cedar tree removal, a determination should be made that the GCW would not be affected by this action, since GCW reside in oak-cedar woodlands and use cedar bark to construct their nests. Additional information on characteristics of GCW habitat may be found at: http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0013_golden_cheeked_warbler_mgmt.pdf. If adverse effects to GCW may occur, then consultation with the U.S. Fish and Wildlife Service (USFWS) will be required. These consultations may take six months to a year to complete.

* * * * *

I have read this addendum and understand that the political subdivision (sponsor) which I represent will be responsible for compliance with the above as a result of receiving grant assistance from the Texas Parks & Wildlife Department. It is also understood that the Environmental Addendum is a part of the Project Agreement.



Signature of Official Authorized in Resolution

10/20/09

Date

Mr. Don Ferguson, City Administrator
Name and Title

Appendix B

Plant Species Observed

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Abutilon fruticosum</i>	Indian mallow	W	Herbaceous: Forb	U
<i>Aesculus pavia</i> var. <i>pavia</i>	Red buckeye	C/B	Shrub	U
<i>Acer negundo</i>	Boxelder	C/B	Tree	S
<i>Adiantum capillus-veneris</i>	Maidenhair fern	C/B	Herbaceous:Fern	S
<i>Ageratina havanensis</i>	Shrubby snakeroot	C/B,W	Shrub	U
<i>Allium</i> sp.	Wild onion	C/B	Herbaceous: Forb	S
<i>Argemone albiflora</i> subsp. <i>texas</i>	Texas white prickly poppy	G	Herbaceous: Forb	U
<i>Arisaema dracontium</i>	Green dragon	C/B	Herbaceous: Forb	U
<i>Aristida oligantha</i>	Oldfield three-awn	G	Herbaceous: Grass	C
<i>Aristida purpurea</i>	Purple three-awn	G	Herbaceous: Grass	C
<i>Asclepias asperula</i>	Antelopehorns	G	Herbaceous: Forb	S
<i>Baccharis neglecta</i>	Rooseveltweed	G	Shrub	U
<i>Berberis swaseyi</i>	Texas barberry	C/B,W	Shrub	U
<i>Berberis trifoliata</i>	Agarito	G,C/B,W	Shrub	U
<i>Bothriochloa ischaemum</i>	King Ranch bluestem	G	Herbaceous: Grass	C
<i>Bothriochloa laguroides</i> ssp. <i>torreyana</i>	Silver bluestem	G	Herbaceous: Grass	S
<i>Bouteloua curtipendula</i>	Side-oats grama	G	Herbaceous: Grass	U
<i>Bouteloua hirsuta</i>	Hairy grama-grass	G,W	Herbaceous: Grass	C
<i>Bouteloua rigidiseta</i>	Texas grama	G	Herbaceous: Grass	C
<i>Bromus catharticus</i>	Rescue grass	G	Herbaceous: Grass	S

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Bromus japonicus</i>	Japanese brome	C/B	Herbaceous: Grass	S
<i>Callicarpa americana</i>	American beautyberry	C/B,W	Shrub	U
<i>Calyptracarpus vialis</i>	Prostrate lawnflower	G,C/B,W	Herbaceous: Forb	C
<i>Carex planostachys</i>	Cedar sedge	C/B,W	Herbaceous: Forb	C
<i>Carex</i> spp.	Sedges	G,G2,C/B,W	Herbaceous: Forb	S
<i>Carya illinoensis</i>	Pecan	C/B	Tree	C
<i>Celtis laevigata</i> var. <i>laevigata</i>	Sugar hackberry	C/B,G	Tree	C
<i>Celtis laevigata</i> var. <i>reticulata</i>	Netleaf hackberry	C/B,W	Tree	U
<i>Centaureum texense</i>	Lady Bird's centaury	G	Herbaceous: Forb	C
<i>Cercis canadensis</i> var. <i>texensis</i>	Texas redbud	C/B,W	Shrub/Tree	S
<i>Chaerophyllum tainturieri</i>	Chervil	G	Herbaceous: Forb	S
<i>Chasmanthium latifolium</i>	Broadleaf woodoats	C/B,W	Herbaceous: Grass	A
<i>Cirsium texanum</i>	Texas thistle	G	Herbaceous: Forb	A
<i>Clematis</i> sp.	Clematis	C/B	Vine: Herbaceous	U
<i>Cnidoscolus texanus</i>	Bullnettle	G	Herbaceous: Forb	S
<i>Cornus drummondii</i>	Roughleaf dogwood	C/B	Shrub	S
<i>Cooperia pedunculata</i>	Prairie rainlily	G	Herbaceous: Forb	C
<i>Coryphantha sulcata</i>	Nipple cactus	G	Cactus	S
<i>Croton capitatus</i>	Woolly croton	G	Herbaceous: Forb	C
<i>Croton</i>	Bush croton	C/B	Shrub	S

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>fruticulosus</i>				
<i>Croton monanthogynus</i>	Prairie tea	C/B	Herbaceous: Forb	S
<i>Cynodon dactylon</i>	Bermudagrass	G	Herbaceous: Grass	C
<i>Dasyochloa pilosum</i>	Low woolly-grass	G	Herbaceous: Grass	S
<i>Dasylirion texanum</i>	Texas sotol	G,C/B	Shrub	C
<i>Desmanthus virgatus</i> var. <i>acuminatus</i>	Sharp-pod bundle flower	G	Herbaceous: Forb	S
<i>Dichantheium</i> spp.	Rosettegrass	G	Herbaceous: Grass	S
<i>Dichondra</i> sp.	Ponyfoot	C/B	Herbaceous: Forb	S
<i>Diospyros texana</i>	Texas persimmon	C/B,W	Shrub	C
<i>Eleocharis</i> sp.	Spikerush	G	Herbaceous: Forb	S
<i>Elymus canadensis</i>	Canada wildrye	C/B	Herbaceous: Grass	S
<i>Epipactis gigantea</i>	Chatterbox orchid	C/B	Herbaceous: Forb	R
<i>Erigeron</i> sp.	Fleabane	G	Herbaceous: Forb	U
<i>Eragrostis intermedia</i>	Plains lovegrass	G	Herbaceous: Grass	S
<i>Eupatorium serotinum</i>	Late thoroughwort	C/B	Herbaceous: Forb	U
<i>Euphorbia</i> sp.	Spurge	C/B	Herbaceous: Forb	U
<i>Evax prolifera</i>	Big-head evax	G	Herbaceous: Forb	A
<i>Evolvulus sericeus</i>	Silky dwarf morning glory	G	Herbaceous: Forb	S
<i>Festuca versuta</i>	Texas fescue	C/B	Herbaceous: Grass	S
<i>Forestiera pubescens</i>	Elbowbush	C/B,W	Shrub	C
<i>Fraxinus texensis</i>	Texas ash	C/B	Tree	U
<i>Gaillardia pulchella</i>	Southern Indian blanket	G	Herbaceous: Forb	S

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Galium aparine</i>	Catchweed bedstraw	G	Herbaceous: Forb	U
<i>Galphimia angustifolia</i>	Narrowleaf goldshower	G	Herbaceous: Forb	U
<i>Garrya ovata</i> subsp. <i>lindheimeri</i>	Lindheimer's Mexican silk-tassel	C/B	Shrub	S
<i>Geranium carolinianum</i>	Carolina geranium	G	Herbaceous: Forb	S
<i>Gilia incisa</i>	Cut-leaf gilia	W	Herbaceous: Forb	S
<i>Glandularia bipinnatifida</i>	Prairie mock vervain	G	Herbaceous: Forb	S
<i>Hedeoma acinoides</i>	Slender mock pennyroyal	G	Herbaceous: Forb	A
<i>Hedeoma drummondii</i>	Drummond's mock pennyroyal	G	Herbaceous: Forb	C
<i>Hedera helix</i>	English ivy	C/B	Vine: Woody	U
<i>Helenium elegans</i>	Elegant sneezeweed	G	Herbaceous: Forb	U
<i>Helitropium tenellum</i>	Wild white heliotrope	W	Herbaceous: Forb	A
<i>Hymenopappus scabiosaeus</i>	Old plainsman woolly white	G	Herbaceous: Forb	U
<i>Indigofera miniata</i>	Scarlet scurf pea	G	Herbaceous: Forb	U
<i>Ilex decidua</i>	Deciduous holly	C/B	Shrub	U
<i>Ilex vomitoria</i>	Yaupon holly	C/B,W	Shrub	S
<i>Juglans microcarpa</i>	Little walnut	C/B	Shrub/Tree	U
<i>Juglans nigra</i>	Black walnut	C/B	Tree	U
<i>Juniperus ashei</i>	Ashe juniper	G C/B,W	Shrub/Tree	A
<i>Krameria lanceolata</i>	Ratany	G	Herbaceous: Forb	U
<i>Krigia</i> sp.	Dwarf dandelion	G	Herbaceous: Forb	S
<i>Lepidium</i> sp.	Pepperweed	G	Herbaceous: Forb	S
<i>Lesquerella</i>	Texas bladderpod	G	Herbaceous: Forb	U

Species Observed at Blue Hole Regional Park				
Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>engelmannii</i>				
<i>Ligustrum sinense</i>	Chinese privet	C/B	Shrub	S
<i>Limnodea arkansana</i>	Ozark-grass	G	Herbaceous: Grass	S
<i>Lindheimera texana</i>	Yellow Texas star	G	Herbaceous: Forb	U
<i>Lindera benzoin</i>	Spicebush	C/B	Shrub	S
<i>Lonicera japonica</i>	Japanese honeysuckle	C/B	Vine: Woody	S
<i>Lupinus texensis</i>	Texas bluebonnet	G	Herbaceous: Forb	S
<i>Lygodesmia texana</i>	Texas skeleton plant	G	Herbaceous: Forb	U
<i>Maclura pomifera</i>	Osage orange	W	Tree	U
<i>Malvaviscus drummondii</i>	Drummond's waxmallow	C/B	Shrub	U
<i>Marshallia caespitosa</i>	Barbara's buttons	G	Herbaceous: Forb	S
<i>Matelea reticulata</i>	Pearl netleaf milkvine	C/B,W	Vine: Herbaceous	S
<i>Melampodium leucanthum</i>	Plains blackfoot daisy	G	Herbaceous: Forb	U
<i>Melia azedarach</i>	Chinaberry	G,W	Tree	U
<i>Menodora</i> sp.	Menodora	G	Herbaceous: Forb	U
<i>Mimosa nuttallii</i>	Nuttall's sensitivebrier	G	Herbaceous: Forb	C
<i>Morus alba</i>	white mulberry	C/B	Tree	U
<i>Muhlenbergia lindheimera</i>	Lindheimer's muhly	G,C/B	Herbaceous: Grass	S
<i>Muhlenbergia reverchonii</i>	Seep muhly	G	Herbaceous: Grass	A
<i>Nandina domestica</i>	Heavenly bamboo	C/B,W	Shrub	U
<i>Nassella leucotricha</i>	Texas spear grass	G	Herbaceous: Grass	S
<i>Nolina texana</i>	Texas beargrass	G, C/B	Shrub	S

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Nothoscordum bivalve</i>	Crow poison	G	Herbaceous: Forb	S
<i>Onosmodium bejariense</i>	Marbleseed	C/B,W	Herbaceous: Forb	S
<i>Oplismenus hirtellus</i>	Basketgrass	W	Herbaceous: Grass	S
<i>Opuntia engelmannii</i> var. <i>lindheimeri</i>	Texas prickly pear	G,W	Cactus	C
<i>Opuntia macro-rhiza</i>	Plains prickly pear	G	Cactus	S
<i>Oxalis</i> sp.	Woodsorrel	G,W	Herbaceous: Forb	U
<i>Packera obovata</i>	Golden groundsel	C/B	Herbaceous: Forb	S
<i>Panicum hallii</i>	Hall's panic grass	W	Herbaceous: Grass	S
<i>Panicum virgatum</i>	Switchgrass	C/B	Herbaceous: Grass	U
<i>Parietaria pennsylvanica</i>	Pennsylvania pellitory	G, C/B,W	Herbaceous: Forb	C
<i>Parthenocissus quinquefolia</i>	Virginia creeper	C/B	Vine: Woody	U
<i>Paspalum pubiflorum</i> var. <i>glabrum</i>	Smooth spikelet paspalum	W	Herbaceous: Grass	S
<i>Pellaea atropurpurea</i>	Purple Cliff-brake fern	C/B	Herbaceous: Fern	U
<i>Photinia</i> sp.	Photinia	C/B	Shrub	U
<i>Phyla</i> sp.	frogfruit	C/B	Herbaceous: Forb	S
<i>Phyllanthus polygonoides</i>	Knotweed leaf flower	G	Herbaceous: Forb	U
<i>Physalis</i> sp.	Ground cherry	G	Herbaceous: Forb	U
<i>Plantago aristata</i>	Large-bracted plantain	G	Herbaceous: Forb	C
<i>Plantago</i> spp.	Plantain	G	Herbaceous: Forb	A
<i>Plantanus occidentalis</i>	American sycamore	C/B	Tree	C
<i>Prosopis</i>	Honey mesquite	G	Shrub/Tree	S

Species Observed at Blue Hole Regional Park				
Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>glandulosa</i>				
<i>Prunus serotina</i>	Black cherry	C/B	Tree	U
<i>Ptelea trifoliata</i>	Hop tree	C/B	Shrub	U
<i>Quercus buckleyi</i>	Texas red oak	C/B	Tree	C
<i>Quercus sinuata</i> var. <i>breviloba</i>	White shin oak	W	Tree	U
<i>Quercus virginiana</i> var. <i>fusiformis</i>	Texas live oak	G,C/B,W	Tree	C
<i>Ratibida columnifera</i>	Prairie coneflower	G	Herbaceous: Forb	C
<i>Rhus lanceolata</i>	Lance-leaf sumac	G,C/B	Shrub	U
<i>Rubus trivialis</i>	Southern dewberry	G,W	Shrub	S
<i>Ruellia nudiflora</i>	Wild petunia	W	Herbaceous: Forb	S
<i>Salvia lyrata</i>	Lyre-leaf sage	C/B,W	Herbaceous: Forb	S
<i>Salvia farinacea</i>	Mealy sage	G	Herbaceous: Forb	U
<i>Salvia engelmannii</i>	Engelmann's sage	G	Herbaceous: Forb	U
<i>Salvia roemeriana</i>	Cedar sage	C/B,W	Herbaceous: Forb	C
<i>Sambucus canadensis</i>	Elderberry	C/B	Shrub	S
<i>Sapindus saponaria</i> var. <i>drummondii</i>	Soapberry	C/B,W	Tree	U
<i>Schoenocaulon texanum</i>	Texas green lily	G	Herbaceous: Forb	U
<i>Schizachyrium scoparium</i>	Little bluestem	G	Herbaceous: Grass	C
<i>Scutellaria drummondii</i>	Drummond's scullcap	G	Herbaceous: Forb	C
<i>Senna roemeriana</i>	Roemer's senna	G	Herbaceous: Forb	S
<i>Sideroxylon lanuginosum</i>	Bumelia	C/B,W	Tree	S
<i>Smilax bona-nox</i>	Saw greenbrier	C/B	Vine: Woody	S

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Smilax rotundifolia</i>	Common greenbrier	C/B	Vine: Woody	U
<i>Solanum eleagnifolium</i>	Silver leaf nightshade	G	Herbaceous: Forb	S
<i>Solanum rostratum</i>	Buffalo bur	G	Herbaceous: Forb	S
<i>Sorghum jalepense</i>	Johnson grass	G	Herbaceous: Grass	C
<i>Sporobolus compositus</i>	Rough dropseed	G	Herbaceous: Grass	S
<i>Stenotaphrum secundatum</i>	St. Augustine grass	C/B	Herbaceous: Grass	A
<i>Stillingia texana</i>	Texas Queen's delight	G	Herbaceous: Forb	S
<i>Taxodium distichum</i>	Bald cypress	C/B	Tree	C
<i>Tetragonotheca texana</i>	Texas nerveray	G	Herbaceous: Forb	A
<i>Tetraneuris linearifolia</i>	Slender leaf fournerve	G	Herbaceous: Forb	S
<i>Thamnosma texana</i>	Dutchman's breeches	G	Herbaceous: Forb	U
<i>Thelypteris kunthii</i>	Southern shield fern	C/B	Herbaceous: Fern	U
<i>Thelesperma simplicifolium</i>	Slender greenthread	G	Herbaceous: Forb	C
<i>Tinantia anomala</i>	False dayflower	C/B	Herbaceous: Forb	C
<i>Torilis arvensis</i>	Hedge-parsley	C/B	Herbaceous: Forb	S
<i>Toxicodendron radicans</i>	Poison ivy	G, C/B,W	Vine: Woody	C
<i>Triodanis coloradoensis</i>	Colorado venus' looking-glass	G	Herbaceous: Forb	U
<i>Ugnadia speciosa</i>	Mexican buckeye	C/B	Shrub	U
<i>Ulmus americana</i>	American elm	C/B	Tree	U
<i>Ulmus crassifolia</i>	Cedar elm	C/B,W	Tree	C

Species Observed at Blue Hole Regional Park

Scientific name	Common name	Habitat (1)	Growth Habit	Abundance (2)
<i>Verbena halei</i>	Texas verbain	G	Herbaceous: Forb	S
<i>Verbesina virginica</i> var. <i>virginica</i>	Virginia frostweed	C/B,W	Herbaceous: Forb	S
<i>Viburnum rufidulum</i>	Rusty blackhaw	C/B	Shrub	U
<i>Vicia ludoviciana</i>	Deerpea vetch	G	Herbaceous: Forb	C
<i>Vicia</i> sp.	Vetch species	G	Herbaceous: Forb	C
<i>Vitis mustangensis</i>	Mustang grape	G,C/B,W	Vine: Woody	C
<i>Warnockia scutellarioides</i>	Scull-cap warnockmint	G	Herbaceous: Forb	S
<i>Wedelia texana</i>	Texas wedelia	G	Herbaceous: Forb	C
<i>Yucca rupicola</i>	Twist-leaf yucca	G,C/B	Shrub	S

(1) Habitat: G – grasslands; C/B – creekside and bluff; W- Juniper/Oak Woodland

(2) Abundance: R – rare; U – uncommon; S – scattered; C – common; A - abundant

APPENDIX E
ARCHAEOLOGICAL REPORT

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**An Addendum to the
CULTURAL RESOURCES EVALUATION
OF THE PROPOSED
WIMBERLEY WATER TREATMENT PROJECT
HAYS COUNTY, TEXAS**

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Prepared for:

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February 20, 2014

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ABSTRACT

The Village of Wimberley is proposing to construct a wastewater collection and treatment system in the uplands adjacent to the Cypress Creek valley in Hays County, Texas. The project includes construction of a new water treatment plant and associated drip irrigation fields. Water will be delivered to the treatment plant through gravity and force mains and three lift stations. Archaeological survey of the northern part of the project area was previously done and no significant cultural resources were recorded along Old Kyle Road or within the limits of the Blue Hole Recreation Area. Two changes in this northern area have been made. A pipeline is proposed that begins on the east side of the Wimberly Cemetery and follows the road north and then west into the Cypress Creek valley. The second is the relocation of the treatment plant. These areas were inspected as part of this investigation but were essentially surveyed for cultural resources by Texas State University in 2006.

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INTRODUCTION

The Village of Wimberley in Hays County, Texas is proposing to construct a new water treatment plant in the upland midway between the Blue Hole and FM 3237 (Figure 1). The entire project is to be situated in the upland on the northeast and will extend almost to the bank of Cypress Creek south of FM 12. Most of the project area north of Old Kyle Road and FM 3237 is included within the limits of the Blue Hole Recreation Area (Lady Bird Johnson Wildflower Center 2007; Stroker and Leezer 2006). The following report describes the settings and archaeological potential of the two additions to the project. This is a project of the Guadalupe-Blanco River Authority and the Village of Wimberley. Alan Plummer Associates, Inc. is managing the environmental permitting for the city. The purpose of this records review and drive by reconnaissance was to evaluate the potential of the need for further cultural resource investigations within the project area prior to construction.

The study area is situated in the Texas Hill Country in the Edwards Plateau physiographic region with the Llano Uplift to the north and the lower Blackland Prairie to the east. The area overlies the upper part of the Glen Rose Geological Formation that is Lower Cretaceous in age (Bureau of Economic Geology 1981). The Glen Rose consists of alternating beds of limestone, dolomite, and marl; these conditions result in the creation of a stair-step topography. The soils along Blue Hole Road include are primarily mapped as Gruene clay with 1-5% slopes (Batte 1984:Sheet 35, pg 24). The areas of this soil are generally long and narrow in shape and have very dark grayish brown clay A-horizon that is 13 inches thick. Below this is strongly cemented and massive caliché with embedded gravels. The western part of the road crosses Sunev clay loam and the eastern edge of the frequently flooded Oakalla soils. The northern and eastern parts of the study area are Brackett Rock outcrop-Comfort complex soils. Brackett soils have A and B-horizons generally to a depth of 14 inches resting on weakly cemented limestone interbedded with thin strata of calcareous shaly clay (Batte 1984:Sheet 35, pp. 18 and 68).

Cypress Creek has a level floodplain that averages fifty meters wide. A limestone outcrop forms the first elevation south of the creek and there is a first terrace at the same level as the creek swings to the north. The limestone "terrace" averages thirty meters above the creek level. The immediate region includes plant communities of forests, woodlands, grasslands, and farmland (Weaver and Schroeder 2004). Major trees in the area include Texas oak, shin oak, cedar elm, netleaf hackberry, flameleaf sumac, Mexican persimmon, and Texas kidneywood. Dominant shrubs and wood vines are agarita, Texas Prickly pear, mat euphorbia, and saw greenbriar. A variety of grasses is also common. Native fauna include white-tailed deer, armadillos, raccoons, ringtail cats, rabbits, rodents, and various reptiles. Endangered native animals include two species of salamanders, the black-capped vireo, and the golden-cheeked warbler.

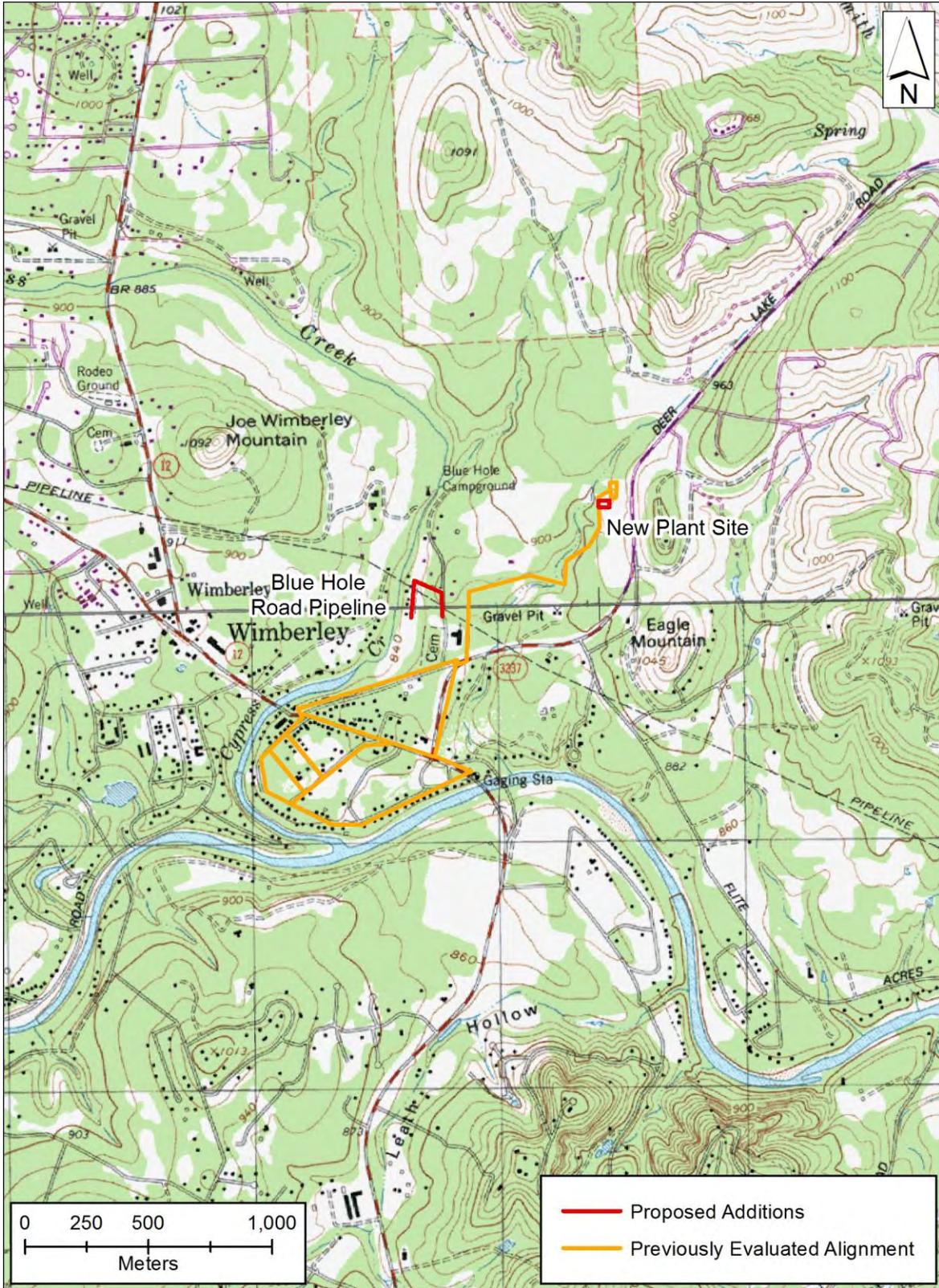


Figure 1. Proposed Wimberley Water Treatment Project showing the additions in red.

CULTURE HISTORY

The culture history of the Central Texas Archeological Area is constantly being refined and the most recent syntheses for this area are contained in the book “The Prehistory of Texas” (Perttula 2004) and was written by Michael B. Collins (2004). Other recent syntheses are by Steve Black (1995) and by LeRoy Johnson and Glenn Goode (1994). The following discussion relies on the summary of Stoker and Leezer (2006:4-9). Five basic periods are used and dates are presented using the Roman calendar.

The Paleoindian is the first stage of the Prehistoric period and includes all occupation prior to 6,000 B.C. Clovis, Folsom, and subsequent Late Paleoindian cultures occupied this region (Bousman et al. 2004). Five Clovis points have been reported from Hays County although none are from the Wimberley area (Bever and Meltzer 2007:68). Hunting of subsequently extinct species of large mammals occupied during this period and there appears to have been widespread trade in knappable lithic materials.

The Archaic follows the Paleoindian stage and lasts for approximately 7,500 years, ending about A.D. 700-800. During this time period, there were major changes in hunting as smaller and modern species were consumed. There is more evidence that plants were prepared as foods and that stone cooking technology became common. A wide variety of chipped and ground stone tools were used and there was a shift toward the increased use of local lithic resources, although the local resources were of high quality and were traded outside the area. Climatic changes occurred and the climate is characterized as being wetter than during the Paleoindian times. The population was at its highest density during this period.

The bow and arrow represent the main technological change that characterizes the Late Prehistoric stage, which lasted until about 500 years ago. The atlatl was replaced and the bow and arrow made it possible to develop a more mobile hunting technology. Pottery and evidence of some domesticated plants are found in Late Prehistoric site deposits but neither artifact type is abundant. The climate became drier during the second part of this time period and there seems to be a decrease in population numbers based on the number of sites and the density of site deposits.

The following Protohistoric Period is also known as the Spanish Entrada Period and is related to formal expeditions from Northern Mexico into Central Texas in the late seventeenth and early eighteenth centuries. The period covers the period from A.D. 1500 to 1700 and towards the end the indigenous tribes were being displaced by tribes such as the Tonkawa from Oklahoma and the Lipan Apache and Comanches from the high plains. Sites of this period generally have a mix of traditional Native American artifacts along with metal objects and glass beads that were obtained from traders.

The Historic Period began with the settlement of the Mission of San Antonio de Valero [the Alamo] in 1718. In the subsequent century, there were dramatic reductions in the number of Native Americans due to European diseases. After Texas Independence and

then admission into the United States, a trading post was established in Wimberley. The community was then called Glendale and remained a small rural setting until paved roads and electricity made their way to what had become Wimberley in the 1940s.

Previous investigations in the area have recorded prehistoric rock shelters, burned rock middens, and lithic scatters (TASA 2014; Bement 1990; Harris 1985; Oksanen et al. 2003; Weaver and Schroeder 2004; Stoker and Leezer 2006). Historic sites in the form of dry-stacked nineteenth century rock walls and an early twentieth century structure were recorded at Blue Hole 41HY414. Prehistoric sites 41HY10, 41HY137, and 41HY138 are recorded on TASA and the latter two sites contain burned rock middens in the terrace soils that are present. Site 41HY10 is in the vicinity of the Phase 11A Gravity Main along Rio Bonito Road. A historic marker marks the Wimberley Mill and millrace, which is located at the intersection of FM 12 and River Road in Wimberley.

The TASA review confirmed that all of the Blue Hole Recreation Area [an area of 128.92 acres] had been thoroughly surveyed for archaeological sites by the Center for Archaeological Studies at Texas State University-San Marcos (Stoker and Leezer 2006) and that a multi-component site that included a surface lithic scatter, two nineteenth-century dressed limestone features, four dry-stacked rock walls, and eight rock piles were located and evaluated. No diagnostic artifacts or unique examples of historic architecture were located and it was recommended that the site not be considered eligible for nomination to the National Register of Historic Places or as a State Archeological Landmark.

RESULTS

The overall original project plan is shown on Figure 2 but changes to the plan include the addition of a pipeline in the Blue Hole Road and the relocation of the plant site to the south into the area mapped as being the drip irrigation area (Figure 3). An on-site visit to inspect the additional areas was made in order to relate the plans to the topography, geology, and to the present landuse. The following photographs provide a visual impression of the conditions along Blue Hole Road and in the plant site area.

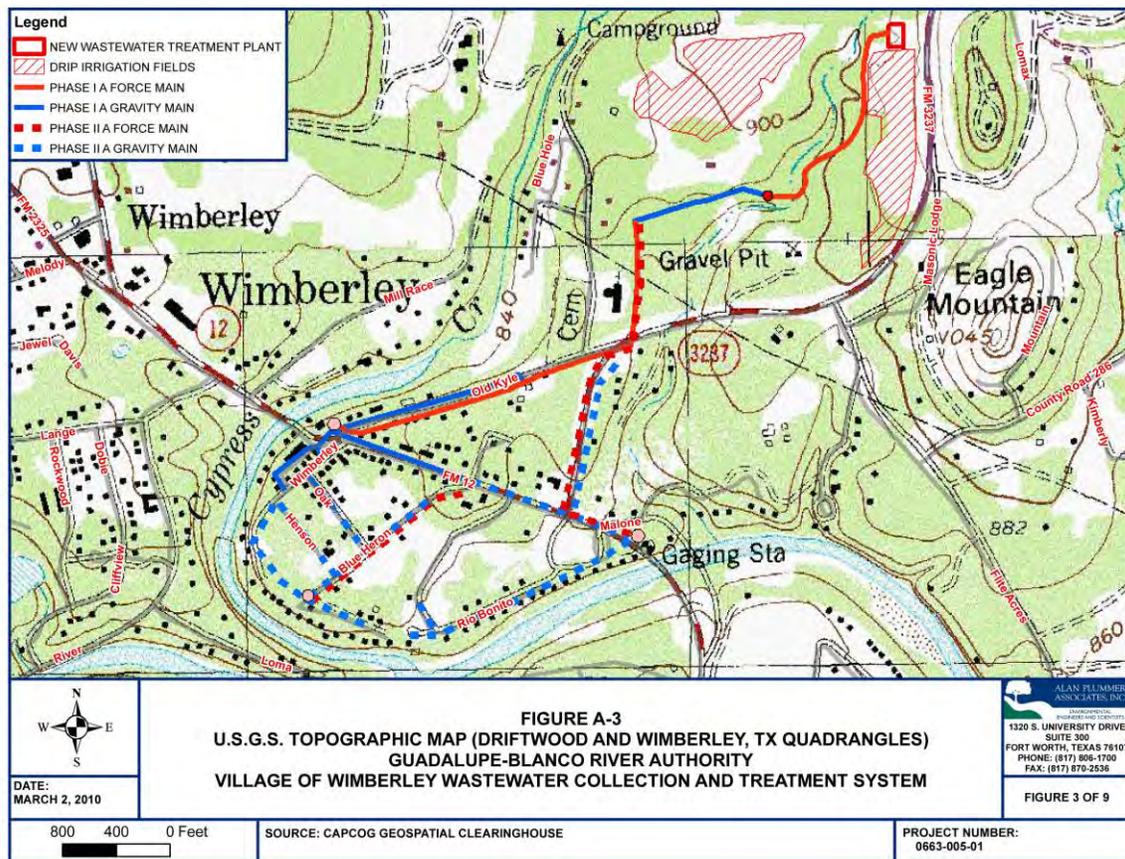


Figure 2. The original Wimberley Wastewater Collection and Treatment System shown on sections of the Driftwood and Wimberley, TX 7.5' USGS maps. Map prepared by Alan Plummer Associates, Inc.

The Blue Hole Road pipeline will be placed in the road starting at the mid-wall entrance into the east side of the Wimberley Cemetery (Figures 4 and 5) and will proceed north to the entrance to the Blue Hole Recreation Area where it will turn west down the road (Figure 6). It will continue in the road past the northwest corner of the cemetery and down the limestone valley edge (Figure 7) and across the Cypress Creek bench (Figure 8). At this point the pipeline will turn south as does the road and continue until it reaches

the southernmost residence where it will terminate (Figure 9). The full length of this pipeline route will be under the existing road.

The plant site has been moved south into the area of the proposed drip irrigation area. As shown on Figure 3 the new plant site is in an area that was once cleared of brush and has been allowed to be invaded by juniper (Figure 10). No doubt this area served as pasture or farmland after it was cleared. As shown in Figure 11, the limestone is very shallow in the area and there is little potential of there being buried historic or prehistoric cultural materials.

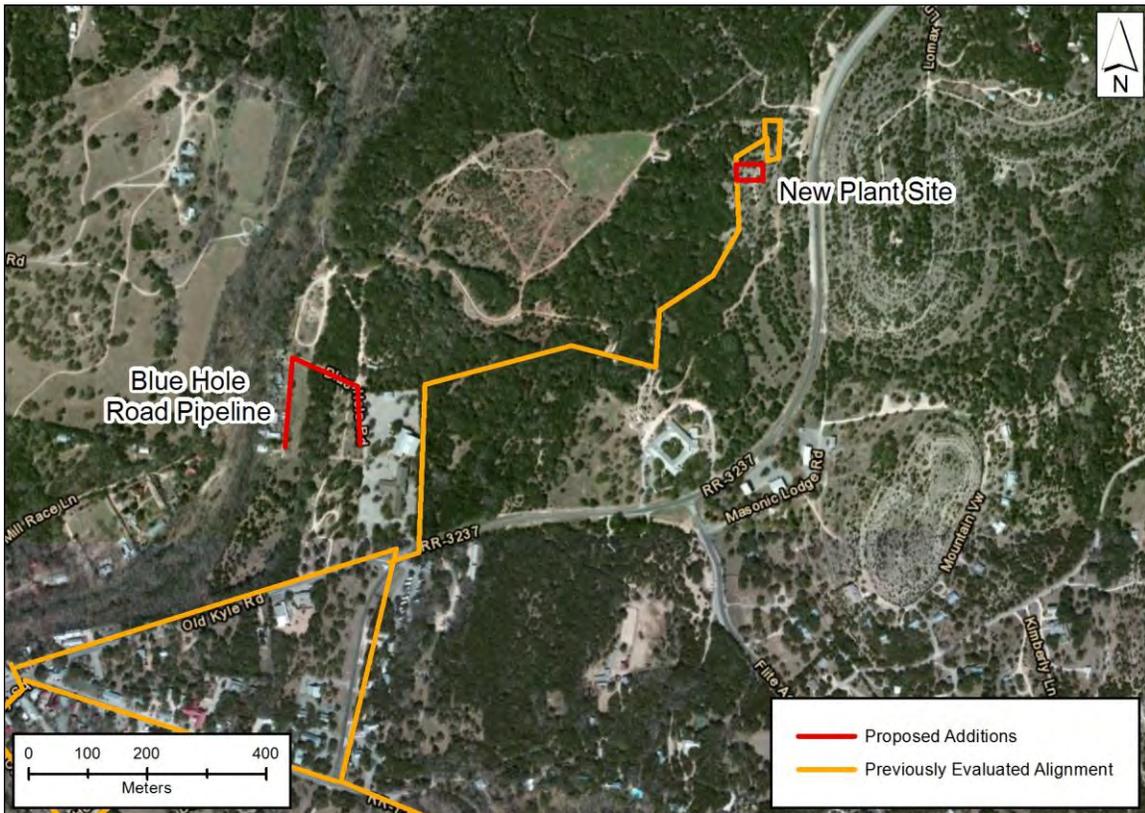


Figure 3. Proposed additions to the Wimberley Wastewater Collection and Treatment Project are shown in red on this recent aerial photograph.



Figure 4. Eastern entrance to Wimberley Cemetery. Pipeline will be in the road to the right.



Figure 5. Pipeline route will be in the road along the northeast side of the cemetery. View is looking south from the northeast corner.



Figure 6. Looking west across the level upland from the northeast corner of the Wimberley Cemetery. The pipeline route will be in the road.



Figure 7. Looking east upslope at the toe of the level bedrock upland from midway across the bench.



Figure 8. View is looking north from the south end of the pipeline route which will be in the road to the left. The upland slope is covered with junipers.



Figure 9. Looking north up the road in front of the residences situated on the bench adjacent to Cypress Creek.



Figure 10. New plant site setting showing the exposed surface soil and confirming the low archaeological potential. View is to the northeast.



Figure 11. The juniper tree is anchored in the eroded bedrock surface deposits and shows the shallow nature of sediment in the new plant site.

CONCLUSIONS AND RECOMMENDATIONS

As indicated in the previous report (Skinner 2010) virtually all parts of the Wimberley Wastewater Collection and Treatment System north of FM 12 have been surveyed for cultural resources and no significant resources were recorded. The addition of the Blue Hole Pipeline segment in a roadway and the relocation of the treatment plant remain in the previously surveyed areas where there is a low potential of finding preserved prehistoric or historic cultural resources and none were found.

AR Consultants recommends that further cultural resource investigations are unwarranted north of FM 12 prior to construction of the added pipeline segment and the relocation of the treatment plant.

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HAYS COUNTY, TEXAS

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Cultural Resources Report 2010-Draft
April 7, 2010

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ABSTRACT

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INTRODUCTION

The Village of Wimberley in Hays County, Texas is proposing to construct a new water treatment plant in the upland midway between the Blue Hole and FM 3237 (Figure 1). The entire project is to be situated in the upland on the northeast and will extend almost to the bank of Cypress Creek south of FM 12. Most of the project area north of Old Kyle Road and FM 3237 is included within the limits of the Blue Hole Recreation Area (Lady Bird Johnson Wildflower Center 2007; Stroker and Leezer 2006). Once the sewer line exits the recreation center area, it will be placed within Old Kyle Road or immediately adjacent to the paved road but not on private property. To the south of FM 12, the force main routes will be within or immediately adjacent to existing roadways. This is a project of the Guadalupe-Blanco River Authority and the Village of Wimberley. Alan Plummer Associates, Inc. is managing the environmental permitting for the city. The purpose of this records review and drive by reconnaissance was to evaluate the potential of the need for further cultural resource investigations within the project area prior to construction.

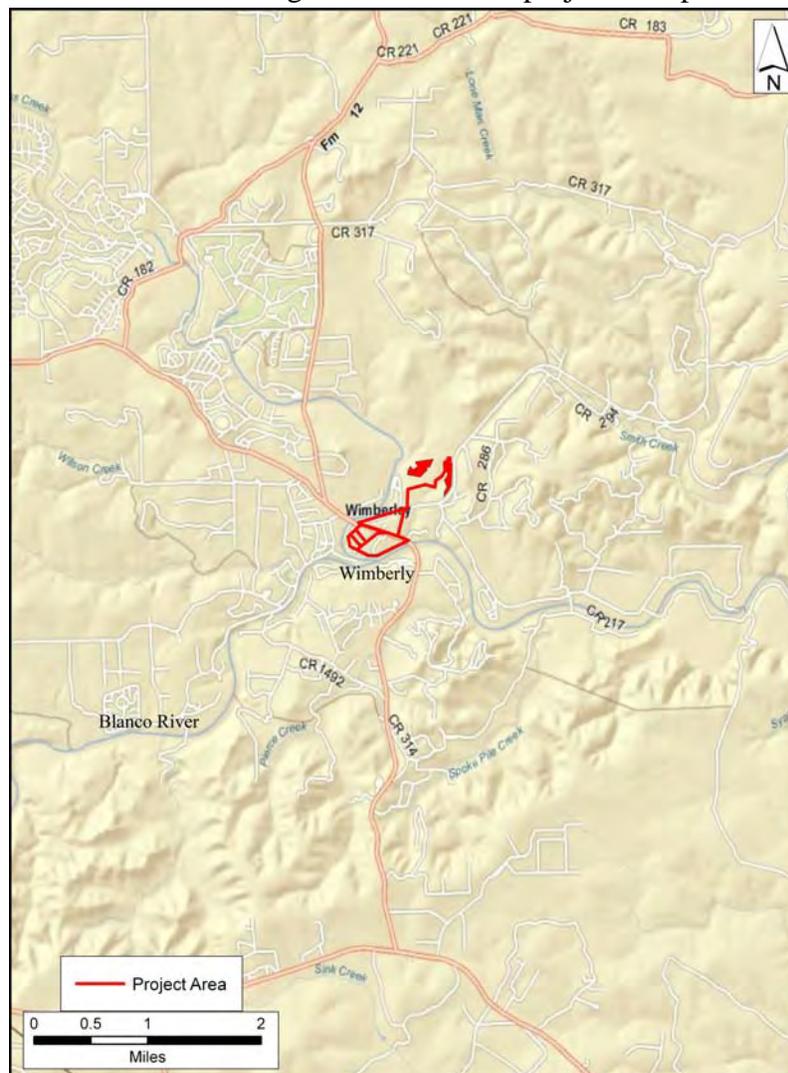


Figure 1. Project routes shown in red on highway map.

The study area is situated in the Texas Hill Country in the Edwards Plateau physiographic region with the Llano Uplift to the north and the lower Blackland Prairie to the east. The area overlies the upper part of the Glen Rose Geological Formation that is Lower Cretaceous in age (Bureau of Economic Geology 1981). The Glen Rose consists of alternating beds of limestone, dolomite, and marl; these conditions result in the creation of a stair-step topography. The soils along Old Kyle Road are mapped as being Gruene clay with 1-5% slopes (Batte 1984:Sheet 44, pg 24). The areas of this soil are generally long and narrow in shape and have very dark grayish brown clay A-horizon that is 13 inches thick. Below this is strongly cemented and massive caliché with embedded gravels. The northern and eastern parts of the study area are Brackett Rock outcrop-Comfort complex soils. Brackett soils have A and B-horizons generally to a depth of 14 inches resting on weakly cemented limestone interbedded with thin strata of calcareous shaly clay (Batte 1984:Sheet 35, pp. 18 and 68).

Cypress Creek has a level floodplain that averages fifty meters wide. A limestone outcrop forms the first elevation south of the creek and there is a first terrace at the same level as the creek swings to the north. The limestone "terrace" averages thirty meters above the level of the creek. Terrace sediments parallel Cypress Creek on the south side of downtown Wimberley. The immediate region includes plant communities of forests, woodlands, grasslands, and farmland (Weaver and Schroeder 2004). Major trees in the area include Texas oak, shin oak, cedar elm, netleaf hackberry, flameleaf sumac, Mexican persimmon, and Texas kidneywood. Dominant shrubs and wood vines are agarita, Texas Prickly pear, mat euphorbia, and saw greenbriar. A variety of grasses is also common. Native fauna include white-tailed deer, armadillos, raccoons, ringtail cats, rabbits, rodents, and various reptiles. Endangered native animals include two species of salamanders, the black-capped vireo, and the golden-cheeked warbler.

CULTURE HISTORY

The culture history of the Central Texas Archeological Area is constantly being refined and the most recent syntheses for this area are contained in the book "The Prehistory of Texas" (Perttula 2004) and was written by Michael B. Collins (2004). Other recent syntheses are by Steve Black (1995) and by LeRoy Johnson and Glenn Goode (1994). The following discussion relies on the summary of Stoker and Leezer (2006:4-9). Three basic periods are used and dates are presented using the Roman calendar.

The Paleoindian is the first stage of the Prehistoric period and includes all occupation prior to 6,000 B.C. Clovis, Folsom, and subsequent Late Paleoindian cultures occupied this region (Bousman, Baker, and Kerr 2004). Five Clovis points have been reported from Hays County although none are from the Wimberley area (Bever and Meltzer 2007:68). Large game hunting of subsequently extinct species typified this period and there appears to have been widespread travel or trade in knappable lithic materials.

The Archaic follows the Paleoindian stage and lasts for approximately 7,500 years, ending about A.D. 700-800. During this time period, there were major changes in hunting as smaller and modern species were consumed. There is more evidence that plants were prepared as foods and that stone cooking technology became common. A wide variety of chipped and ground stone tools were used and there was a shift toward the increased use of local lithic resources, although the local resources were of high quality and were traded outside the area. Climatic changes occurred and the climate is characterized as being wetter than during the Paleoindian times. The population was at its highest peak during this period.

The bow and arrow represent the main technological change that characterizes the Late Prehistoric stage, which lasted until about 500 years ago. The atlatl was replaced and the bow and arrow made it possible to develop a more mobile hunting technology. Pottery and evidence of some domesticated plants are found in Late Prehistoric site deposits but neither artifact type is abundant. The climate became drier during the second part of this time period and there seems to be a decrease in population numbers based on the number of sites and the density of site deposits.

The following Protohistoric Period is also known as the Spanish Entrada Period and is related to formal expeditions from Northern Mexico into Central Texas in the late seventeenth and early eighteenth centuries. The period covers the period from A.D. 1500 to 1700 and towards the end the indigenous tribes were being displaced by tribes such as the Tonkawa from Oklahoma and the Lipan Apache and Comanches from the high plains. Sites of this period generally have a mix of traditional Native American artifacts along with metal objects and glass beads that were obtained from traders.

The Historic Period began with the settlement of the Mission of San Antonio de Valero [the Alamo] in 1718. In the subsequent century, there were dramatic reductions in the number of Native Americans due to European diseases. After Texas Independence and

then admission into the United States, a trading post was established in Wimberley. The community was then called Glendale and remained a small rural setting until paved roads and electricity made their way to what had become Wimberley in the 1940s.

Previous investigations in the area have recorded prehistoric rock shelters, burned rock middens, and lithic scatters (Bement 1990; Harris 1985; Oksanen, Weaver, Schroeder, and Clamann 2003; Weaver and Schroeder 2004; Stroker and Leezer 2006). Historic sites in the form of dry-stacked nineteenth century rock walls and an early twentieth century structure were recorded at Blue Hole. Prehistoric sites 41HY10, 41HY137, and 41HY138 are recorded on TASA and the latter two sites contain burned rock middens in the terrace soils that are present. Site 41HY10 is in the vicinity of the Phase 11A Gravity Main along Rio Bonito Road. A historic marker marks the Wimberley Mill and millrace, which is located at the intersection of FM 12 and River Road in Wimberley.

RESULTS

The overall project plan is shown on Figure 2 and specific areas are illustrated by the included photographs. An on-site visit to the project area was made in order to relate the plans to the topography, geology, and to the present landuse. This was further supplemented by a thorough review of the Wimberley, Texas 7.5' USGS map as shown on the Texas Archeological Sites Atlas (TASA).

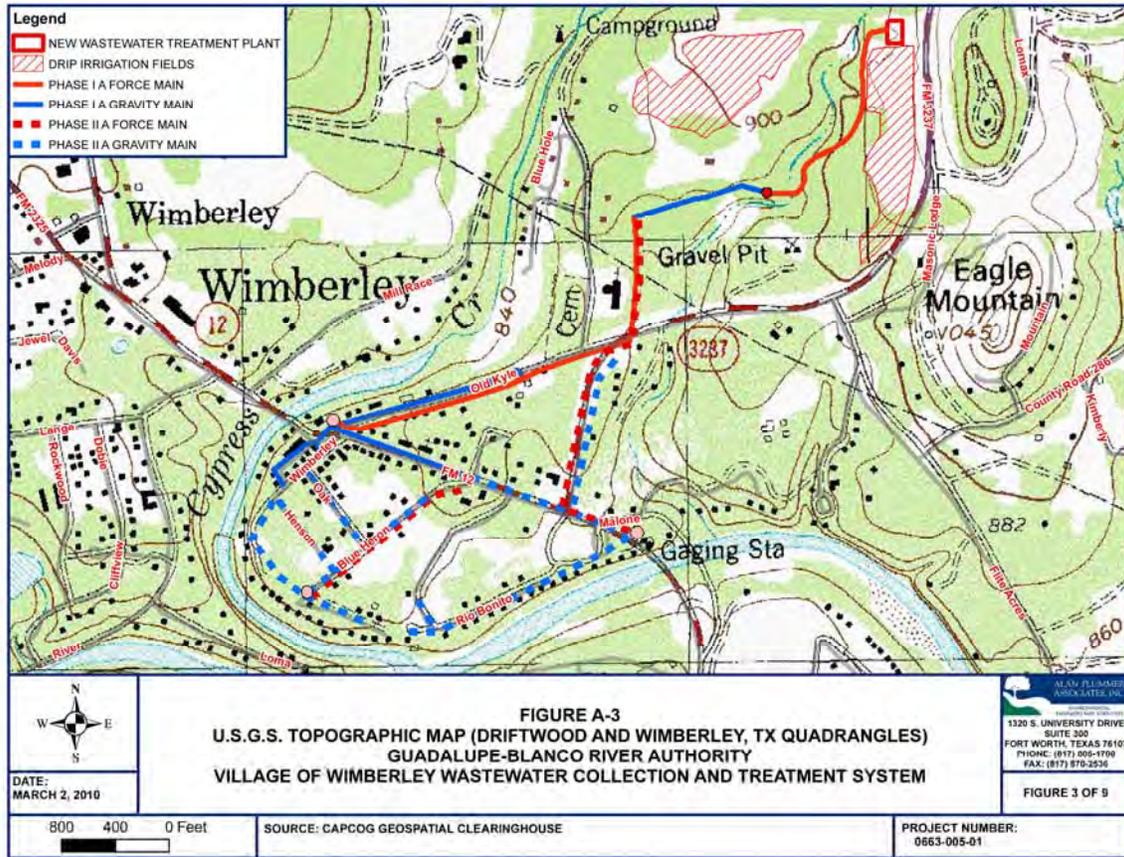


Figure 2. The proposed Wimberley Wastewater Collection and Treatment System shown on sections of the Driftwood and Wimberley, TX 7.5' USGS maps. Map prepared by Alan Plummer Associates, Inc.

The TASA review confirmed that all of the Blue Hole Recreation Area [an area of 128.92 acres] had been thoroughly surveyed for archaeological sites by the Center for Archaeological Studies at Texas State University-San Marcos (Stoker and Leezer 2006) and that a multi-component site that included a surface lithic scatter, two nineteenth-century dressed limestone features, four dry-stacked rock walls, and eight rock piles were located and evaluated. No diagnostic artifacts or unique examples of historic architecture were located and it was recommended that the site not be considered eligible for

nomination to the National Register of Historic Places or as a State Archeological Landmark.

Although not directly part of the project, the survey of the nearby Cypress Creek Nature Trail and Preserve failed to find any cultural resources in the immediate project area (Weaver and Schroeder 2004). Likewise, survey of the Old Kyle Road (TASA 2010) failed to record any archaeological sites and as shown on the Atlas. Consequently, it appears that virtually all of the proposed Wimberley Wastewater Treatment Plant Project area north of Old Kyle Road and of FM 3237 has been surveyed for cultural resources but no significant ones have been found. A pipeline survey done in 1977 for the Texas Water Quality Board located two prehistoric sites with burned rock middens near the intersection of Cypress Creek and the Blanco River. These sites will not be impacted by construction but serve to emphasize the potential of finding sites in the unsurveyed area south of FM 12 and along Cypress Creek.

The following figures serve to amplify the results of the records review and are the results of a brief drive-by reconnaissance to determine if an archaeological survey is warranted.



Figure 3. The upslope edge of the Cypress Creek Nature Trail and Preserve is approximately indicated by the brown bench in the right foreground. The view is to the north and the north side of the floodplain is at the landing of the rock steps shown in the back center of the picture.

Figures 3 and 4 show the area just upstream from the proposed Cypress Creek Nature Trail Lift Station which is near FM12 and Cypress Creek. As shown, the nature trail and associated starting point are located on the south side of Cypress Creek and north of Old Kyle Road. The trail has been constructed and is shown in the floodplain heading upstream (Figure 4). Two additional lift stations will be installed, one at the southwest end of Blue Heron Run and the other at the southeast corner of the expanded system near the gaging station shown on Figure 2.



Figure 4. The nature trail is shown angling across the picture and continuing into the forest in the center of the picture. View is to the northeast.

Figure 5 shows Old Kyle Road looking northeast from its intersection with FM12. The entire route in this area is paved and pipelines will have to be placed into the bedrock which underlies this relatively low area just upslope from the creek. The lumber yard (Figure 6) is on the north side of the Old Kyle Road just east of the Cypress Creek Nature Area and on the left the pipeline will have to be placed under the pavement and to the right of it will have to be placed along the edge of the pavement. The roadway has been surveyed for cultural resources based on a review of TASA and no significant cultural resources were recorded.

FM 3237 from the intersection with Old Kyle Road and FM 12 have not been surveyed but construction has provided a wide area on either side of the road where a pipeline can be installed. The bedrock is shallow in this area and the pipeline will be located in areas which have been primarily cleared of brush that are similar in appearance to the Blue Hole Recreation Area surveyed by Texas State and found to have very low potential.



Figure 5. Old Kyle Road looking east from south of the road opposite the Cypress Creek Nature Area and Preserve. Pipelines will parallel the road east.



Figure 6. The upland edge is almost at the edge of Old Kyle Road east of the parking lot and a tree line is set back from the road to the right of the road.

The Wimberley Cemetery (Figure 7) is near the eastern end of the pipeline routes along Old Kyle Road where both routes are on the south side of the road, which is shown as Figure 8. West of the cemetery, the proposed gravity sewer along Old Kyle Road will have crossed to the south side of the road (Figure 9).



Figure 7. Looking east along the fence that bounds Wimberley Cemetery. Old Kyle Road and a setback row of trees are on the south of the road while an unmaintained parking area is situated near the cemetery entrance between the road and the fence.

The remainder of the pipeline routes and development areas are located on property that was not readily accessible and is primarily undeveloped and tree/grass covered. Bedrock is generally shallow below a thin cover of loamy and clayey soils. This is not a setting where vertically stratified site deposits are likely to be encountered and that was certainly the conclusion of Texas State's investigation of site 41HY414.



Figure 8. Old Kyle Road looking west from the edge of the Wimberley Cemetery. North of the road is largely undeveloped and was already surveyed for sites. Commercial and residential properties are south of the road.



Figure 9. Texas Historical Commission marker at Wimberley Cemetery.

CONCLUSIONS AND RECOMMENDATIONS

Virtually all parts of the Wimberley Wastewater Collection and Treatment System north of FM 12 have been surveyed for cultural resources and no significant resources have been recorded. The longest part of the route and the new plant site and subsurface irrigation areas are included within the Blue Hole Recreation Area, which has been cleared for development by the Center for Archaeological Studies at Texas State University-San Marcos. The pipeline routes along Old Kyle Road have also been cleared for construction by a TxDOT survey as indicated on the Texas Archeological Sites Atlas. Furthermore, the pipeline routes along the road will be built in areas which have been disturbed by past construction of houses, stores, parking lots, and other commercial facilities and it is unlikely that significant cultural resources have been preserved. The likelihood of finding undisturbed cultural resources is further reduced because the pipelines along Old Kyle Road will be situated on Gruene series soils, which are very shallow to shallow and formed in clayey sediment over caliché that includes siliceous and limestone gravel.

In contrast, there is a potential of encountering unrecorded prehistoric archaeological sites in the Lewisville silty clay terrace deposits along Cypress Creek south of downtown Wimberley and FM 12. These sites are likely to have shallowly buried deposits that contain vertically stratified cultural deposits in the top meter of the silty clay.

AR Consultants recommends that further cultural resource investigations are unwarranted north of FM 12 prior to project construction but survey should be conducted south of FM 12 if the pipelines are to be constructed outside of the paved roadway.

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2006 *Archaeological Survey of the Blue Hole Recreation Area, Village of Wimberley, Hays County, Texas*. Technical Report No. 21, Center for Archaeological Studies, Texas State University-San Marcos.

Texas Archeological Sites Atlas

2010 Search for archaeological sites listed on the Wimberley, Texas 7.5' USGS map. Texas Historical Commission internet site, <http://nueces.thc.state.tx.us/>.

Weaver, Craig A. and Eric A. Schroeder

2004 *Cultural Resource Survey of the Proposed Cypress Creek Nature Trail and Preserve., Wimberley, Hays County, Texas.* PPA Cultural Resources Report No. 410, Paul Price Associates, Inc., Austin.

APPENDIX F
FLOODPLAIN AND WETLAND MANAGEMENT NOTICE

Floodplain and Wetland Management Notice

City of Wimberley Wastewater Collection and Treatment Project

April 2, 2014

Introduction

The City of Wimberley proposes to construct a wastewater collection and delivery system and relocate and expand an existing package wastewater treatment facility in Wimberley, Hays County, Texas. The wastewater collection and delivery system would consist of gravity and force main sanitary sewer pipelines and three lift stations. Collection lines collecting wastewater from Wimberley would consist of gravity and force main sanitary sewers serving the businesses and residences in and around Wimberley Square. In total there would be approximately 13,000 linear feet of gravity sewer pipeline and 9,000 linear feet of force main pipeline installed for the proposed project. Figure A-1 in Attachment A shows the project components in relation to 100-year floodplains in the area.

The treatment plant and effluent disposal system would have a treatment capacity of 75,000 GPD. The treatment plant would consist of a conventional activated sludge, extended aeration treatment with effluent discharges via spray irrigation on adjacent fields, and a discharge outfall in Deer Creek for discharges during wet weather conditions where use of spray discharges would be prohibited.

The majority of the proposed project is located outside of 100-year floodplains. A small portion of the proposed wastewater delivery pipeline and the existing nursing home lift station would be located in the Deer Creek 100-year floodplain. Portions of the western wastewater collection and delivery pipelines are located either in or immediately adjacent to the 100-year floodplain of Cypress Creek and the Blanco River. The gravity line following Rio Bonito Road and the lift station it connects to near the intersection of Rio Bonito and FM 12 are in the Blanco River 100-year floodplain. Additionally, two segments of the Blue Heron Road gravity main, the western portion of the Blue Hole Road force main segment, and the lift station in the city park near the intersection of Old Kyle Road and FM 12 are in the 100-year floodplain of Cypress Creek. The remaining portions of the project are located outside of 500-year floodplains.

A preliminary jurisdictional determination of waters of the United States was authored to delineate and classify waters of the United States and any associated adjacent wetlands in the proposed project area and areas of project alternatives. The results of the jurisdictional determination identified Deer Creek

and tributaries to itself that would be crossed by the proposed pipeline alignments. No wetlands were identified along the proposed project. Figure 2 in Attachment A illustrates the aquatic resources identified in the proposed and alternative project areas.

Discussion of Alternatives

Alternative pipeline alignments and treatment facility locations were analyzed. The proposed project and its alternatives would have pipeline alignments in the Deer Creek, Cypress Creek, and Blanco River floodplains. Therefore, any project alternative would encounter delineated floodplains. Figure 3 in Attachment A shows alternatives to the proposed project.

Discussion of Mitigation Measures

Installation of the pipeline would follow appropriate state and federal guidelines, and would receive appropriate state and federal permits needed for compliance. To comply with Section 404 of the Clean Water Act, the proposed project should be authorized by Nationwide Permit 12 for Utility Line Activities (pipeline installation). Following the construction of the pipelines, contours located within the proposed pipeline alignments would be returned to their pre-project elevations. Stream crossings by the pipelines should be considered self-mitigating as the area impacted would be minimal and returned to pre-construction grades. As for the wastewater treatment plant construction, the only impact to jurisdictional waters would occur from the construction of an effluent discharge outfall in Deer Creek. The proposed outfall would impact less than 0.10-acre, and would therefore not require mitigation if authorized by Nationwide Permit 12 for Utility Line Activities (outfall construction). No wetlands were identified in the project area. Lastly, no impacts to valley storage are anticipated. Figure 4 in Attachment A shows the preliminary design and limits of impacts for the proposed effluent discharge outfall.

A formal Floodplain and Wetland Management Notice will be sent to the US Army Corps of Engineers (USACE), Federal Emergency Management Agency, Hays County Environmental Health Department, the National Flood Insurance Program, Texas Commission on Environmental Quality, Texas Water Development Board, US Fish and Wildlife Service, and any other interested parties.

Conformance with Floodplain and Wetland Protection Standards

The USACE has jurisdiction over discharge of dredged or fill material into waters of the United States. The USACE was provided a preliminary jurisdictional determination report for this project. The proposed project should be authorized under Nationwide Permit 12 for Utility Line Activities which is a general permit under Section 404 of the Clean Water Act.

Any necessary permits pursuant to floodplain regulations will be applied for through the Hays County Environmental Health Division.

Contact Information

The Project Coordinator for the City of Wimberley is City Administrator Don Ferguson. Mr. Ferguson may be reached by telephone at (512) 847-0025 or by mail at the following address:

Mr. Don Ferguson, City Administrator
City of Wimberley
12111 RR 12
Wimberley, Texas 78676

ATTACHMENT A

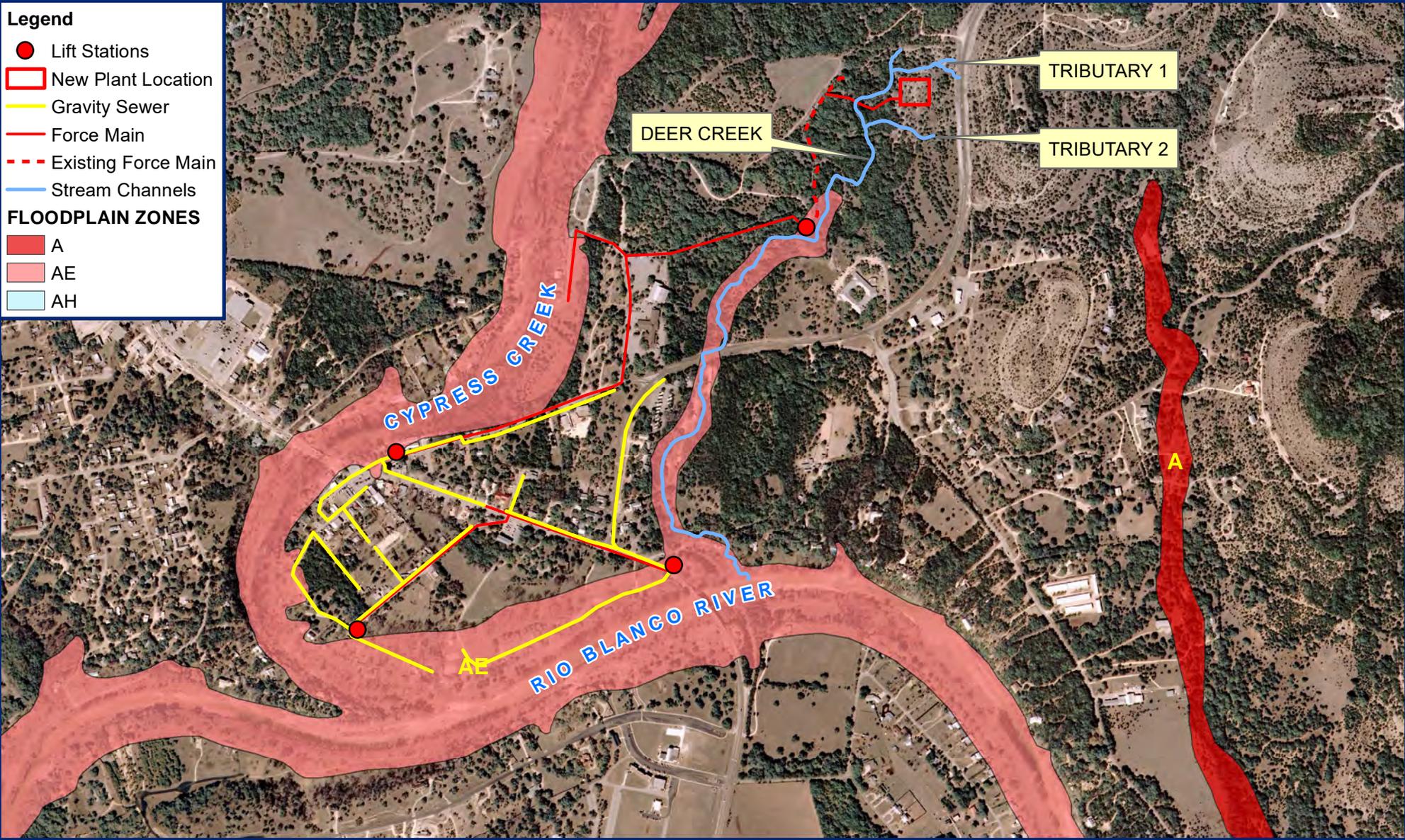
FIGURES

Legend

- Lift Stations
- New Plant Location
- Gravity Sewer
- Force Main
- - - Existing Force Main
- Stream Channels

FLOODPLAIN ZONES

- A
- AE
- AH



DATE: 4/2/2014

**FIGURE A-1
FEDERAL EMERGENCY MANAGEMENT AGENCY'S
FLOOD INSURANCE RATE MAP
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

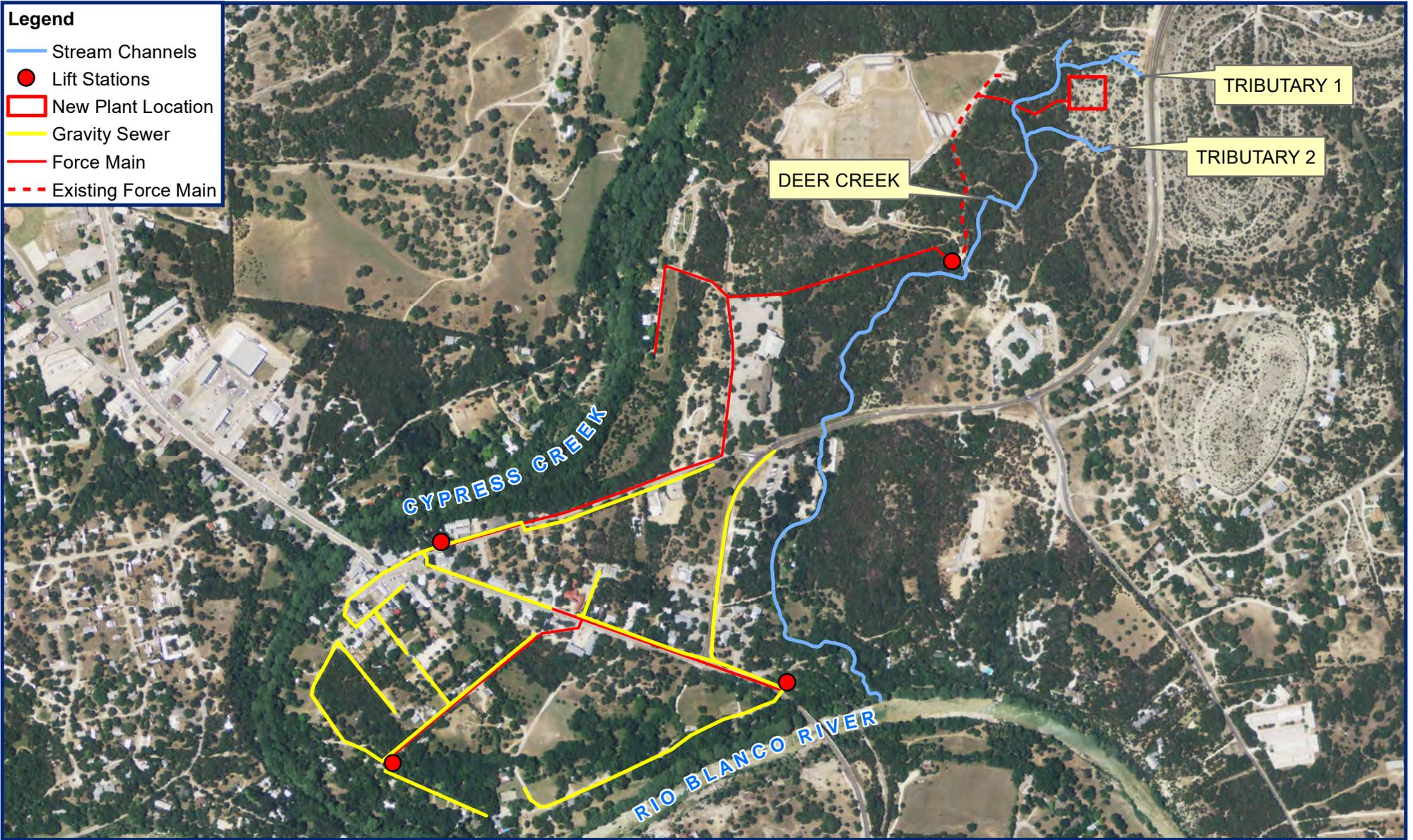
ALAN PLUMMER ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERS AND SCIENTISTS
1320 S. UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE: (817) 806-1700
FAX: (817) 870-2536

FIGURE 1 OF 4

1,000 500 0 Feet

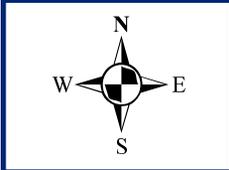
SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



Legend

- Stream Channels
- Lift Stations
- New Plant Location
- Gravity Sewer
- Force Main
- Existing Force Main

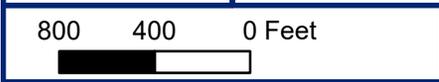


DATE: 4/2/2014

**FIGURE A-2
PRELIMINARY JURISDICTIONAL DETERMINATION OF WATERS OF THE U.S.
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

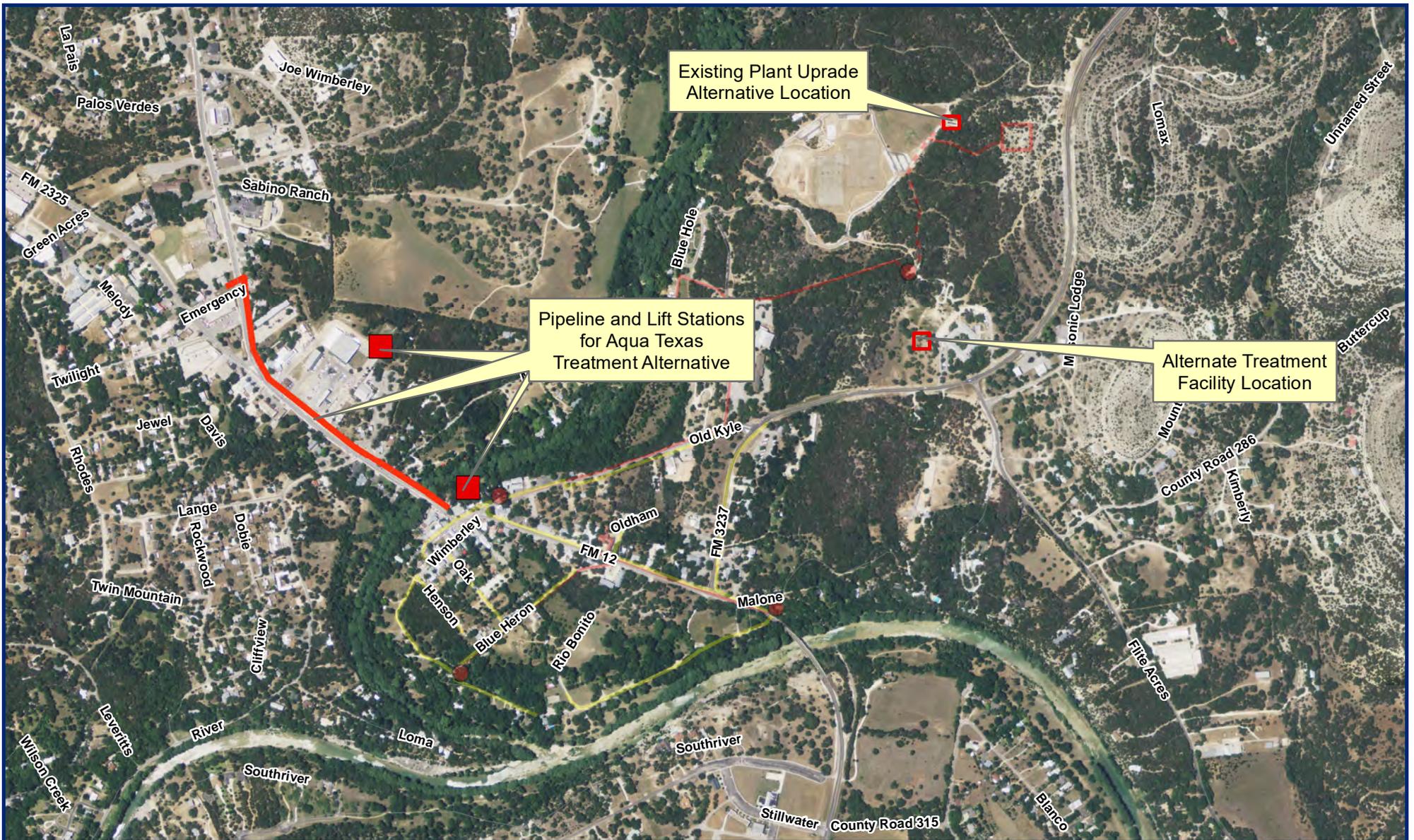

ALAN PLUMMER ASSOCIATES, INC.
 ENVIRONMENTAL ENGINEERS AND SCIENTISTS
 1320 S. UNIVERSITY DRIVE
 SUITE 300
 FORT WORTH, TEXAS 76107
 PHONE: (817) 806-1700
 FAX: (817) 870-2536

FIGURE 2 OF 4



SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01



DATE: 4/2/2014

**FIGURE A-3
PROJECT ALTERNATIVES
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM**

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FIGURE 3 OF 4

1,000 500 0 Feet



SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
1732-002-01

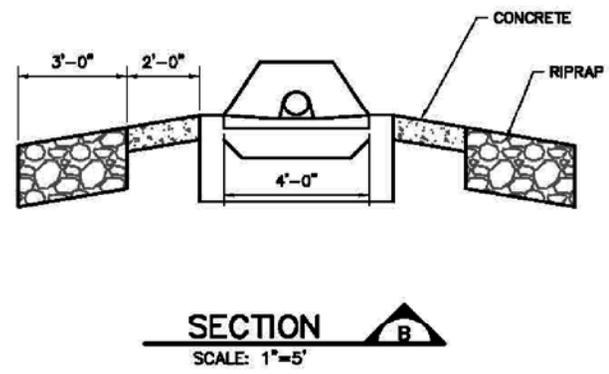
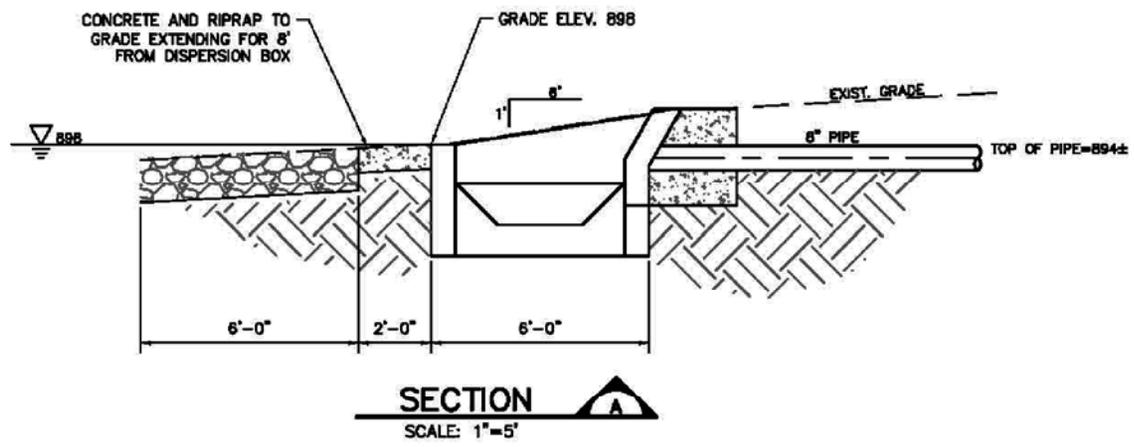
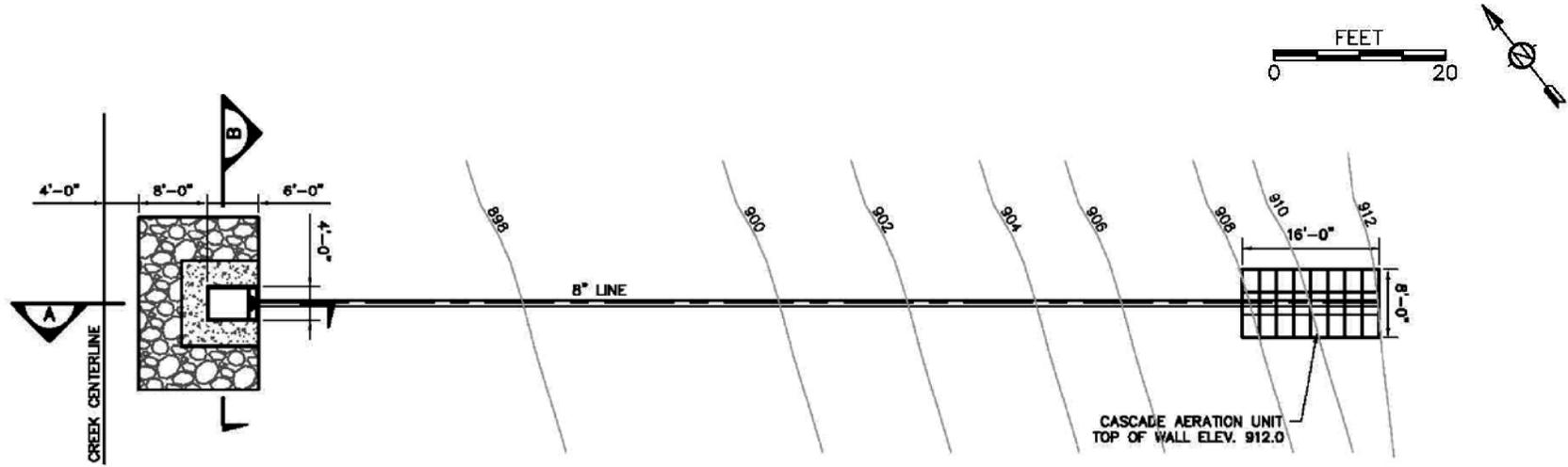


FIGURE A-4
PROPOSED DEER CREEK OUTFALL PRELIMINARY DESIGN
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM



DATE: 4/2/2014

ALAN PLUMMER
 ASSOCIATES, INC.
 ENVIRONMENTAL
 ENGINEERS AND SCIENTISTS
 1320 S. UNIVERSITY DRIVE
 SUITE 300
 FORT WORTH, TEXAS 76107
 PHONE: (817) 806-1700
 FAX: (817) 870-2536

FIGURE 4 OF 4

SOURCE: CAPCOG GEOSPATIAL CLEARINGHOUSE

PROJECT NUMBER:
 1732-002-01



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

U.S. Fish and Wildlife Service
Field Supervisor
Ecological Services
10711 Burnet Road, Suite 200
Austin, Texas 78758

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

To whom it may concern:

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR064824

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: FIELD SUPERVISOR
 U.S. FISH AND WILDLIFE
 SERVI
 10711 BURNETT ROAD,
 SUITE 200
 AUSTIN, TX 78758
 (512) 490 - 0057

Date Printed: 4/2/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

Prices calculated on the website are estimates based on the information provided. Charges may change due to, but not limited to the following: Address Correction, Unspecified Residential Delivery, Incomplete or Inaccurate Dimensional and Weight Data.

NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Thursday, April 03, 2014 12:41 PM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR064824

Tracking #: ZR064824
Delivery Date: Apr 3 2014 12:30PM
Signed By: WILLY

Delivered To: U.S. FISH AND WILDLIFE SERVI
10711 BURNETT ROAD, SUITE 200
AUSTIN, TX 78758

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Ms. Jennifer Walker
United States Army Corps of Engineers
Regulatory Branch
CESWF-PER-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

Ms. Walker:

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System project.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Jennifer Walker
United States Army Corps of Engineers
Regulatory Branch
CESWF-PER-R
PO Box 17300
Fort Worth, Texas 76102-0300

2. Article Number
(Transfer from service label)

7011 2000 0000 7649 0162

PS Form 3811, February 2000

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *J. MUMFORD*

- Agent
 Addressee

B. Received by (Printed Name)

J. MUMFORD

C. Date of Delivery

2/14/00

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Return Receipt

102595-02-M-1540



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Mr. Larry Zamzow, P.E.
Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

Dear Mr. Zamzow,

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System project.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Voight', is written over a white background.

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



[Ship Another](#) [Print](#) [Reports](#) [Schedule Pickup](#)

Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR064724

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
ALAN PLUMMER
ASSOCIATES, INC
1320 S. UNIVERSITY
DRIVE, STE. 300
FORT WORTH,
TX 76107
(817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: LARRY A. ZAMZOW, P.E.
TEXAS WATER
DEVELOPMENT BOAR
1700 N. CONGRESS
AVENUE
AUSTIN, TX 78701
(512) 436 - 8507

Date Printed: 4/2/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

Prices calculated on the website are estimates based on the information provided. Charges may change due to, but not limited to the following: Address Correction, Unspecified Residential Delivery, Incomplete or Inaccurate Dimensional and Weight Data.

NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

[Ship Another](#) [Print](#) [Reports](#) [Schedule Pickup](#)

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Thursday, April 03, 2014 7:10 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR064724

Tracking #: ZR064724
Delivery Date: Apr 3 2014 7:07AM
Signed By: Left at Mail Room

Delivered To: TEXAS WATER DEVELOPMENT BOAR
1700 N. CONGRESS AVENUE
AUSTIN, TX 78701

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Federal Emergency Management Agency
Insurance and Mitigative Division
Region VI
Federal Center
Denton, Texas 76201

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

To whom it may concern:

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System project.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



Ship Another Print Reports Schedule Pickup

Lone Star Overnight
Customer Shipping Record
Tracking Number: ZR068104

Click Here to schedule a Pickup

Delivery Options

From: JASON VOIGHT
ALAN PLUMMER
ASSOCIATES, INC
1320 S. UNIVERSITY
DRIVE, STE. 300
FORT WORTH,
TX 76107
(817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.68
Estimated Other Fees: \$0.50
Estimated Total Charge: \$7.18

To: INSURANCE &
MITIGATIVE DIVIS
FEMA
FRC 800 N. LOOP 288
REGION VI
DENTON, TX 76201
(940) 898 - 5399

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Ship Another Print Reports Schedule Pickup

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 10:55 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR068104

Tracking #: ZR068104
Delivery Date: Apr 4 2014 10:50AM
Signed By: MACK

Delivered To: FEMA
FRC 800 N. LOOP 288 REGION VI
DENTON, TX 76201

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Hays County Resource Protection, Transportation, and Planning Department
Environmental Health Division
Attn: Floodplain Administrator
1251 Civic Center Loop
San Marcos, Texas 78666

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

To whom it may concern:

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System project.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Voight', is positioned above the printed name.

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



Ship Another Print Reports Schedule Pickup

Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR064649

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
ALAN PLUMMER
ASSOCIATES, INC
1320 S. UNIVERSITY
DRIVE, STE. 300
FORT WORTH,
TX 76107
(817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: FLOODPLAIN
ADMINISTRATOR
HAYS COUNTY
RESOURCE PROTECT
1251 CIVIC CENTER
LOOP
SAN MARCOS,
TX 78666
(512) 393 - 2160

Date Printed: 4/2/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

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Questions? Call 800.800.8984

Ship Another Print Reports Schedule Pickup

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 7:55 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR064649

Tracking #: ZR064649
Delivery Date: Apr 4 2014 7:48AM
Signed By: SANCHEZ

Delivered To: HAYS COUNTY RESOURCE PROTECT
1251 CIVIC CENTER LOOP
SAN MARCOS, TX 78666

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Texas Commission on Environmental Quality
Office of Water Resource Management
P.O. Box 13087
Austin, Texas 78711

RE: City of Wimberley Wastewater Collection and Treatment System Floodplain and
Wetland Management Notice

To whom it may concern:

As part of the Texas Water Development Board Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Floodplain and Wetland Management Notice for the City of Wimberley Wastewater Collection and Treatment System project.

If you have any questions regarding this project, please feel free to contact me at 817-806-1743.

Sincerely,

Jason Voight
Alan Plummer Associates, Inc.

Enclosure: (1) Copy Floodplain and Wetland Management Notice



Ship Another Print Reports Schedule Pickup

Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR064481

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
ALAN PLUMMER
ASSOCIATES, INC
1320 S. UNIVERSITY
DRIVE, STE. 300
FORT WORTH,
TX 76107
(817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: OFFICE OF WATER
RESOURCE MGM
TCEQ
12100 PARK 35 CIRCLE
BLDG F
AUSTIN, TX 78753
(512) 239 - 1000

Date Printed: 4/2/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 6:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Ship Another Print Reports Schedule Pickup

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Thursday, April 03, 2014 10:26 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR064481

Tracking #: ZR064481
Delivery Date: Apr 3 2014 10:19AM
Signed By: J ROBERT

Delivered To: TCEQ
12100 PARK 35 CIRCLE BLDG F
AUSTIN, TX 78753

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.

APPENDIX G
PUBLIC HEARING RECORD

San Marcos Publishing, LP
Wimberley View • Century-News

P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Mary V. Saunders, who being by me here and now duly sworn, upon oath says:

My name is Don Moore, and I am the Publisher, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

April 3, 2014

_____ 2014

_____ 2014

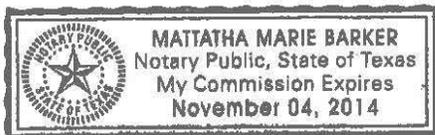
_____ 2014

The said Publisher, Don Moore further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

Don Moore FOR DON MOORE
Signature of Affiant

Subscribed and Sworn to me, by the said Publisher Don Moore this 19th day of May, 2014 to certify which witness my hand and seal of office.

Mattatha Marie Barker
NOTARY PUBLIC in and for
Hays County, Texas



The Wimberley View

CLASSIFIEDS

FREE
PRIVATE PAID
ADS UNDER
\$250 Value

P.O. Box 49 Wimberley, Texas 78686 512-847-2202



Legals

CITY OF WIMBERLEY NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL INFORMATION DOCUMENT

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The proposed project would decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

The project is composed of the relocation and expansion of an existing 25,000 gallons per day (GPD) capacity treatment plant to 75,000 GPD capacity, the rehabilitation and upgrade of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main wastewater lines, the installation of approximately 13,000 linear feet of gravity sewer lines, the installation of a 500,000 gallon capacity treated effluent storage tank, a spray irrigation system and an effluent outfall structure. The new plant would be located in the northeast corner of the Blue Hole Regional Park property.

The proposed project would collect wastewater from residences and business in the portion of the City of Wimberley bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park to the north, and FM3237 to the east. Wastewater would be collected and transported by gravity lines, lift stations and force mains, to the proposed treatment facility in the northeast corner of Blue Hole Regional Park. Wastewater lines would primarily parallel existing road and utility rights of way, but private easement acquisition will also be necessary for a portion of the collection system including two (2) of the lift stations.

The treatment facility proposed is a 75,000 GPD capacity extended aeration activated sludge package plant with filtration, disinfection and chemical addition for the removal of phosphorus. Treated effluent from the plant would be discharged either by spray irrigation on 13-acres of land within Blue Hole Regional Park or to Deer Creek. Discharge to Deer Creek would only be necessary in periods of heavy rainfall when irrigation is not possible. It is anticipated that discharges to the creek will be minimal. The installation of reclaimed water lines paralleling the collection system will be evaluated in the design phase. If it is determined to be economically viable, these pipes will be included in the overall project.

The proposed project is to be funded by a Texas Water Development Board loan under the Clean Water State Revolving Fund Tier III program. In accordance with regulations, any project funded by State Revolving Fund Tier III loans requires an Environmental Information Document prior to issuance of the loan. The total estimated loan amount is \$5,111,692.

The funding options available to the City of Wimberley to repay the loan include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values

Legals

Legals

Legals

PUBLIC NOTICE

THE STATE OF TEXAS THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF ADAM SCOTT PRATT; DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 13-0225-P

The undersigned Independent Executor of the Estate of Adam Scott Pratt, Deceased, of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause 13-0025-P, on the 24th day of March, 2014, hereby notifies all persons having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 27 day of March, 2014, STEPHANIE ANN SCOTT, Executor of the Estate of Adam Scott Pratt, Deceased, 2224 Upper Branch, Dripping Springs, Texas, 78620. (00111/1/14)

Legals

Legals

NOTICE OF PUBLIC HEARING (Request for Variance)

Notice is hereby given that the City of Wimberley Board of Adjustment will hold a public hearing at the Wimberley City Hall on Monday, April 14, 2014, 2014, at 6:00 p.m. to consider the following: BA-14-007 - an application for a variance from the City of Wimberley Zoning Code requirements relating to Maximum Open Cuts on a property located at 100 Carney Lane, Wimberley, Texas. Following the public hearing, the Board of Adjustment will consider action regarding the subject variance request. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (00104/1a/14)

Legals

Legals

NOTICE OF PUBLIC HEARING (Request for Variance)

Notice is hereby given that the City of Wimberley Board of Adjustment will hold a public hearing at the Wimberley City Hall on Monday, April 14, 2014, 2014, at 6:00 p.m. to consider the following: BA-14-008 - an application for a variance from the City of Wimberley Zoning Code requirements relating to Maximum Building Height for a property located at 600 South River, Wimberley, Texas. Following the public hearing, the Board of Adjustment will consider action regarding the subject variance request. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. 00105/1a/14)

Legals

Legals

Hunting / Fishing

FISH THE BAYS
Rockport, TX
1/2 & Full day rates
Capt. Mike Buck
830-385-3517

WANTED: DEER
lease for 3 guns.
Respectful hunters
lost their long time
lease and are looking
to find a new
lease in the Wimberley / San Marcos area. Call Chris @ 512-496-3630.

Child Care

FIRST STEP Child-care seeking P/T preschool teacher. 4003 Hunler Rd.



Drivers

DRIVERS: HOME DAILY-LOCAL
Gasoline Runs!
Competitive Pay package, Excellent Benefits & MORE!
CDL-A, X with T/T experience, Career oriented Safety conscious professionals
call Kim today at Mission Petroleum Carriers: 1-855-292-2945 (00090/2cc/14)



LOCAL COMPANY looking for End Dump & Belly Dump Drivers. Class A CDL required. Steady work, home every night. 512-376-4878

IMMEDIATELY HIRING Class A CDL Drivers w/ Tanker Endorsement. Call Jerri @ 512-227-1297

Drivers

CDL DRIVERS.
End/belly dump, pd. hrlly. Avg. 60 hrs/wk, local, home every night. Must be 25 w/driving exp. Call Geoff @ 830-743-1345 512-878-9600

General Help Wanted

MARCOS NOW HIRING
Kitchen help & servers
Eva 512-800-3289 (00101/2p/15)

MAINTENANCE MAN NEEDED
for RV park
512-847-1960 (00096/1cc/14)

General Help Wanted

THE BIG DRIP IS HIRING
10-15 + hours at concession stand, references & transportation a must. Call Tammy 512-971-3282 (00066/1cc/14)

BIG DOG REBAR IS NOW HIRING
Rodbusters for full time positions with our Wimberley based operation. No experience required, but must be willing to work hard for good pay. Pay will be based upon ability. Call Doyle at 512.557.0943 (00092/2cc/14)

General Help Wanted

PHLEBOTOMIST \$12.50/HR

Temporary part-time position to work Mon-Fri 10am to 5pm. Hours may vary slightly. Duties: Perform phlebotomy/specimen collection assist patients to/from x-ray, and carry out entry/clerical responsibilities.

Preferred: A phlebotomist with recent experience working in a reference laboratory, hospital, or setting.
Email gb07@tstate.edu for application. Background check and pre-employment drug alcohol testing is required of this position.

Texas State University is a tobacco free university. Texas State University-San Marcos is a member of the Texas State University System. EOE www.healthcenter.tstate.edu



General Help Wanted



Carter Healthcare is growing and recruiting for the following positions:

Field RN Psych Case Manager
Field RN Case Manager
Medical Sales

Great Full Time Employee Benefits Include:
Medical, Dental, 401K, PTO, Tuition Reimbursement, Mileage Reimbursement
Please apply online at:
<http://www.chcareer.com> or email resume to erutherford@carterhealthcare.com

General Help Wanted

General Help Wanted

Work for IBEX Global in New Braunfels now hiring for

Inbound Technical Support Agents

Visit our website to apply:
www.ibexglobal.com

Please review complete job detail and include a resume with your application.

1672 Independence Drive, New Braunfels, Texas 78132

Like us on Facebook:
[@IBEXGlobalNewBraunfels](https://www.facebook.com/IBEXGlobalNewBraunfels)
Follow us on Twitter: [@IBEXGlobal](https://twitter.com/IBEXGlobal)

General Help Wanted

General Help Wanted

Automotive Mechanic

- Minimum of 2 years experience
- Must have own tools
- Diesel experience a plus

Please Call
830-620-5702



General Help Wanted

General Help Wanted

General Help Wanted

ResCare Premier in San Marcos

currently has an opening for a

General Help Wanted

FULL TIME AND PART TIME
night and day shifts, are available for direct care staff to work with at risk

PART TIME WORK

Wimberley, Job involves fence, mud and general Must have pickup truck \$10 per hr mileage 512-847-00089/2cc

EXPERIENCED MECHANIC NEEDED

Automotive shop in Blain Mon-Fri Hourly wage required Seeking a technician can diagnose repair gas diesels from

from residences and business in the portion of the City of Wimberley bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park to the north, and FM3237 to the east. Wastewater would be collected and transported by gravity lines, lift stations and force mains, to the proposed treatment facility in the northeast corner of Blue Hole Regional Park. Wastewater lines would primarily parallel existing road and utility rights of way, but private easement acquisition will also be necessary for a portion of the collection system including two (2) of the lift stations.

The treatment facility proposed is a 75,000 GPD capacity extended aeration activated sludge package plant with filtration, disinfection and chemical addition for the removal of phosphorus. Treated effluent from the plant would be discharged either by spray irrigation on 13-acres of land within Blue Hole Regional Park to Deer Creek. Discharge to Deer Creek would only be necessary in periods of heavy rainfall when irrigation is not possible. It is anticipated that discharges to the creek will be minimal. The installation of reclaimed water lines paralleling the collection system will be evaluated in the design phase. If it is determined to be economically viable, these pipes will be included in the overall project.

The proposed project is to be funded by a Texas Water Development Board loan under the Clean Water State Revolving Fund Tier III program. In accordance with regulations, any project funded by State Revolving Fund Tier III loans requires an Environmental Information Document prior to issuance of the loan. The total estimated loan amount is \$5,111,692.

The funding options available to the City of Wimberley to repay the loan include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values

Federal regulations also require that a public hearing be conducted on the proposed project's Environmental Information Document. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it.

The Public Hearing will be held
At 8:00 P.M.
Monday, May 5, 2014
City of Wimberley Community Center
14068 Ranch Road (RR) 12
Wimberley, Texas 78676

Following the presentation, comments on the proposed project will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed project should be sent to Mr. Don Ferguson at the address below.

Copies of the Environmental Information Document and associated project documents are available for public review and copying at the following locations:

Wimberley City Hall
Wimberley Village Library
221 Stillwater, 400 FM 2325
Wimberley, Texas 78676
Wimberley, Texas 78676

Wimberley Community Center
14068 RR 12
Wimberley, Texas 78676

The contact for questions relating to the public hearing is:

Mr. Don Ferguson, City Administrator (512-847-0025)
City of Wimberley
221 Stillwater
Wimberley, Texas 78676
(00112/1a/14)

Notice is hereby given that the City of Wimberley Board of Adjustment will hold a public hearing at the Wimberley City Hall on Monday, April 14, 2014, 2014, at 6:00 p.m. to consider the following: BA-14-007 - an application for a variance from the City of Wimberley Zoning Code requirements relating to Maximum Open Cuts on a property located at 100 Carney Lane, Wimberley, Texas. Following the public hearing, the Board of Adjustment will consider action regarding the subject variance request. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (00104/1a/14)

Legals **Legals**
NOTICE OF PUBLIC HEARING
(Request for Variance)

Notice is hereby given that the City of Wimberley Board of Adjustment will hold a public hearing at the Wimberley City Hall on Monday, April 14, 2014, 2014, at 6:00 p.m. to consider the following: BA-14-008 - an application for a variance from the City of Wimberley Zoning Code requirements relating to Maximum Building Height for a property located at 600 South River, Wimberley, Texas. Following the public hearing, the Board of Adjustment will consider action regarding the subject variance request. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. 00105/1a/14)

Legals **Legals**
NOTICE OF NEW OPERATING PERMIT APPLICATIONS: GROUNDWATER

This notice is to advise the public that an operating permit application has been submitted to the Hays Trinity Groundwater Conservation District. At this time, the application is pending and not administratively complete. Jeff Moore is the permit contact person on Right Step's application. The mailing and the well's physical address filed with the District office is 440 Fischer Store Road, Wimberley, TX. 78676. To contact the applicant directly, call 512-847-6179 ext 1029 or email jeff.moore@rightstep.com The intended well's use is for business operations with some outdoor irrigation use. Right Step has requested 10 acre feet annually with no rainwater collection. Permit requirements include: drought cut-back curtailments, water conservation plan, drought contingency plan, monthly quarterly reporting, water level measurements, site map, proof of public notice, well construction notification and a totalizing flow meter. The public may submit comments to the District office by the ten-day deadline date, April 12, 2014. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to District staff recommendations. The District will publish notice of staff recommendations including the twenty-day deadline date to submit formal contested case letters to the District office. The operating permit applications are available for review on the District's website www.haysgroundwater.com under Quick Links / Pending Permit Applications/ New Permits or are available for review at the District office, 14101 Highway 290 West, Building 100, Suite 212. Mail to the District should be sent to HTGCD, P.O. Box 1648, Dripping Springs, Texas 78620, email to the District Manager2@haysgroundwater.com or call the District 512-858-9253. (00106/1cc/14)

Drivers **General Help Wanted** **General Help Wanted**

DRIVERS: HOME DAILY-LOCAL
Gasoline Runs!
Competitive Pay package, Excellent Benefits & MORE!
CDL-A, X with T/T experience, Career oriented Safety conscious professionals
call Kim today at Mission Petroleum Carriers: 1-855-292-2945
(00090/2cc/14)



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Field RN Psych Case Manager
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Please apply online at:
<http://www.chcareer.com> or email resume to erutherford@carterhealthcare.com

General Help Wanted **General Help Wanted**

Automotive Mechanic

- Minimum of 2 years experience
- Must have own tools
- Diesel experience a plus

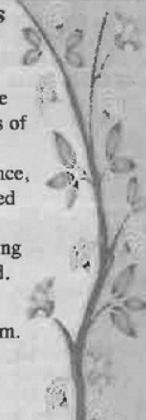
Please Call
830-620-5702



General Help Wanted **General Help Wanted** **General Help Wanted**

ResCare Premier in San Marcos
currently has an opening for a **Human Resources Manager.**
This position provides support to multiple facilities through assistance with all aspects of human resources, including employee relations, staff training, regulatory compliance, and recruitment. Bachelor degree preferred and experience in HR required.
Drug screening required. Acceptable driving record and clear criminal history required.

Please apply on-line at **HYPERLINK "http://www.rescare.com" www.rescare.com.**
If you need assistance, please call
512/396-1200.
EOE/MFDV



General Help Wanted **General Help Wanted** **General Help Wanted**

Customer Service Representative needed for a growing company in San Marcos. We are looking for a detail oriented, multi-tasking, energetic, dependable and responsible person to be a part of our team.
Good telephone and computer skills a must.
Duties include, but not limited to, assisting with answering the telephone, making calls, processing orders and quotes for customers, data entry and resolving any customer service issues.
Hours are Mon - Fri, 8:00 a.m. - 5:00 p.m.
Please apply in person at
Pathmark Traffic Products
4435 Hunter Road
San Marcos, TX 78666

General Help Wanted **General Help Wanted**

Work for IBEX Global in New Braunfels now hiring for
Inbound Technical Support A

Visit our website to apply:
www.ibexglobal.com

Please review complete job details and include a resume with your application.
1672 Independence Drive, New Braunfels, Texas 78132

Like us on Facebook:
[@IBEXGlobalNewBraunfels](https://www.facebook.com/IBEXGlobalNewBraunfels)
Follow us on Twitter: [@IBEXGlobal](https://twitter.com/IBEXGlobal)

General Help Wanted **General Help Wanted**

State Farm
Byron Eckols, Agent
Successful growing agency searching for dedicated/motivated candidates to join our winning team.
Call today - **512-847-9400**
Or apply online at www.byroneckols.com under the I'm Hiring tab

PART TIME WOP
Wimberley Job involves fence, mulch and general maintenance. Must have pickup \$10 per mile. 512-847-0008/2

EXPERIENCED MECHANIC NEEDED
Automotive shop in Blum. Mon-Fri. Hourly wage required. Seeking a technician can diagnose and repair gas diesels from bumper. 562-0007/2

General Help Wanted **General Help Wanted** **General Help Wanted**

FULL TIME AND PART TIME
night and day shifts, are available for direct care staff to work with at risk boys, ages 11-17, in ranch style setting. We are located in Driftwood Texas, just southeast of Austin. Potential candidates will be responsible for directing, and safely supervising residents during their assigned shift. Primary responsibility is to provide guidance in behavior choices by teaching social, self help, and living skills. Candidate must be able to redirect residents during activities, work detail, meals, and bed checks. Candidate must also serve as a positive role model and advisor for residents. Please note that this is a working ranch, so there are physical aspects to this job. Individual must be 21 or older and able to satisfy State and Federal criminal background checks, TB test, and drug screening as defined by state requirements. High school or GED required. Please go to www.theburkecenter.org to complete an application. (00098/2cc/14)

GOOD TO CENT
looking for an experienced customer Service Technician. Contact Sherry at 858-1157/3

IMMEDIATELY FOR MALE FEMALE
GIVE in surrounding areas. Please call hiring manager at 830-431-0004/12

DEER CREEK WIMBERLEY
Is accepting applications for the position of Full time CNAS, Nephrology Medication position. Fax resume to 847-0109 or call 512-847-0748/5

BRICKLAND AND HELLS
TSU-San Antonio Call Rey @ 559-2709 @ 210-559-2709

News-Dispatch

113 West Center Street § 800 W. Hwy 290, Bldg D-300
Kyle, Texas 78640 § Dripping Springs, TX 78620

(512) 262-NEWS (Kyle office) • (512) 422-4192 (DS office) • (512) 268-0262 (fax)

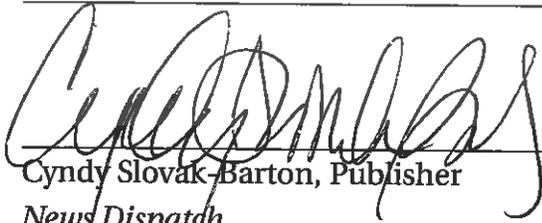
State of Texas §
County of Hays § Affidavit of Publication

My name is Cyndy Slovak-Barton, and I am Publisher of the *News Dispatch*. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.

The *News Dispatch* is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, and Travis counties.

The attachment hereto was published in the *News Dispatch* on the following dates at or below the classified legals rate:

April 3, 2014

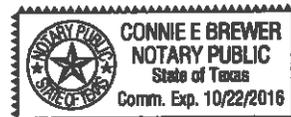


Cyndy Slovak-Barton, Publisher
News Dispatch

Subscribed and sworn before me this the 20 day of May, 2014.



Notary Public
Connie Brewer



Lady Tiger Soccer: Heading to sectionals

Continued from pg. 6

had to adjust to Medina Valley's physical play.

On the offensive end, Ormonde said the team harbored several opportunities, but couldn't put them away. That changed halfway through the first half, as the Tigers began their onslaught.

Rosenfeld led the way with two goals, while Perras and Alex Gifford buried one goal each.

Persistence paid off for the Lady Tigers in the contest.

"We came out and did

everything right," Ormonde said. "We missed some chances early, but took advantage."

Notching dual shut-outs proved a source of pride for the Lady Tiger defense.

"It gives the defense a sense of accomplishment," Fournier said. "Two consecutive shut-outs in the playoffs is awesome."

Focus now shifts to Brennan and its star player, Amber Valverde, who has tallied 44 goals

on the year.

Ormonde said awareness of Valverde will be necessary. He plans to continue using a zone defense, forgoing placing a defender to spy her.

Fournier said the team is focusing on the task at hand, despite a possible rematch with Cedar Park on the horizon.

She and the team now await the challenge Brennan will bring.

"It will humble us a bit to play a good team," she said.

CITY OF WIMBERLEY NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL INFORMATION DOCUMENT

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The proposed project would decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

The project is composed of the relocation and expansion of an existing 25,000 gallons per day (GPD) capacity treatment plant to 75,000 GPD capacity, the rehabilitation and upgrade of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main wastewater lines, the installation of approximately 13,000 linear feet of gravity sewer lines, the installation of a 500,000 gallon capacity treated effluent storage tank, a spray irrigation system and an effluent outfall structure. The new plant would be located in the northeast corner of the Blue Hole Regional Park property.

The proposed project would collect wastewater from residences and business in the portion of the City of Wimberley bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park to the north, and FM3237 to the east. Wastewater would be collected and transported by gravity lines, lift stations and force mains, to the proposed treatment facility in the northeast corner of Blue Hole Regional Park. Wastewater lines would primarily parallel existing road and utility rights of way, but private easement acquisition will also be necessary for a portion of the collection system including two (2) of the lift stations.

The treatment facility pro-

posed is a 75,000 GPD capacity extended aeration activated sludge package plant with filtration, disinfection and chemical addition for the removal of phosphorus. Treated effluent from the plant would be discharged either by spray irrigation on 13-acres of land within Blue Hole Regional Park or to Deer Creek. Discharge to Deer Creek would only be necessary in periods of heavy rainfall when irrigation is not possible. It is anticipated that discharges to the creek will be minimal. The installation of reclaimed water lines paralleling the collection system will be evaluated in the design phase. If it is determined to be economically viable, these pipes will be included in the overall project.

The proposed project is to be funded by a Texas Water Development Board loan under the Clean Water State Revolving Fund Tier III program. In accordance with regulations, any project funded by State Revolving Fund Tier III loans requires an Environmental Information Document prior to issuance of the loan. The total estimated loan amount is \$5,111,692.

The funding options available to the City of Wimberley to repay the loan include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values.

Federal regulations also re-

quire that a public hearing be conducted on the proposed project's Environmental Information Document. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it.

The Public Hearing will be held
At 6:00 P.M.
Monday, May 5, 2014
City of Wimberley
Community Center
14068 Ranch Road (RR) 12
Wimberley, Texas 78676

Following the presentation, comments on the proposed project will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed project should be sent to Mr. Don Ferguson at the address below.

Copies of the Environmental Information Document and associated project documents are available for public review and copying at the following locations:

Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676

Wimberley Village Library
400 FM 2325
Wimberley, Texas 78676

Wimberley Community Center
14068 RR 12
Wimberley, Texas 78676

The contact for questions relating to the public hearing is:

Mr. Don Ferguson, City Administrator
(512-847-0025)
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

NOTICE TO BIDDERS

SCOPE OF WORK:

Hays County WCID No. 1 (Owner) will accept bids for the Irrigation Controller Replacement and Upgrade Project. The Project will consist of replacing outdated irrigation controllers with new Rain Bird controllers, and installing a communication system that will allow the 11 new controllers and 7 existing controllers in the Belterra Subdivision to be operated and programmed remotely with smart phones and similar devices.

More specifically the irrigation controller improvements will consist of the following:

- Removing and disposing of 11 existing controllers.
- Furnishing and installing 11 new irrigation controllers.
- Furnishing and installing a communication system for the 11 new controllers and 7 existing controllers.
- Furnishing and installing 18 new control valves and flow sensors.
- Furnishing and installing deodorers and line surge protection.
- Furnishing and installing software and hardware for the system.
- Programming the new and existing controllers and communication system.
- Providing a 5 year support plan from the irrigation controller manufacturer.
- Install radio base and repeater towers and verify communication.
- Install software and data base on existing central computer.

INFORMATION AND BIDDING DOCUMENTS:

Copies of bidding Drawings and Specifications may be inspected at and/or purchased from the Office of the Engineer during regular business hours, 7:30 a.m. to 5:30 p.m., Monday through Thursday and from 8:00 a.m. to 12:00 p.m. on Friday.

CMA Engineering, Inc.
235 Ledge Stone Drive
Austin, Texas 78737
(512) 432-1000
512-432-1015 (fax)

Contract Documents (Plans and Specifications) can be purchased for \$50.00, made payable to Hays County WCID No. 1.

CONTRACTOR QUALIFICATIONS:

Bids will be considered only from Irrigation Installation Contractors experienced in this type of construction. No bids or proposals will be considered unless the Bidder demonstrates that he has completed similar or larger projects of this nature. He should have completed at least three of this type of project in the last five years. A letter shall accompany the bid listing three such projects including the name, project start date, duration, and phone number of the Owners and Design Engineers, and locations. In addition, Bidders must meet the following qualifications:

NOTICE TO BIDDERS

- Irrigation Installation Contractor must be a Licensed Irrigator and a Rain Bird Select Contractor.
- Irrigation Installation Contractor must provide a Rain Bird 5 year manufacturer's commercial project extended warranty.
- Irrigation Installation Contractor must hold or obtain Rain Bird IQ Central Control Factory Trained Certification.

PRE-BID CONFERENCE: A non mandatory pre-bid conference will be held at the office of CMA Engineering, Inc. at 9:00 a.m. on Friday, April 11, 2014. Representatives of the Owner and Engineer will be present to discuss the Project.

BID GUARANTY: All Bids must be accompanied by a Bid security made payable to Owner in an amount of five percent (5%) of Bidder's maximum Bid price and in the form of a certified or bank check made payable to Hays County WCID No. 1 or a Bid Bond issued by a surety.

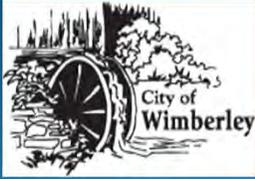
RECEIPT OF BIDS: Sealed bids are due at the CMA Engineering, Inc. office no later than 10:00 a.m. on Friday, April 18, 2014. Bids may be mailed or hand delivered to the Engineer's address listed above. The sealed Bid shall be enclosed in an opaque sealed envelope plainly marked with the PROJECT title, the name and address of Bidder, and shall be accompanied by the Bid Security and other required documents. If a Bid is sent by mail or other delivery system, the sealed envelope containing the Bid shall be enclosed in a separate envelope plainly marked on the outside with the notation "BID ENCLOSED."

News-Dispatch

Providing you with news for Dripping Springs,
Wimberley and surrounding communities



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CITY OF WIMBERLEY

CITY OF WIMBERLEY WASTEWATER COLLECTION AND
TREATMENT SYSTEM
PUBLIC HEARING FOR THE
ENVIRONMENTAL INFORMATION DOCUMENT



ALAN PLUMMER
ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERS • DESIGNERS • SCIENTISTS

6:00 P.M. May 5, 2014
WIMBERLEY COMMUNITY CENTER

Hearing Agenda

- Call to Order
- Purpose of Hearing
- Introductions of Team
- Purpose of the Project
- Project Alternatives
- Project Description
- Environmental and Cultural Resources in Project Area
- Construction Elements/Schedule
- Questions and Answers

Call to Order

Purpose of Hearing

- Discussion of the Proposed Project
- Public Input (Questions and Comments)
- Public Awareness

“One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it.”

Texas Water Development Board SRF Guidance

Project Team

City Representative

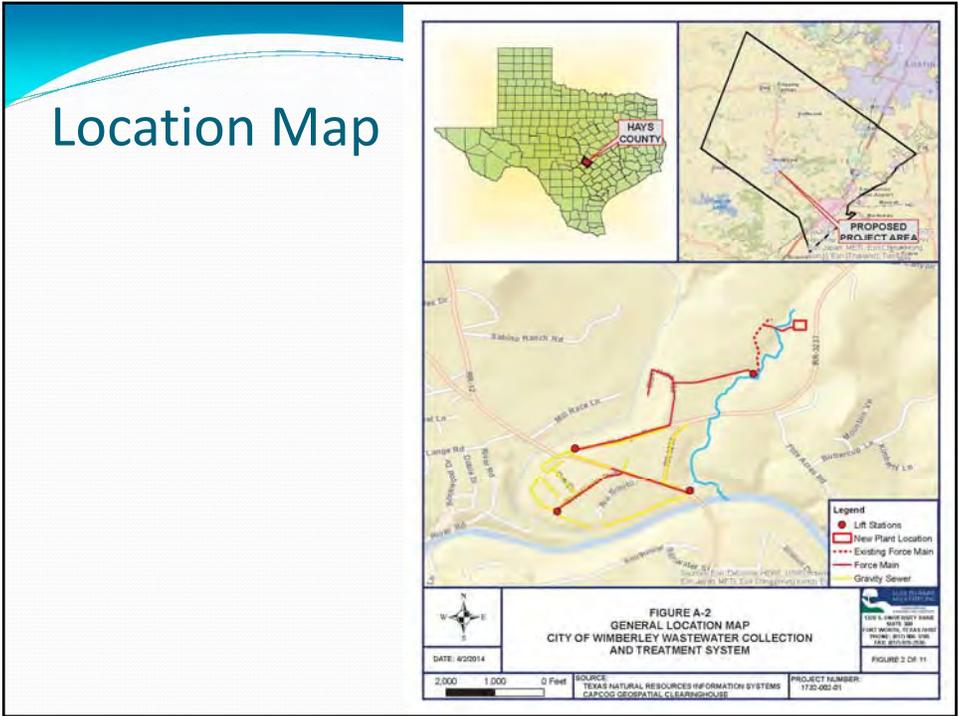
- Mr. Don Ferguson City of Wimberley

Consultant Team

- Mr. Steve Coonan, P.E. Alan Plummer Associates, Inc.
- Mrs. Erin Wiesehan, P.E. Alan Plummer Associates, Inc.
- Mr. Jason Voight, PWS Alan Plummer Associates, Inc.

Purpose of the Project

- Plan for central wastewater collection and treatment
- Reduce reliance on private septic systems which could be impacting the water quality of Cypress Creek and the Blanco River
- Treat wastewater to Texas Commission on Environmental Quality standards for surface water & Type I reclaimed water
- Re-use treated effluent for irrigation on Blue Hole Regional Park

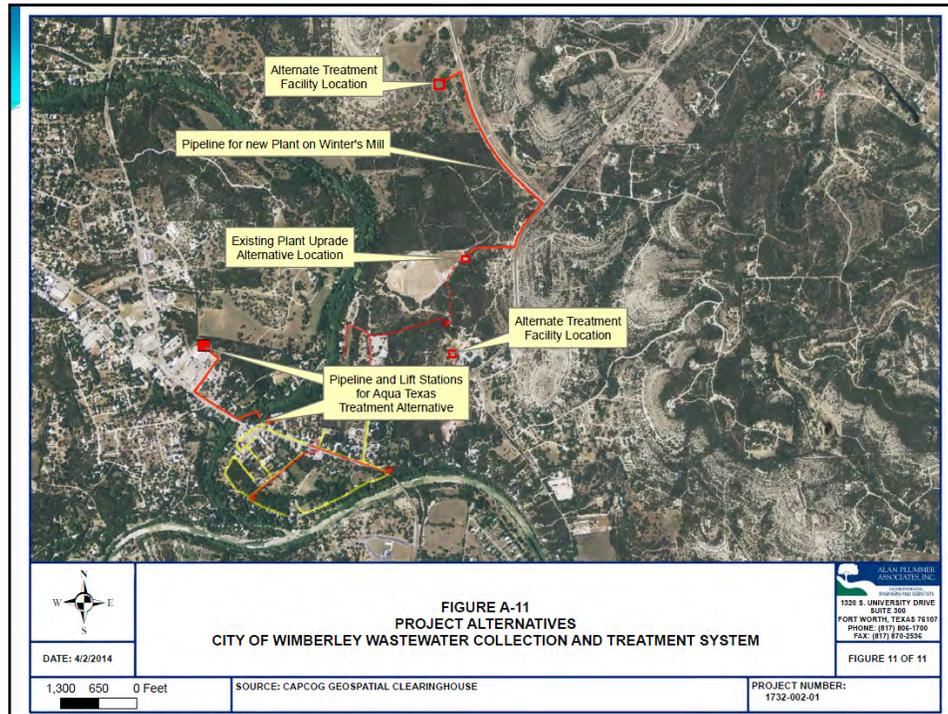


Alternatives Considered

- Expansion / relocation of existing package plant within Blue Hole Regional Park
- Expansion of the existing wastewater treatment plant at its current location
- Construction of a new wastewater treatment plant outside Blue Hole Regional Park
- Pumping wastewater to an existing plant owned and operated by Aqua Texas, Incorporated
- No action alternative

City of Wimberley
Wastewater Collection and
Treatment System Feasibility Study
December 2013

SUBMITTED BY:
Aqua Texas, Incorporated
100% Free Registration No. 7-15



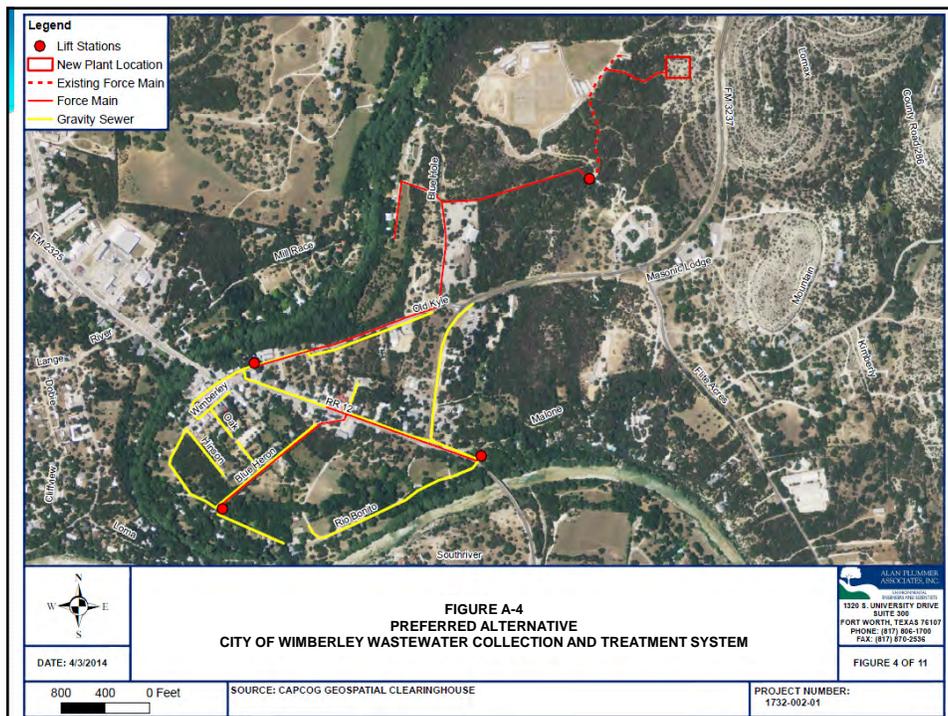
No Action Alternative

- Leave infrastructure in current condition
- Continue use of septic systems for wastewater treatment

No Action is not sustainable both from an economic and environmental standpoint. Continued use of septic systems in areas which are not conducive to their use could impact the quality of ground and surface water and further affect the operation of businesses in the area.

Recommended Alternative

- Expand and relocate existing wastewater package plant to new location within Blue Hole Regional Park
 - Recommendation of the Central Wimberley Stakeholder Committee
 - Identified in the Blue Hole Regional Park Master Plan
 - City maintains a greater degree of control over wastewater service rates and quality of effluent



Project Description

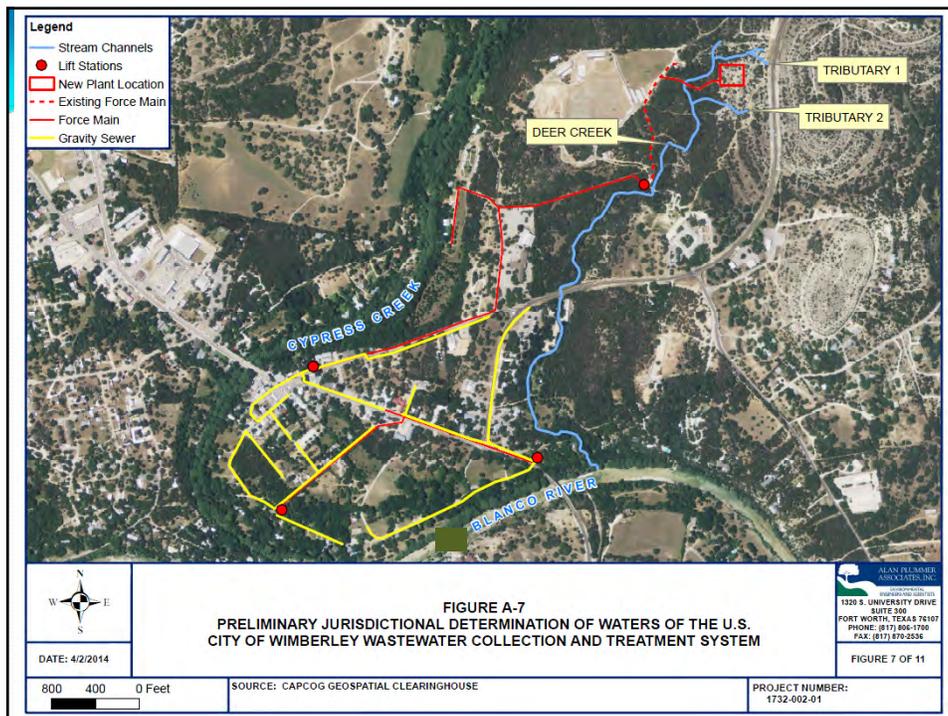
- Approximately 13,000 linear feet of gravity sewer pipeline
- Approximately 9,000 linear feet of force main pipeline
- Construction of three new lift stations and rehabilitation of one existing lift station
- Relocation and expansion of an existing package plant to a rated capacity of 75,000 GPD using the processes described above
- Construction of a treated effluent discharge outfall structure at Deer Creek
- Construction of a treated effluent holding tank adjacent to the package plant
- Construction of a spray irrigation system within Blue Hole Regional Park
- Consideration of other potential reuse applications in the area

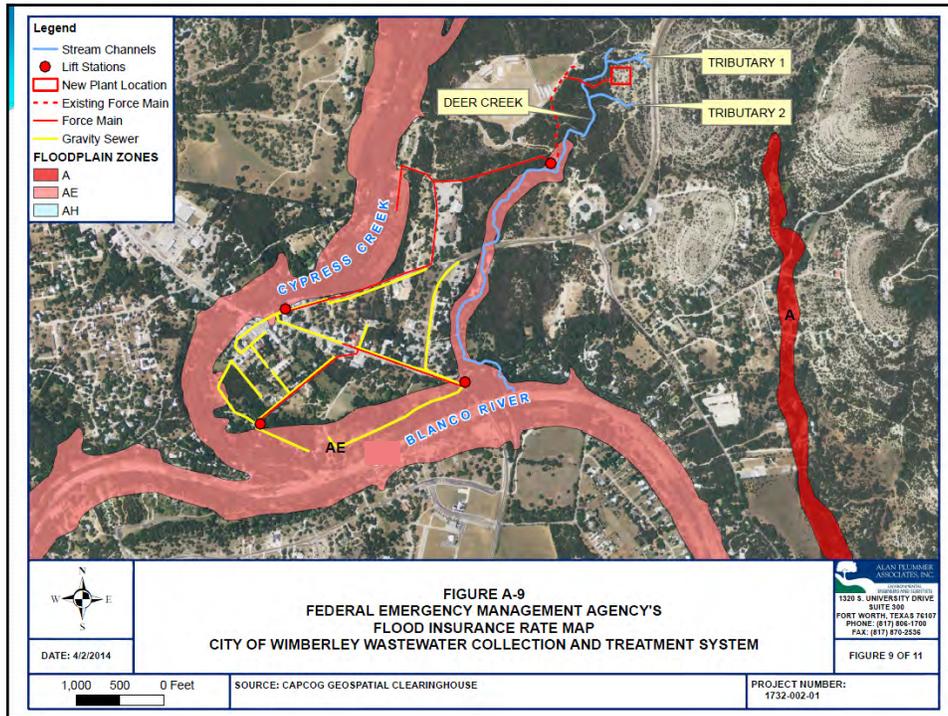
Environmental and Cultural Resources in Project Vicinity

- Aquatic Resources – Streams/Wetlands
- Natural Resources – Flora/Fauna/Soils
- Cultural/Historical Resources – Historic Buildings/Indian Artifacts/Etc.

Aquatic Resources

- Two unnamed tributaries to Deer Creek, an unnamed tributary to an unnamed tributary to Deer Creek, and Deer Creek in project vicinity
- Floodplains associated with Blanco River, Deer Creek, and Cypress Creek in project area
- No wetland impacts





Natural Resources

- Flora – Trees, Grasses, Forbs, Etc.
- Fauna – Insects, Animals, Etc.
- Soils – Hydric and Prime Farmland Soils

Impacts to Flora

- Vegetation impacts associated with the construction of the wastewater treatment plant
- Vegetation impacts associated with pipeline installation



Impacts to Fauna

- Impacts to federal or state listed threatened or endangered species are not anticipated
 - Golden-cheeked Warbler
 - Black-capped Vireo
- } City of Wimberley is located within the range of these two bird species.
- Minor impacts to fauna will occur in conjunction with construction; however, those impacts will be short term



Golden-cheeked Warbler

Both images obtained from the Audubon Society

Black-capped Vireo

United States Department of the Interior
FISH AND WILDLIFE SERVICE
10712 Sunset Blvd, Suite 200
Austin, Texas 78738
512.490.0074
FWS-10712
502 8 8 2002

Mr. Don Ferguson
City Administrator
City of Wimberley
P.O. Box 3027,
Wimberley, Texas 78676

Consolidation Number 21-450-2010-1-01-01

Dear Mr. Ferguson:

This responds to the City of Wimberley's May 30, 2010, letter and the attached information regarding development of the Blue Hole Regional Park (Park), Wimberley, Travis County, Texas (Project). The City of Wimberley submitted the letter and supporting documentation to the U.S. Fish and Wildlife Service (Service) requesting concurrence that future improvement projects on the approximately 126-acre site, as described within the 2007 Blue Hole Regional Park's Master Planning Phase (Park Master Plan), may affect, but will not likely adversely affect the golden-cheeked warbler (*Dendroica coronata*), a species listed pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq. (ESA)). Critical habitat has not been designated for the golden-cheeked warbler; therefore, none will be affected. Suitable habitat for the black-capped vireo (*Vireo alcockii*), and other species listed pursuant to the Act, does not occur within the action area. Therefore, no adverse effects to these species are anticipated.

The Service previously reviewed two individual improvement projects within the Park property that had been submitted by the City of Wimberley and the Texas Department of Transportation (TxDOT) in 2009 and 2010. However, to provide review of future individual projects within the Park, the Service requested to review the Park property in its entirety. The March 1, 2010, substantial State the Challenge Waters River Authority (SCRA) included the Park Master Plan as Appendix 3 of the Draft Environmental Information Document for Village of Wimberley Wastewater Collection and Treatment System, dated March, 2010.

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that the action authorized, funded, or carried out by such agencies do not jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy critical habitat of such species. In case understanding for the Federal Highway Administration (FHWA) and the Environmental Protection Agency have provided funding for improvement projects within the Park.

The limits of the proposed project are within an approximately 126-acre site along Cypress Creek in western Travis County, Texas (Page 106, Park Master Plan). Currently, the proposed project area is a mix of riparian areas along ditches, woodlands, grassland, and existing use.

TAKE PRIDE IN AMERICA

City of Wimberley – Don Ferguson 2

areas such as roadways, trails, and a wastewater treatment plant (Pages 17-36, Park Master Plan). The City of Wimberley is proposing the construction of various park improvements including bank stabilization, construction of a pavilion, amphitheatre, basketball court, soccer fields, tennis courts, restrooms, and additional trails. The City of Wimberley and GBRA are also proposing to replace the existing wastewater treatment plant. At full development, the total impervious cover within the Park will be less than seven percent of the 126-acre site.

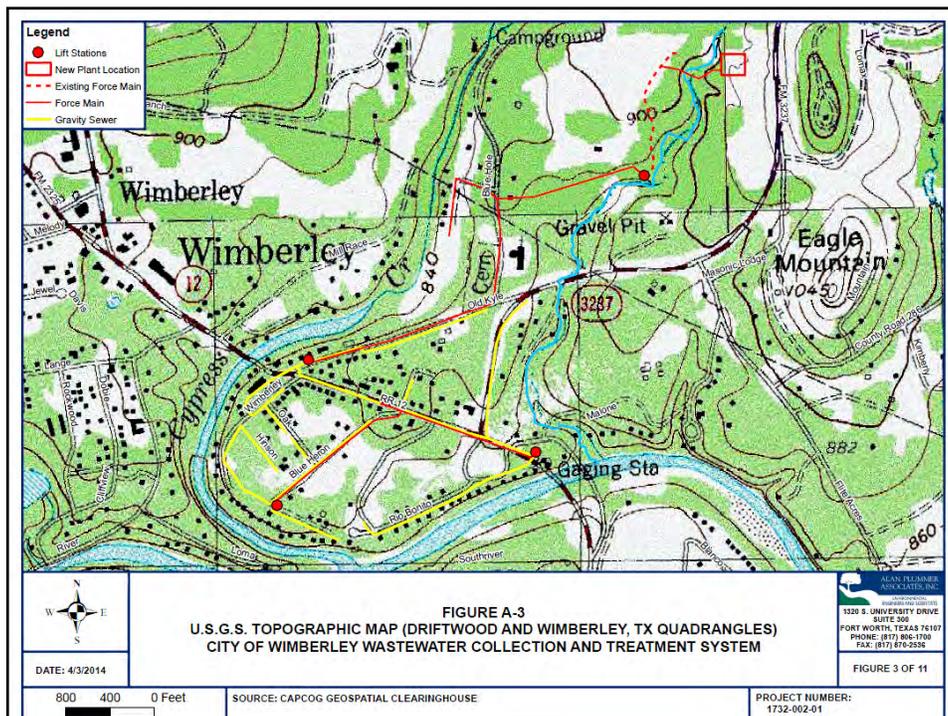
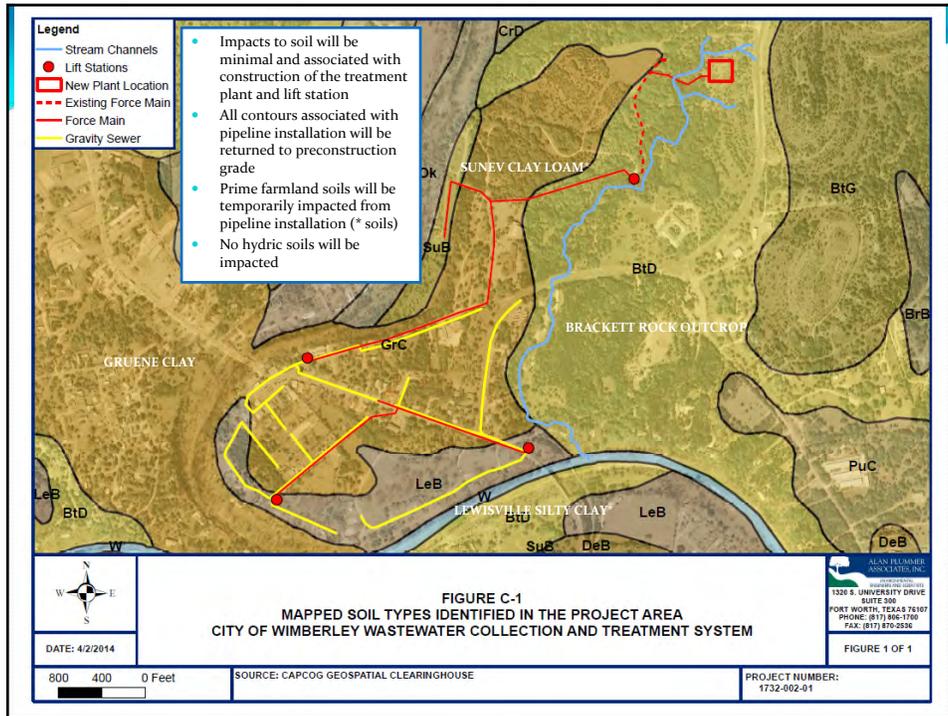
According to the Park Master Plan, prepared by the Lady Bird Johnson Wildflower Center, woodlands within the site are dominated by Ashe juniper (*Juniperus ashei*) and lack sufficient levels of deciduous trees to qualify as habitat for the golden-cheeked warbler. Additionally, the *Programmatic Categorical Exclusion for Proposed Improvements on Blue Hole Loop from Ranch to Market Road 12 to Blue Hole Park*, dated January, 2010, prepared for the FHWA and TxDOT states that no habitat for golden-cheeked warbler occurs within the right-of-way of a 2.73-mile hike and bike trail that terminates within the Park due to lack of appropriate species and canopy closure. This document also notes that surveys along the Winter's Mill Trail area in 2006 and 2007 failed to detect golden-cheeked warblers.

Due to the lack of suitable habitat within the Park, we concur that the project as proposed may affect, but will not likely adversely affect the golden-cheeked warbler pursuant to section 7 of the Act. Therefore, no further action pursuant to the Act is necessary at this time. However, modifications to the proposed project or the addition of new information that suggests listed species or critical habitat may be affected by your proposed project should be submitted to our office for further consideration.

If you have any questions or comments, please contact Charlotte Kucera at 512-490-0057, extension 224.

Sincerely,
Adam Zerrenner, Acting For
Adam Zerrenner
Field Supervisor

cc: Miguel Flores, Environmental Protection Agency, Dallas, Texas
Clarence Rumanick, Federal Highway Administration, Austin, Texas



Impacts to Cultural and/or Historical Resources

- A cultural and historical resources evaluation was performed by AR Consultants, Incorporated
 - No impacts to cultural resources are anticipated
 - No impacts to historical structures are anticipated



Project in proximity to the Wimberley Cemetery

Construction Elements for Preferred Alternative

- Gravity Sanitary Sewer
 - 6 to 8 inch diameter pipe
 - Open trench & trenchless pipeline installation
 - Returned to preconstruction grade and contour
- Force Main Sanitary Sewer
 - 4 to 6 inch diameter pipe
 - Open trench & trenchless pipeline installation
 - Returned to preconstruction grade and contour
- Lift Station Construction (3 lift stations)
 - Constructed in central Wimberley
- Lift Station Rehabilitation
 - Upgrade to handle increased flow
- Irrigation Construction
 - Spray irrigation system in open areas within Blue Hole Regional Park
- Wastewater Treatment Plant Construction & Relocation
 - 75,000 gallons per day extended aeration activated sludge treatment plant
 - Includes relocation of existing plant to northeast corner of park

Opinion of Probable Costs

- Collection System \$2,259,000
- Treatment Plant Cost \$750,000
- Irrigation Cost \$38,000
- Storage Cost \$300,000
- Discharge Cost \$20,000
- Land Acquisition Cost \$44,000
- Subtotal Construction Cost \$3,411,000
- Contingency (20%) \$682,200
- Planning and Design (15%) \$511,650
- Legal, Financial, Permitting \$175,000
- Debt Reserve \$238,993
- TWDB Loan Origination Fee \$92,849

Total Construction Cost \$5,111,692

Potential Costs per Living Unit Equivalent

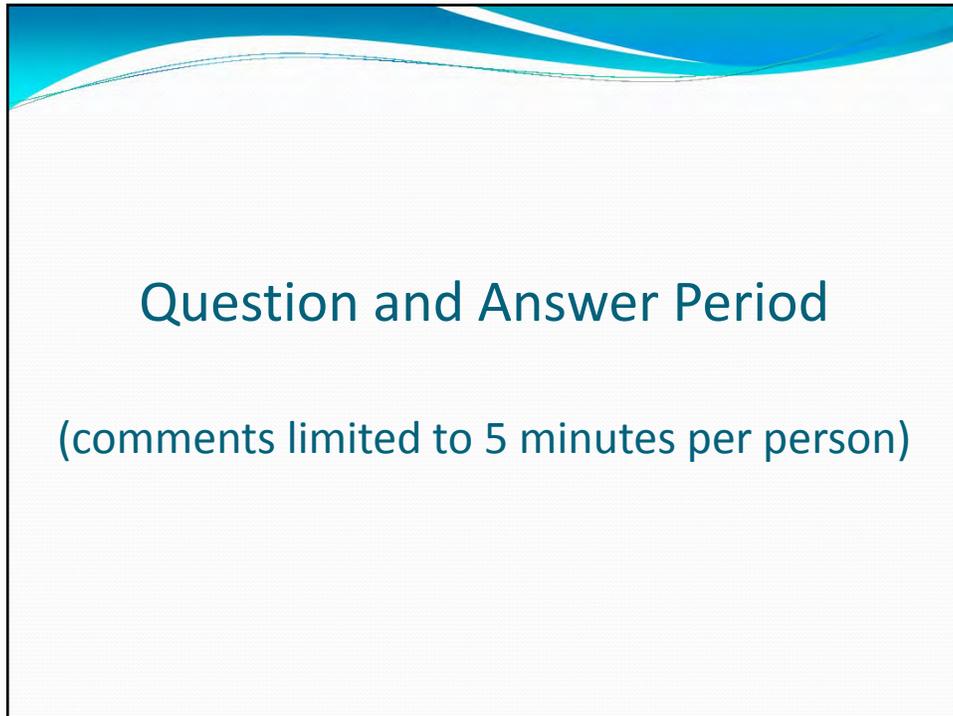
The funding options available to the City of Wimberley to finance the construction of the wastewater collection and treatment system include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values.

Approximate Construction Schedule

- Advertise for bid – August-September 2015
- Commence construction – September 2015
- Complete construction – September 2016
- No construction is anticipated to occur on weekends

For Additional Project Information

- Mr. Don Ferguson, *City Administrator*
City of Wimberley – 512-847-0025
- Mr. Steve Coonan, P.E., *Principal*
Alan Plummer Associates, Inc. – 512-452-5905
- Mrs. Erin Wiesehan, P.E., *Project Engineer*
Alan Plummer Associates, Inc. – 512-452-5905
- Mr. Jason Voight, PWS, *Environmental Scientist*
Alan Plummer Associates, Inc. – 817-806-1700



CITY OF WIMBERLEY
CITY OF WIMBERLEY WASTEWATER COLLECTION AND TREATMENT SYSTEM

PUBLIC HEARING AT
WIMBERLEY COMMUNITY CENTER
14068 RR 12
WIMBERLEY, TEXAS 78676

MONDAY, MAY 5, 2014 AT 6:00 PM

NO.	NAME	ADDRESS/AFFILIATION	CIRCLE ONE OF THE FOLLOWING			LIKE TO COMMENT*	
1	Jean Volcatti	APAI FORT WORTH TX	CITIZEN	BUSINESS	OFFICIAL	YES	NO
2	Cynthia Syvarth	APAI	CITIZEN	BUSINESS	OFFICIAL	YES	NO
3	Janet Sims	APAI	CITIZEN	BUSINESS	OFFICIAL	YES	NO
4	Hannah Frels	APAI	CITIZEN	BUSINESS	OFFICIAL	YES	NO
5	Steve Coonan	APAI	CITIZEN	BUSINESS	OFFICIAL	YES	NO
6	Christine Byrne	205 Blue Hole Ln	CITIZEN	BUSINESS	OFFICIAL	YES	NO
7	Randy Hardin		CITIZEN	BUSINESS	OFFICIAL	YES	NO
8	Bob Emerson	203 Blue Hole Ln	CITIZEN	BUSINESS	OFFICIAL	YES	NO
9	DEBORAH NELSON	200 Winn Valley	CITIZEN	BUSINESS	OFFICIAL	YES	NO
10	Charlette Lane	213 Blue Hole	CITIZEN	BUSINESS	OFFICIAL	YES	NO
11	Jim Clements	Saddleridge	CITIZEN	BUSINESS	OFFICIAL	YES	NO
12	ERIN WIESEMAN	APAI	CITIZEN	BUSINESS	OFFICIAL	YES	NO
13	Cindy Anderson	400 Hillview Rd	CITIZEN	BUSINESS	OFFICIAL	YES	NO
14	STEVE THURMAN	400 MAGNANO TR	CITIZEN	BUSINESS	OFFICIAL	YES	NO
15	Tom Talbot	3333 FLITE ACRES	CITIZEN	BUSINESS	OFFICIAL	YES	NO
16			CITIZEN	BUSINESS	OFFICIAL	YES	NO
17			CITIZEN	BUSINESS	OFFICIAL	YES	NO
18			CITIZEN	BUSINESS	OFFICIAL	YES	NO
19			CITIZEN	BUSINESS	OFFICIAL	YES	NO
20			CITIZEN	BUSINESS	OFFICIAL	YES	NO
21			CITIZEN	BUSINESS	OFFICIAL	YES	NO
22			CITIZEN	BUSINESS	OFFICIAL	YES	NO
23			CITIZEN	BUSINESS	OFFICIAL	YES	NO
24			CITIZEN	BUSINESS	OFFICIAL	YES	NO
25			CITIZEN	BUSINESS	OFFICIAL	YES	NO
26			CITIZEN	BUSINESS	OFFICIAL	YES	NO
27			CITIZEN	BUSINESS	OFFICIAL	YES	NO
28			CITIZEN	BUSINESS	OFFICIAL	YES	NO
29			CITIZEN	BUSINESS	OFFICIAL	YES	NO
30			CITIZEN	BUSINESS	OFFICIAL	YES	NO

*Comments will be limited to 5 minutes.

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CITY OF WIMBERLEY

PUBLIC HEARING

Monday, May 5, 2014

at 6:00 P.M.

City of Wimberley Community Center

14068 Ranch Road (RR) 12

Wimberley, Texas 78676

ORIGINAL

1 public input. It's also for public awareness. And
2 specifically, one of the purposes of this hearing is to
3 discuss the potential environmental impacts of the project and
4 the alternatives to it.

5 We have Mr. Don Ferguson with the City. My name
6 is Jason Voight and I'm an environmental scientist with Alan
7 Plummer Associates. We also have Mr. Steve Coonan and Erin
8 Wiesehan with Alan Plummer as well.

9 The purpose of the project is to plan for a
10 central wastewater treatment and collection system; reduce the
11 reliance on private septic systems which could impact the
12 water quality of Cypress Creek and the Blanco River; treat
13 wastewater to TCEQ standards Type 1 reclaimed water; and to
14 provide additional irrigation water to Blue Hole Regional Park.

15 This is a general location map of the proposed
16 project. What you see in red and yellow are the proposed
17 pipelines, and then the square area is the proposed wastewater
18 treatment plant location.

19 UNIDENTIFIED SPEAKER: Is that the new one or
20 the current one?

21 MR. VOIGHT: That's the new.

22 The alternatives considered are an expansion and
23 relocation -- and we're going to show a map of these
24 alternatives -- of the existing package treatment plant within
25 Blue Hole Regional Park; expansion of the existing current

1 treatment plant at its current location; construction of a new
2 wastewater treatment plant outside of Blue Hole Regional Park;
3 pumping wastewater to an existing plant owned and operated by
4 Aqua Texas; as well as a no action alternative.

5 These are the various project alternatives that
6 were considered. I'll let y'all have a look at that. I don't
7 have a pointer. So if you have questions about this map
8 please -- we can address those at the close of the
9 presentation.

10 Now for the no action alternative. Leave the
11 infrastructure in its current condition and that would provide
12 for a continuation of the current treatment using sanitary or
13 septic systems for the wastewater treatment. It was concluded
14 that the no action alternative was not sustainable from an
15 economic and environmental standpoint. Continued use of those
16 systems could potentially impact water quality within the
17 regional water systems.

18 And the recommended alternative is to expand and
19 relocate the existing wastewater package treatment plant to a
20 new location within the Blue Hole Regional Park. It was a
21 recommendation of the City of Wimberley Stakeholder Committee,
22 it was identified in the Blue Hole Regional Park Master Plan,
23 as well as, the City maintains a greater control over the
24 wastewater treatment plant and the service rates and the
25 quality of the effluent.

1 This is a map of the proposed preferred
2 alternative. The yellow lines you see are gravity sewer
3 lines, the red are proposed force main lines, the blue dots --
4 or the red dots are proposed lift stations. There is one
5 upgrade to an existing lift station. The dashed line is an
6 existing line. And then the -- again the -- the square is the
7 proposed new plant location.

8 This outlines the project description. There's
9 approximately 13,000 linear feet of gravity sewer pipeline,
10 9,000 linear feet of force main pipeline. As I mentioned,
11 three new lift stations and the rehabilitation of one. The
12 relocation expansion of the existing package treatment plant
13 to a capacity of 75 GPD, that's gallons per day -- 75,000.
14 The construction of a treated effluent discharge outflow
15 structure at Deer Creek. The construction of a treated
16 effluent holding tank adjacent to the package treatment plant.
17 Construction of a spray irrigation system within the Blue Hole
18 Regional Park. And consideration of other reuse applications
19 within the area.

20 The environmental and culture resources
21 identified in the project vicinity. We looked at the aquatic
22 resources, streams and wetlands, any natural resources, which
23 are birds, plants, animals, as well as cultural and historical
24 resources.

25 The proposed project is in the location of two

1 unnamed tributaries to Deer Creek and an unnamed tributary to
2 one of those tributaries to Deer Creek, as well as the
3 floodplains of the Blanco River, Deer Creek and Cypress Creek.
4 No wetlands were identified in the project area.

5 These are the streams that you see adjacent to
6 the proposed treatment plant facility location. These are the
7 floodplains associated with the project as identified by FEMA.
8 AE is a known flood elevation, so that -- that -- those zones
9 are -- you have defined flood elevations.

10 Let's go to natural resources. The majority of
11 the proposed project is going to be located adjacent to
12 existing utility or road rights-of-way, so there will be
13 minimal impacts to vegetation. Most of the impacts would be
14 associated with pipeline installation.

15 These are images of the proposed pipeline
16 adjacent to -- I forget which road that is. Y'all probably
17 know which road.

18 This is the -- the middle image is the proposed
19 treatment plant location. And then the existing package
20 treatment plant is on the -- on the upper far right side.

21 Impacts to fauna. There -- we assessed the
22 project area for impacts to Federal and State threatened or
23 endangered species. The two known species that are in this
24 region, this general vicinity, and y'all are probably familiar
25 with them, the Golden-cheeked Warbler and the Black-capped

1 Vireo.

2 There are some images of those birds.

3 Previously on -- on coordination with the Blue
4 Hole Regional Park, as well as looking at the wastewater
5 treatment plant facility previously, we did coordinate with
6 the U.S. Fish & Wildlife Service. That coordination is
7 essentially summarized in the yellow box. The Fish & Wildlife
8 Service said that due to a lack of suitable habitat within the
9 park, they concur that impacts are not likely to be adverse to
10 the Golden-cheeked Warbler and the Black-capped Vireo.

11 These are the soils identified in the project
12 vicinity.

13 When we do the construction with the pipelines,
14 all topsoils will be stockpiled and they will be reapplied and
15 all contours will be reapplied to their current condition.

16 No prime farmland soils were identified -- or
17 actually two prime farmland soils were identified in the
18 project. They were the Lewisville silty clay and the Sunev
19 clay loam. No hydric soils were identified in the project
20 area.

21 This is the U.S. Geological Survey Topographic
22 map. Generally the topography in the project area is
23 relatively flat. I say relatively compared to the -- to the
24 area surrounding the City of Wimberley.

25 A consultant to our firm, AR Consultants,

1 identified no impacts to the cultural or historical resources
2 in the project area.

3 The construction elements of the preferred
4 alternative, again, the gravity sanitary sewer line, we're
5 looking at a six to eight inch diameter pipe. The force main
6 will be a four to six inch diameter pipe. The three lift
7 stations proposed for construction will be in the central
8 Wimberley area. The lift station to be rehabilitated near the
9 existing package treatment plant. The spray irrigation system
10 will be located within the Blue Hole Regional Park in the
11 general vicinity of the current spray irrigation system. And
12 again, the wastewater treatment plant will be upgraded to
13 75,000 gallons per day.

14 This is the opinion of probable costs. Total
15 construction cost will be approximately 5.1 million dollars.

16 This is the potential costs for living unit.
17 And then towards the middle of the paragraph you're going to
18 see that the costs range from 25 to 10,000 per LUE, that's
19 living unit equivalent. For one time connection fees, 80 to
20 125 per LUE per month. For user fees, anywhere from 40 to a
21 140 annually in taxes or 600 to 2,000 annually in assessments.

22 This is the approximate construction schedule.
23 Beginning in August 2015 and concluding September 2016. And
24 no construction would occur on weekends.

25 Again, I'm Jason Voight. We have Steve Coonan

1 and Erin Wiesehan and Don Ferguson if you have any questions.
2 Not for this venue, but on the -- outside of this venue.

3 And we'll go into the question and answer
4 period. Again, this is comments only and they're limited to
5 what's included in the Environmental Information Document.

6 MR. FERGUSON: One quick clarification. You
7 said current or existing spray system in the park, and it's a
8 (inaudible) system in the park.

9 COURT REPORTER: It's a what system?

10 MR. VOIGHT: Drip.

11 MR. FERGUSON: Drip. The existing is a drip
12 system right now and the proposal is to make it a spray
13 system.

14 MR. VOIGHT: If you would like to provide
15 comments, please come up here and speak into the mic, and
16 again they're limited to five minutes.

17 UNIDENTIFIED SPEAKER: May I ask a question?

18 MR. VOIGHT: Sure.

19 UNIDENTIFIED SPEAKER: Do you have a timeframe
20 for this?

21 MR. COONAN: When the construction will be?
22 Get it back up there.

23 UNIDENTIFIED SPEAKER: I'm sorry. I missed it.

24 MR. VOIGHT: She asked what the timeframe is.

25 And that's looking to advertise for bid in August through

1 September of 2015 and starting construction shortly
2 thereafter.

3 UNIDENTIFIED SPEAKER: Okay.

4 MR. VOIGHT: With duration lasting about a year.

5 UNIDENTIFIED SPEAKER: Okay. Thank you.

6 UNIDENTIFIED SPEAKER: Is this a done deal? I
7 mean, this has been approved by everyone and submitted to go
8 forward finally? Because we've been talking about it for
9 years.

10 MR. COONAN: Yes, you have. And -- and it --
11 the project right now is moving forward. The City Council has
12 directed staff to move forward with the preliminary
13 engineering, and the Environmental Information Document, which
14 is what we're doing tonight. The City has gone to the Texas
15 Water Development Board to get funding for this project and
16 part of that loan requirement is to hold this public hearing
17 and to receive any comment from the citizenry concerning the
18 project. So that's why we're here tonight to fulfill the
19 obligation of the Water Development Board.

20 The next steps are, you know, after we receive
21 your comments, we will respond to them, and add them to the
22 document. We'll send that off to the Water Development Board
23 and they'll approve it and then we'll move into the actual
24 design phase. And during that design phase we'll be
25 interacting with the City staff, and I believe that Council is

1 going to appoint a -- an advisory group to -- to work with us
2 during that design.

3 So the project is moving forward. We still
4 have, you know, a ways to go before we're actually to a --
5 what you call a done deal. And we're still actively seeking
6 input from residents.

7 MR. FERGUSON: Very quickly. The funding is in
8 place right now to fund the design and the planning for the
9 project. The next step is going to be to secure the funding
10 for the construction of that project. We already have funds
11 set aside at the Water Development Board for that if we choose
12 to activate that loan.

13 So, yes, we're on -- we're on a forward movement
14 path at this stage of the game, you know, with planning and
15 design, which is farther than we've ever gotten. The next
16 step is going to be making a commitment on that loan or coming
17 up with some other way to fund it; that decision still has to
18 be made. But that will be a decision that will be made with
19 plenty of public input in the coming months.

20 So it's moving forward.

21 UNIDENTIFIED SPEAKER: And there will be no tax
22 for people?

23 MR. FERGUSON: The decision -- the decision
24 hasn't been made at this stage of the game how they're going
25 to fund the actual construction of the system. There is a

1 loan obligation that is out there for the City to take
2 advantage of if it so chooses. There are other alternatives
3 to that loan that the Council is going to have to make a
4 decision on what they want to do when that time comes. We're
5 not at that point yet, but we will be soon at that point as
6 far as deciding how -- what vehicle will be used to fund the
7 development of the system.

8 We're in a situation where we have -- we have
9 been placed on notice by the TCEQ that we need to do something
10 because of water quality on the creek. So, hence, we
11 committed to a \$680,000 loan, which we're paying off right now
12 with existing City revenues.

13 And when we get to the point when we're ready
14 for construction, the decision will be made on how to fund it;
15 be it with a loan, be it with taxes being assessed, be it in
16 fees.

17 UNIDENTIFIED SPEAKER: I think you're answering
18 most of the questions that I have. Securitizing the loan, the
19 5 million dollar loan that you will have to commit to in order
20 to build this, is going to necessitate some mechanism of
21 taxation to pay back that loan?

22 MR. FERGUSON: If you -- if you go the Water
23 Development Board route, they're obviously -- you're going to
24 have to show them an obvious commitment that you're going to
25 repay that loan. And with a 5 million dollar note they're

1 going to probably expect an obligation of the imposition of
2 that type of mechanism being a property tax if necessary.

3 UNIDENTIFIED SPEAKER: So your intention would
4 be to come out to the citizens? The acronym that you used up
5 there, the L -- land owner or whatever.

6 MR. COONAN: Living Unit Equivalent.

7 UNIDENTIFIED SPEAKER: Living Unit. You will
8 come back to the homeowners to vote on a taxation?

9 MR. FERGUSON: We'll -- there will be -- I'm
10 sure there will be a public process as we get into the final
11 determination on the ultimate funding mechanism that will be
12 used. You know, how Council so chooses to go that route is
13 really -- it's premature to speculate on what they will do
14 along those lines. But there will obviously have to be a
15 decision made on how to fund it as far as the overall
16 construction.

17 Let me very quickly point out, when you get
18 money from the Water Development Board, they typically
19 require -- unless you have, you know, the money in the bank
20 that you're going to write them a check that you're going to
21 show them, they still typically require you to come forward
22 with some type of commitment to impose ad valorem if
23 necessary. We had to do that on the \$680,000 loan. Our City
24 Council adopted a resolution and adopted an ordinance
25 basically setting up the framework for a property tax, but

1 they chose not to levy one and used existing revenues that's
2 to repay the \$680,000-dollar loan. Will they take the same
3 step, you know, when it comes to construction and come up with
4 some other means to try to create existing revenues so they
5 don't have to impose that? That is still to be determined.
6 Until we get further down the road it's really hard to say
7 what they will do.

8 UNIDENTIFIED SPEAKER: And will that taxation be
9 for the people benefiting from the installation of this
10 wastewater treatment plant or will that be for all of the
11 residents in Wimberley?

12 MR. FERGUSON: If there is taxation -- and I'm
13 not going to say there will be -- if there is taxation that is
14 a decision still to be made.

15 UNIDENTIFIED SPEAKER: Is there any other option
16 other than taxation?

17 MR. FERGUSON: There are -- there are different
18 means that you can put in place, such as levying assessments
19 and those type of things, which have the same general impact
20 of an ad valorem, but they're (inaudible) within certain
21 groups or portions of the community and those types of things,
22 assessment taxes. There will need to be a commitment made by
23 the City to repay that loan if we secure it and move forward.

24 MR. COONAN: And that will have to -- that will
25 all be figured out before the loan is closed.

1 MR. FERGUSON: That's right.

2 MR. COONAN: The Water Development Board will
3 want to know how the City intends to repay it.

4 MR. FERGUSON: Not meaning to be -- in any way
5 not meaning to be evasive, other than the fact that I think
6 it's very important to understand that there's some big
7 decisions to be made by the City Council in the near future
8 when they get into talking about the true finances for this.
9 Tonight is the environmental. The financial discussion is
10 still to come.

11 MR. COONAN: Yes, ma'am?

12 UNIDENTIFIED SPEAKER: I have a quick question.
13 We all live on (inaudible) --

14 COURT REPORTER: We all live on what?

15 MR. COONAN: Blue Hole Lane.

16 UNIDENTIFIED SPEAKER: Blue Hole Lane. And I
17 read today on the City's website that a grinder pump is going
18 to be needed for our residents. Is that one or is that one
19 for each of our houses and...

20 MR. COONAN: Some sort of pump --

21 COURT REPORTER: Let me move over here.

22 MR. COONAN: Some sort of pump will be required
23 due to the -- just the topography of the area. We have not
24 yet decided whether that will be an individual grinder pump
25 for each house or whether there will be one, sort of, small,

1 lift station that will serve all of the houses. That will
2 come during the design phase of the project.

3 UNIDENTIFIED SPEAKER: And is that something
4 that's included in the projected --

5 MR. COONAN: Cost?

6 UNIDENTIFIED SPEAKER: -- cost?

7 MR. COONAN: Yes.

8 UNIDENTIFIED SPEAKER: Okay.

9 MR. COONAN: Other questions? Comments?

10 UNIDENTIFIED SPEAKER: Is the Deer Creek eff- --
11 the over -- the overflow is still going into Deer Creek; is
12 that my understanding?

13 MR. COONAN: The discharge is --

14 UNIDENTIFIED SPEAKER: The discharge.

15 MR. COONAN: -- is intended to go to Deer Creek.

16 UNIDENTIFIED SPEAKER: All right.

17 UNIDENTIFIED SPEAKER: So for individual
18 residents, it -- you say it's a variation between 2500 or
19 \$10,000 for the initial hook up?

20 MR. COONAN: Again that's -- that's a funding
21 issue that -- that will all be determined by the City Council.

22 What we did, kind of, through the Task Force was
23 we said, you know, if you set it here, you know, there --
24 there were three or four dials. You can collect it through
25 that initial assess- -- or initial connection fee. You can

1 set where you pay a monthly bill for it and you include some
2 of the debt service in that monthly fee. You can -- as -- as
3 Don indicated, you can set an assessment and it just applies
4 to the residents that are getting the service. Or you can do
5 an ad valorem tax. Or you can do a combination of two or more
6 of those. And -- and that's something that will be a decision
7 for the City Council.

8 MR. FERGUSON: Steve, why don't you give
9 Christine a little more specificity on the Deer Creek
10 discharge; when that's going to happen and what is the
11 intended process.

12 MR. COONAN: We're looking -- we're asking for
13 the permission to discharge to Deer Creek. Our intention is
14 to minimize how often that we actually discharge. And that we
15 would have an effluent storage tank that we would store it,
16 and then irrigate the park and other areas with that water, so
17 that we make the best use of that water and minimize the --
18 the discharge. The storage would allow us to store the
19 effluent when it's raining out and -- and we can't irrigate.
20 And then when it -- it stops raining then we would withdraw
21 the water from the tank and irrigate.

22 And we -- we looked at it, and based on the last
23 five years' worth of meteorological data, we thought we may
24 have to do it -- have to have a discharge of, you know, six
25 days a year or something along those lines.

1 Other questions? Comments?

2 UNIDENTIFIED SPEAKER: Is a copy of this initial
3 report available for distribution?

4 MR. FERGUSON: There is. There's one available
5 at City Hall. There's one at the library. There's one at
6 this building. There's also one online on the City's website,
7 www.cityofwimberley.com.

8 MR. COONAN: And that's the environmental impact
9 statement --

10 MR. FERGUSON: That's all of the documents
11 relating to it. The environmental impact statement. In
12 addition, the feasible study and the background data behind
13 that.

14 MR. COONAN: And the recommendations that came
15 out of the Task Force?

16 MR. FERGUSON: Absolutely.

17 MR. VOIGHT: Last call.

18 MR. FERGUSON: An hour early?

19 UNIDENTIFIED SPEAKER: Wait. I have one more
20 question.

21 Okay. I just wanted -- I just want to clarify.
22 So this is -- there's not going to be any more discussion
23 about Aqua Texas, about -- I mean, that's what I want to know.

24 MR. FERGUSON: Here's -- here's a little
25 background. The City Council as part of the planning and

1 design process for this initiated a pretty substantial public
2 stakeholder process. And there was a series of very intense
3 meetings that took place over a short period of time. And
4 that Committee came up -- the idea was to vet everything
5 that's been talked about at this point and come up with the
6 final recommendation to Council. And the Committee did that.

7 And the Committee's recommendation -- as part of
8 their work, they looked at alternatives, as you can see in the
9 documents, just like we studied the same. Their basic final
10 recommendation was that the City relocate the plant that's
11 there right now to another location on the park, that that
12 plant be built at 75,000 gallons, with the idea that it
13 would -- could eventually go to no more than 100,000 gallons,
14 and that anything over and above that 100,000 gallon capacity
15 would go across the street to Aqua Texas.

16 So the idea -- the idea being that 75,000 up
17 front with a maximum build out of 100,000, and anything over
18 100,000 gallons the City would enter into an arrangement with
19 Aqua Texas and Aqua Texas would serve that -- that particular
20 capacity. The City would not expand that plant beyond that --
21 basically cover any additional growth in the area. The idea
22 being this, and that is, we don't control Aqua Texas' costs.
23 You know?

24 UNIDENTIFIED SPEAKER: No, I'm -- I just want to
25 make sure that Aqua Texas is not -- that this -- if there's a

1 new Council that comes in in a couple of weeks, I don't want
2 this rehashed again.

3 MR. FERGUSON: The Stakeholder Committee
4 approved it and Council is strongly in favor of the
5 Stakeholder Committee's recommendation.

6 Also, just so you know, part of the Stakeholder
7 Committee's recommendations involves dealing with the problem
8 on the north side of the creek at some point; maybe a
9 supplemental phase of the project. And those customers would
10 be Aqua Texas customers because they're in the Aqua Texas
11 service area and not ours.

12 MR. VOIGHT: Okay. Thank you.

13 MR. FERGUSON: Thank y'all very much.

14 (Public Hearing adjourned)

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STATE OF TEXAS

I, Sandra D. Jackson, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of the above-referenced Public Hearing to be included in the transcript of said Public Hearing, and were reported by me to the best of my ability.

Given under my hand and seal of office on the 8th day of May, 2014.

Sandra D. Jackson, Texas CSR #3478
P.O. Box 1567
Kyle, Texas 78640
Telephone: 512-618-8271
CSR No. 3478
Expires: 12-31-15

COVER LETTERS AND RETURN RECEIPTS

PUBLIC NOTICE COVER LETTERS



CITY OF WIMBERLEY

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL INFORMATION DOCUMENT

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The proposed project would decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

The project is composed of the relocation and expansion of an existing 25,000 gallons per day (GPD) capacity treatment plant to 75,000 GPD capacity, the rehabilitation and upgrade of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main wastewater lines, the installation of approximately 13,000 linear feet of gravity sewer lines, the installation of a 500,000 gallon capacity treated effluent storage tank, a spray irrigation system and an effluent outfall structure. The new plant would be located in the northeast corner of the Blue Hole Regional Park property.

The proposed project would collect wastewater from residences and business in the portion of the City of Wimberley bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park to the north, and FM3237 to the east. Wastewater would be collected and transported by gravity lines, lift stations and force mains, to the proposed treatment facility in the northeast corner of Blue Hole Regional Park. Wastewater lines would primarily parallel existing road and utility rights of way, but private easement acquisition will also be necessary for a portion of the collection system including two (2) of the lift stations.

The treatment facility proposed is a 75,000 GPD capacity extended aeration activated sludge package plant with filtration, disinfection and chemical addition for the removal of phosphorous. Treated effluent from the plant would be discharged either by spray irrigation on 13-acres of land within Blue Hole Regional Park or to Deer Creek. Discharge to Deer Creek would only be necessary in periods of heavy rainfall when irrigation is not possible. It is anticipated that discharges to the creek will be minimal. The installation of reclaimed water lines paralleling the collection system will be evaluated in the design phase. If it is determined to be economically viable, these pipes will be included in the overall project.

The proposed project is to be funded by a Texas Water Development Board loan under the Clean Water State Revolving Fund Tier III program. In accordance with regulations, any project funded by State Revolving Fund Tier III loans requires an Environmental Information Document prior to issuance of the loan. The total estimated loan amount is \$5,111,692.

The funding options available to the City of Wimberley to repay the loan include connection fees, taxes, assessments, user fees, or any combination thereof. The funding mechanism has not yet been finalized, however, estimates for the potential cost on a per Living Unit Equivalent (LUE) basis were developed. These costs range from \$2,500 to \$10,000 per LUE for one-time connection fees, \$80 to \$125 per LUE per month for user fees and anywhere from \$40 to \$140 annually in taxes or \$600 to \$2,000 annually in assessments. An increase in one funding mechanism would reduce the revenue required of another, as illustrated by the ranges in values

Federal regulations also require that a public hearing be conducted on the proposed project's Environmental Information Document. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it.

The Public Hearing will be held
At 6:00 P.M.
Monday, May 5, 2014
City of Wimberley Community Center
14068 Ranch Road (RR) 12
Wimberley, Texas 78676

Following the presentation, comments on the proposed project will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed project should be sent to Mr. Don Ferguson at the address below.

Copies of the Environmental Information Document and associated project documents are available for public review and copying at the following locations:

Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676

Wimberley Library
400 FM 2325
Wimberley, Texas 78676

Wimberley Community Center
14068 RR 12
Wimberley, Texas 78676

The contact for questions relating to the public hearing is:
Mr. Don Ferguson, City Administrator (512-847-0025)
City of Wimberley
12111 RR 12
Wimberley, Texas 78676



ALAN PLUMMER
ASSOCIATES, INC.

ENVIRONMENTAL
ENGINEERS AND SCIENTISTS

*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Hays Trinity Groundwater Conservation District
P.O. Box 1648
Dripping Springs, Texas 78620

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,



Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X</i> 	
1. Article Addressed to: Hays Trinity Groundwater Conservation District PO Box 1648 Dripping Springs, Texas 78620	B. Received by (<i>Printed Name</i>) RICK BROWN	C. Date of Delivery 4-9
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	
7011 2000 0000 7649 0155		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		



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1732-002-01

April 2, 2014

General Manager
Edwards Aquifer Authority
1615 North St. Mary's Street
San Antonio, Texas 78215

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR068352

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: GENERAL MANAGER
 EDWARDS AQUIFER
 AUTHORITY
 1615 N. ST. MARYS
 STREET
 SAN ANTONIO,
 TX 78215
 (180) 029 - 2104

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

Prices calculated on the website are estimates based on the information provided. Charges may change due to, but not limited to the following: Address Correction, Unspecified Residential Delivery, Incomplete or Inaccurate Dimensional and Weight Data.

NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 8:43 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR068352

Tracking #: ZR068352
Delivery Date: Apr 4 2014 8:34AM
Signed By: T MONTEZ

Delivered To: EDWARDS AQUIFER AUTHORITY
1615 N. ST. MARYS STREET
SAN ANTONIO, TX 78215

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



ALAN PLUMMER
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1732-002-01

April 2, 2014

Director
Hays County Resource Protection, Transportation, and Planning Department
2171 Yarrington Road
San Marcos, Texas 78666

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



Lone Star Overnight
Customer Shipping Record
Tracking Number: ZR068244

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 1.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.88
Estimated Other Fees: \$0.52
Estimated Total Charge: \$7.41

To: DIRECTOR
 HAYS COUNTY
 RESOURCE PROTECT
 2171 YARRINGTON
 ROAD
 TRANSPORTATION &
 PLANNING DEPT
 SAN MARCOS,
 TX 78666
 (512) 393 - 7385

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 7:56 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR068244

Tracking #: ZR068244
Delivery Date: Apr 4 2014 7:48AM
Signed By: SANCHEZ

Delivered To: HAYS COUNTY RESOURCE PROTECT
2171 YARRINGTON ROAD TRANSPORTATION & PLANNING DEPT
SAN MARCOS, TX 78666

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



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1732-002-01

April 2, 2014

Area Manager
Bureau of Reclamation
Oklahoma-Texas Area Office
5316 Highway 290 West, Suite 110
Austin, Texas 78735-8931

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document





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1732-002-01

April 2, 2014

Mr. Larry Zamzow, P.E.
Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

Dear Mr. Zamzow,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Larry Zamzow, PE
Texas Water Development Board
1700 North Congress Avenue
PO Box 13231
Austin, Texas 78711-3231

2. Article Number
(Transfer from service label)

7011 2000 0000 7649 0001

COMPLETE THIS SECTION ON DELIVERY

A. Signature LEANN COPA Agent
 Addressee

B. Received by (Printed Name) APR 08 2011 C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



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1732-002-01

April 2, 2014

Environmental Officer
Department of Housing
Fort Worth Regional Office
801 Cherry Street, Unit #45, Ste. 2500
Fort Worth, Texas 76102

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Environmental Officer
Department of Housing
Fort Worth Regional Office
801 Cherry Street, Unit #45,
Suite 2500
Fort Worth, Texas 76102

2. Article Number

(Transfer from service label)

7011 2000 0000 7649 0216

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

J. Driscoll

Agent

Addressee

B. Received by (Printed Name)

J. DRISCOLL

C. Date of Delivery

4/4

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



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1978 - 2013*

1732-002-01

April 2, 2014

Bureau of Land Management
Oklahoma Field Office
7906 E. 33rd Street, Suite 101
Tulsa, Oklahoma 74145-1352

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700.

Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Land Management
 Oklahoma Field Office
 7906 E. 33rd Street Suite 101
 Tulsa, Oklahoma 74145-1352

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Anthony Hines* Agent
 Addressee

B. Received by (Printed Name) *Anthony Hines* C. Date of Delivery *4.9.14*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label) 7011 2000 0000 7649 0124



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1732-002-01

April 2, 2014

Director – Central Regional Office
U.S. Geological Survey
Box 25046
Denver Federal Center
Denver, Colorado 80225

Re: City of Wimberley Wastewater Collection and Treatment System Notice of Public Hearing and Availability of the Environmental Information Document (EID)

To whom it may concern,

As part of the Texas Water Development Board's Clean Water State Revolving Fund Tier III loan program requirements, please find enclosed the required Notice of Public Hearing and Availability of the Environmental Information Document for the City of Wimberley Wastewater Collection and Treatment System Project.

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Sincerely,

Jason Voight

Enclosures: (1) Notice of Public Hearing and Availability of the Environmental Information Document

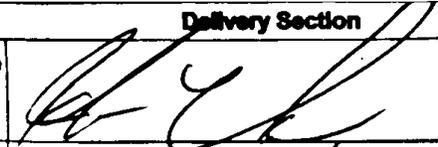


Date: April 25, 2014

tom capps:

The following is in response to your April 25, 2014 request for delivery information on your Certified Mail™ item number 70112000000076490131. The delivery record shows that this item was delivered on April 7, 2014 at 8:13 am in DENVER, CO 80225. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	John Locke

Address of Recipient :

Delivery Point	25046
----------------	-------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

EID DOCUMENT TRANSMITTAL COVER LETTERS



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1978 - 2013*

1732-002-01

April 2, 2014

Capital Area Council of Governments
6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

A public hearing is also scheduled for 6:00 PM on May 5, 2014 at the City of Wimberley Community Center, 14068 Ranch Road (RR) 12, Wimberley, Texas 78676. One of the purposes of this hearing is to discuss potential environmental impacts of this project and alternatives to it. If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700. Your timely review and response is greatly appreciated.

Sincerely,
Alan Plummer Associates, Inc.

Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



Lone Star Overnight
Customer Shipping Record
 Tracking Number: ZR067189

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 2.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$7.30
Estimated Other Fees: \$0.55
Estimated Total Charge: \$7.85

To: COUNCIL
 CAPITAL AREA
 COUNCIL OF GOVE
 6800 BURLESON ROAD
 BLDG. 310,STE 165
 AUSTIN, TX 78744
 (512) 916 - 6000

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

Prices calculated on the website are estimates based on the information provided. Charges may change due to, but not limited to the following: Address Correction, Unspecified Residential Delivery, Incomplete or Inaccurate Dimensional and Weight Data.

NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 7:10 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR067189

Tracking #: ZR067189
Delivery Date: Apr 4 2014 7:06AM
Signed By: Left at Front Door

Delivered To: CAPITAL AREA COUNCIL OF GOVE
6800 BURLESON ROAD BLDG. 310,STE 165
AUSTIN, TX 78744

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Texas Parks and Wildlife Department
Wildlife Habitat Assessment Program, Wildlife Division
Attn: Ms. Karen Hardin
4200 Smith School Road
Austin, Texas 78744

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

Dear Ms. Hardin:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

A public hearing is also scheduled for 6:00 PM on May 5, 2014 at the City of Wimberley Community Center, 14068 Ranch Road (RR) 12, Wimberley, Texas 78676. One of the purposes of this hearing is to discuss potential environmental impacts of this project and alternatives to it. If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700. Your timely review and response is appreciated.

Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



Lone Star Overnight
Customer Shipping Record
 Tracking Number: ZR067118

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 2.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$7.30
Estimated Other Fees: \$0.55
Estimated Total Charge: \$7.85

To: KAREN HARDIN
 TEXAS PARKS &
 WILDLIFE DEPT.
 4200 SMITH SCHOOL
 ROAD
 AUSTIN, TX 78744
 (512) 389 - 4828

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

WARNING: Use only the printed original label for shipping. Using a photocopy of this label or any other label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your Lone Star Overnight account number.

RIGHT TO INSPECT: We may, at our option, open and inspect any shipment prior to or after you give it to us to deliver.

Prices calculated on the website are estimates based on the information provided. Charges may change due to, but not limited to the following: Address Correction, Unspecified Residential Delivery, Incomplete or Inaccurate Dimensional and Weight Data.

NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 7:25 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR067118

Tracking #: ZR067118
Delivery Date: Apr 4 2014 7:08AM
Signed By: Left in Lockbox

Delivered To: TEXAS PARKS & WILDLIFE DEPT.
4200 SMITH SCHOOL ROAD
AUSTIN, TX 78744

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Federal Emergency Management Agency
Insurance and Mitigative Division
Region VI
Federal Center – 800 North Loop 288
Denton, Texas 76201

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

A public hearing is also scheduled for 6:00 PM on May 5, 2014 at the City of Wimberley Community Center, 14068 Ranch Road (RR) 12, Wimberley, Texas 78676. One of the purposes of this hearing is to discuss potential environmental impacts of this project and alternatives to it. If you have any questions regarding this project, please contact Mr. Don Ferguson with the City of Wimberley at 512-847-0025 or Mr. Jason Voight with Alan Plummer Associates, Inc. at 817-806-1700. Your timely review and response is greatly appreciated.

Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR067016

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 2.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.84
Estimated Other Fees: \$0.51
Estimated Total Charge: \$7.35

To: INSURANCE &
 MITIGATIVE DIVIS
 FEMA
 800 N. LOOP 288
 REGION VI
 DENTON, TX 76201
 (940) 898 - 5399

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 10:55 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR067016

Tracking #: ZR067016
Delivery Date: Apr 4 2014 10:50AM
Signed By: MACK

Delivered To: FEMA
800 N. LOOP 288 REGION VI
DENTON, TX 76201

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Texas Commission on Environmental Quality
Chief Engineer
P.O. Box 13087
Austin, Texas 78711

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Texas Commission on Environmental Quality Office of Water Resource Management PO Box 13087 Austin, Texas 78711 CHIEF ENGINEER	B. Received by (Printed Name)	C. Date of Delivery <div style="text-align: right; font-weight: bold; color: blue;"> PASS/C APR 07 2010 </div>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? Yes If YES, enter delivery address below:	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7011 2000 0000 7649 0193		
Domestic Return Receipt 109505-02-M-1540		



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

U.S. Army Corps of Engineers
Regulatory Branch
CEWSWF-PER-R – Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review of Environmental Information Document and Preliminary Jurisdictional Determination Report. Project Number SWF-2010-00120

Dear Mrs. Walker:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.


Jason Voight

Enclosure: (1) Copy of the EID and (1) Copy of the PJD



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Army Corps of Engineers
Regulatory Branch
CEWSWF-PER-R - Fort Worth District
PO Box 17300
Fort Worth, Texas 76102-0300

2. Article Number

(Transfer from service label)

7011 2000 0000 7649 0209

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

Agent

Addressee

B. Received by (Printed Name)

[Handwritten Name]

C. Date of Delivery

APR - 7 2004

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

United States National Park Service
Wild & Scenic River Coordinator
Wilderness Act Coordinator
Big Bend National Park
P.O. Box 129
Big Bend National Park, Texas 79834

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.


Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

United States National Park Services
Wild & Scenic River Coordinator
Wilderness Act Coordinator
Big Bend National Park
PO Box 129
Big Bend National Park, TX 79834

2. Article Number

(Transfer from service label)

7011 2000 0000 7649 0254

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Natalie Craig*

Agent

Addressee

B. Received by (Printed Name)

Natalie Craig

C. Date of Delivery

04/07/14

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Natural Resources Conservation Service
Assistant State Conservationist – Water Resources
101 South Main
Temple, Texas 76501-7682

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

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1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

1320 SOUTH UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE 817.806.1700
FAX 817.870.2536
www.apaenv.com
TBPE Firm No. 13

Enclosure: (1) Copy of the Environmental Information Document



Lone Star Overnight
Customer Shipping Record
 Tracking Number: ZR067143

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 2.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$6.84
Estimated Other Fees: \$0.51
Estimated Total Charge: \$7.35

To: ASST. STATE
 CONSERVATIONIST
 NATURAL RESOURCES
 CONSERVATI
 101 SOUTH MAIN
 TEMPLE, TX 76501
 (254) 742 - 9800

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 8:27 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR067143

Tracking #: ZR067143
Delivery Date: Apr 4 2014 8:20AM
Signed By: C SMITH

Delivered To: NATURAL RESOURCES CONSERVATI
101 SOUTH MAIN
TEMPLE, TX 76501

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

United States Forest Service
Regional Environmental Coordinator
1720 Peachtree Road N.W.
Atlanta, Georgia 30309

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

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Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

Enclosure: (1) Copy of the Environmental Information Document

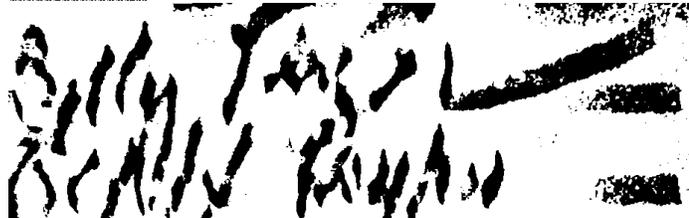


Date: April 25, 2014

tom capp:

The following is in response to your April 25, 2014 request for delivery information on your Certified Mail™ item number 70112000000076490148. The delivery record shows that this item was delivered on April 4, 2014 at 3:23 pm in ATLANTA, GA 30309. The scanned image of the recipient information is provided below.

Signature of Recipient :

A high-contrast, black and white scanned image of a handwritten signature, which appears to be "Tom Capp". The signature is written in dark ink on a light background.

Address of Recipient :

A high-contrast, black and white scanned image of a recipient address. The text is mostly illegible due to the high contrast and graininess of the scan, but some characters are visible.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

U.S. Fish and Wildlife Service
Field Supervisor
Ecological Services
10711 Burnet Road, Suite 200
Austin, Texas 78758

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

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Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.


Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



Lone Star Overnight

Customer Shipping Record

Tracking Number: ZR067160

[Click Here to schedule a Pickup](#)

Delivery Options

From: JASON VOIGHT
 ALAN PLUMMER
 ASSOCIATES, INC
 1320 S. UNIVERSITY
 DRIVE, STE. 300
 FORT WORTH,
 TX 76107
 (817) 806 - 1700

Service Type: Ground
Declared Value: \$100.00
Reference Number 1: 1732-002-01
Weight: 2.00 lbs.
Pieces: 1 of 1

Delivery Confirmation: Yes
LSO Simple Pricing: No
Estimated Base Price: \$7.30
Estimated Other Fees: \$0.55
Estimated Total Charge: \$7.85

To: FIELD SUPERVISOR
 U.S.FISH & WILDLIFE
 SERVICE
 10711 BURNET ROAD,
 STE 200
 ECOLOGICAL SERVICES
 AUSTIN, TX 78758
 (512) 490 - 0057

Date Printed: 4/3/2014

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR 8:30 AM DELIVERIES OR RESIDENTIAL DELIVERIES.

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NOTE: This is not an airbill for use in the delivery of a package.

Questions? Call 800.800.8984

Smith, Paulette

From: Lone Star Overnight <DO_NOT_REPLY@LSO.COM>
Sent: Friday, April 04, 2014 9:12 AM
To: Smith, Paulette
Subject: Lone Star Overnight - Your LSO Delivery Confirmati

Here is the LSO Delivery Confirmation for Airbill tracking number: ZR067160

Tracking #: ZR067160
Delivery Date: Apr 4 2014 9:07AM
Signed By: MOLINA

Delivered To: U.S.FISH & WILDLIFE SERVICE
10711 BURNET ROAD, STE 200 ECOLOGICAL SERVICES
AUSTIN, TX 78758

Billing Ref 1: 1732-002-01
Billing Ref 2:
Billing Ref 3:
Billing Ref 4:

This is an auto-generated E-mail, please do not reply.



*Celebrating 35 Years of Service
1978 - 2013*

1732-002-01

April 2, 2014

Texas Historical Commission
State Historical Preservation Officer
P.O. Box 12276, Capitol Station
Austin, Texas 78711

RE: City of Wimberley Wastewater Collection and Treatment System Notice of Review
of Environmental Information Document

To whom it may concern:

The City of Wimberley has applied for a Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project. Texas Water Development Board guidelines provide for a 30-day review period by your agency of the enclosed Environmental Information Document. Please submit written comments directly to me at the following address:

Alan Plummer Associates, Inc.
Attn: Mr. Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764.

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Sincerely,
Alan Plummer Associates, Inc.



Jason Voight

Enclosure: (1) Copy of the Environmental Information Document



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Texas Historical Commission State Historical Preservation Officer PO Box 12276, Capitol Station Austin, Texas 78711	B. Received by (<i>Printed Name</i>)	C. Date of Delivery
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <div style="text-align: center; font-size: 2em; opacity: 0.5;">NOV 20 2011</div>	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	
7011 2000 0000 7649 0179		

APPENDIX H
COMMENTS FROM REVIEWING AGENCIES AND PUBLIC



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300



May 23, 2014

Regulatory Division

SUBJECT: Project Number SWF-2010-00120, City of Wimberley Wastewater Collection and Treatment Project

Mr. Don Ferguson
City of Wimberley
12111 RR 12
Wimberley, Texas 78676

Dear Mr. Ferguson:

Thank you for your letter received April 4, 2014, concerning the proposal by the City of Wimberley to construct wastewater collection system improvements in the city of Wimberley, Hays County, Texas. This project has been assigned Project Number SWF-2010-00120. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on the description of the proposed work, and other information available to us, we have determined this project will involve activities subject to the requirements of Section 404. The USACE based this decision on a preliminary jurisdictional determination that there are waters of the United States within the project site.

We have reviewed the proposal and based on the information provided, it appears the activity may qualify for Nationwide Permit 12 for Utility Line Activities. Please review the enclosed nationwide permit concerning the proposed placement of dredged or fill material into waters of the United States. Provided the permittee complies with all the terms and conditions therein, the project may proceed. If the permittee cannot comply with the conditions of the nationwide permit, please reply.

This nationwide permit is valid until March 18, 2017, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Continued confirmation that an

activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory.aspx> or contact Mr. Darwin Messer at the address above or telephone 817-886-1744.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Sincerely,



for Stephen L Brooks
Chief, Regulatory Division

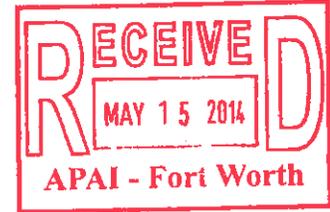
Enclosures

Copy Furnished (w/o enclosures):

✓ Mr. Jason Voight
Alan Plummer & Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, Texas 76107



May 12, 2014



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Mr. Jason Voight
Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, TX 76106

RE: City of Wimberley Wastewater Collection and Treatment System
Notice of Review of draft Environmental Information Document, City
of Wimberley, Hays County, Texas

Dear Mr. Voight:

Texas Parks and Wildlife Department (TPWD) received the draft Environmental Information Document (EID) for the above-referenced proposed project. TPWD would like to offer the following information, comments, and recommendations to minimize impacts to fish and wildlife resources.

TPWD Wildlife Habitat Assessment Program is now accepting projects through electronic submittal. Future project review requests can be submitted to WHAB@tpwd.texas.gov. If submitting requests electronically, please include geographic location files when available (e.g., GIS shape file, .kmz, etc.).

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code, Section 12.0011, which can be found online at <http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011>. For tracking purposes, please refer to TPWD project number ERCS-8906 in any return correspondence regarding this project.

Project Description

The City of Wimberley proposes to construct a wastewater collection system and new wastewater treatment facility to serve central Wimberley. The project is composed of the expansion and relocation of an existing 25,000 gallons per day (GPD) treatment plant, the rehabilitation and expansion of an existing lift station, the construction of three (3) new lift stations, the installation of approximately 9,000 linear feet of force main pipelines, and the installation of approximately 13,000 linear feet of gravity sewer pipelines.

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Carter P. Smith
Executive Director

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The new plant will be 75,000 GPD in capacity. Treated effluent from the new treatment plant would be disposed of through the use of a spray irrigation system in Blue Hole Regional Park recreational fields west of the proposed plant site, and through a discharge outfall in Deer Creek during periods of heavy rainfall when irrigation is not possible.

The total land required for the proposed wastewater lines, lift stations, treatment facility, and irrigation areas is approximately 22 acres. The pipelines would have a combined length of approximately 4.2 miles with a 15-foot wide construction work area totaling an approximately 7.6-acre footprint. Wastewater lines would be located in existing transportation and utility easements, properties owned by the City of Wimberley, and in some cases, easements on private property.

The treatment facility would occupy just under a 1-acre footprint. This footprint includes the proposed effluent storage tank. The existing subsurface septic fields and other open areas within the park designated for irrigation total approximately 13 acres. The treatment plant and irrigation fields are located in the limits of the Blue Hole Regional Park which is owned by the City of Wimberley.

Impacts to Vegetation/Wildlife Habitat

The draft EIS states that the preferred alternative would have a greater environmental impact in terms of clearing vegetation than would expanding the plant in place, this alternative is expected to have a positive environmental impact through the use of effluent for the irrigation of native plant species in Blue Hole Regional Park. Further, the proposed location of the treatment facility was sited to minimally impact vegetation in Blue Hole Regional Park. Wastewater lines would be located in existing transportation and utility rights of way to the greatest extent possible to limit land clearing and land use impacts.

The draft EID also states that injury to cover vegetation would be minimized to the extent practicable by confining construction activities to the treatment facility footprint, and the pipeline temporary construction easement areas. Areas disturbed by pipeline installation and permeable soil in the treatment facility footprint would be reseeded to restore vegetative cover similar to the displaced vegetation after completion of final grading. The proposed vegetation seeding mixes as recommended in the Blue Hole Regional Park

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Master Plan and were included in the draft EID and are all native plant species.

Recommendation: TPWD recommends clearing the least amount of vegetation possible for the construction of this project, especially undisturbed native vegetation and mature trees. TPWD recommends in-kind on-site replacement/restoration of the native vegetation wherever practicable. Blue Hole Regional Park would be a preferred location for tree mitigation. If on-site mitigation for tree removal is not practicable, TPWD recommends off-site mitigation for removed trees, preferably in a nearby park or recreation area.

To minimize adverse effects, activities should be planned to preserve any mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation are high value to wildlife as food and cover. TPWD generally recommends that trees greater than 12 inches in diameter at breast height (dbh) to be removed be replaced at a ratio of three trees for every one (3:1) lost to the extent practicable, either on-site or off-site. Trees less than 12 inches in dbh should be replaced at a 1:1 ratio. Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species. A three to five year maintenance plan that ensures an 85 percent survival rate should be developed for the replacement trees.

Water Resources

The Blanco River and Cypress Creek are the predominant hydrological features in the project vicinity. Deer Creek, which is a tributary of the Blanco River, is the predominant hydrological feature that will be encountered by the proposed project. The draft EID states that Deer Creek should be considered an ephemeral stream based on its lack of groundwater influence, limited drainage area, and dependence on rainfall for flow.

The EID also states that during open trench construction of the pipelines, there would be a temporary alteration to land forms, streams, and natural drainage patterns. After backfill and grading, the land forms, streams, and natural drainage patterns should be almost identical to the current condition. All crossings of waters of the United States would be returned to their pre-construction contours.

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Recommendation: TPWD recommends that construction of the pipelines across Deer Creek be installed by boring underneath the stream versus trenching through the stream substrate. This construction practice would serve to minimize impacts to the streambed as well as wildlife habitat within the stream. If boring underneath Deer Creek is not practicable, TPWD recommends the trenching take place when the stream is dry.

Recommendation: If the proposed project would impact a State-navigable stream bed the project would require a permit from TPWD under Chapter 86, Parks and Wildlife Code. Please contact Mr. Tom Heger, TPWD Wetlands Conservation Team at (512) 389-4583 for additional information on the required permit. Information on these permits may be found at the TPWD's website at http://www.tpwd.state.tx.us/faq/landwater/sand_gravel/.

Ecologically Significant Stream Segment

The proposed project is adjacent to the Blanco River and Cypress Creek, both in an area where they are considered to be Ecologically Significant Stream Segments (ESSS). The Blanco River from a point 0.2 mile upstream of Limekiln Road in Hays County to the confluence of Meier Creek in Kendall County has been designated by TPWD as an ESSS for the following reasons:

- Hydrologic function – Edwards Aquifer Recharge Zone
- High water quality/exceptional aquatic life/high aesthetic value – Overall use

Cypress Creek from the confluence with the Blanco River in Hays County upstream to a point four miles upstream of the most upstream unnamed county road crossing in Hays County has been designated by TPWD as an ESSS for the following reasons:

- Hydrological function – Edwards Aquifer Recharge Zone
- High water quality/exceptional aquatic life/high aesthetic value – Overall use

TPWD has identified ESSSs throughout the state to assist regional water planning groups in identifying ecologically unique stream segments under Texas Administrative Code Title 31 §357.43 and 357.8. Until approved by the legislature this is not a legal designation. The stream segments are

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through extensive review by TPWD staff and are determined to be ecologically important. Information regarding criteria for designation as an ESSS can be found on the TPWD website at http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/water_issues/sig_segs/ or in 31 TAC 357.43 and 357.8.

Recommendation: As previously mentioned, TPWD recommends the project be designed to avoid adverse impacts and protect water quality downstream of the project in the Blanco River, Cypress Creek, as well as the other water crossings that may potentially be affected by the proposed project.

Federal Laws

Migratory Bird Treaty Act

The draft EID does not address potential impacts to migratory birds. The Migratory Bird Treaty Act (MBTA) prohibits taking, attempting to take, capturing, killing, selling/purchasing, possessing, transporting, and importing of migratory birds, their eggs, parts and nests, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Recommendation: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends Alan Plummer Associates, Inc. (Alan Plummer) survey the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. Any vegetation (trees, shrubs, and grasses) where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

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Endangered Species Act

Federally-listed animal species and their habitats are protected from “take” on any property by the Endangered Species Act (ESA). Take of a federally-listed species can be allowed if it is “incidental” to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

The EID states that observations of the Golden-cheeked Warbler (*Dendroica chrysoparia*) (GCWA) and Black-capped Vireo (*Vireo atricapilla*) (BCVI) have been documented by the USFWS in areas immediately surrounding the proposed project area. The potential impact to these species and their habitat was previously assessed as part of the Blue Hole Regional Park improvements project in 2010. The project included clearing and grading for recreational fields and other park amenities. Coordination with the USFWS resulted in the agency determining that there was not suitable habitat of GCWA and other species of concern located in the limits of Blue Hole Regional Park that would be impacted by park improvements.

According to the Texas Natural Diversity Database (TXNDD) there are two occurrences of the GCWA located within 0.5 mile of the project area. There are no TXNDD occurrences of the BCVI adjacent to the project area.

The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.texas.gov.

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In addition to the known TXNDD occurrences, review of a predictive habitat model for the GCWA (Diamond, et al. 2007. *Range-wide Modeling of Golden-cheeked Warbler Habitat*. Section 6 Project E-72-R, Final Report, Texas Parks and Wildlife Department, Austin, Texas) indicates that suitable habitat for the GCWA may be present in several places throughout the proposed project. TPWD notes that although suitable habitat for the GCWA may not be present in the areas proposed for construction, suitable habitat for this species may be present in the surrounding area. A map showing the TXNDD occurrences as well as potential suitable habitat for the GCWA is attached for your reference.

Recommendation: TPWD recommends Alan Plummer survey for suitable GCWA and BCVI habitat in areas that were surveyed in 2010 as well as areas within the proposed alignment that have not been surveyed yet (areas outside of Blue Hole Regional Park). TPWD notes that the vegetation composition of the areas that were surveyed in 2010 may have changed in the years since the original survey. Even if habitat for this species would not be directly impacted by vegetation removal, if nesting pairs are present in the surrounding vegetation they could be disrupted by noise and activity during construction. Because the definition of take in the ESA includes harming or harassing a listed species, this disturbance could constitute a violation of the ESA. If suitable habitat for the GCWA or BCVI is present adjacent to the ROW, TPWD recommends Alan Plummer perform surveys during the appropriate season to determine if the habitat is occupied by this species. TPWD recommends Alan Plummer conduct presence/absence surveys according to USFWS GCWA Survey Guidelines (http://www.fws.gov/southwest/es/AustinTexas/ESA_Sci_permits.html).

The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for this federally-listed species.

State Laws

State-listed Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. A copy of *TPWD Guidelines for Protection of State-*

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Listed Species, which includes a list of penalties for take of species, is attached for your reference. State-listed species may only be handled by persons with a scientific collection permit obtained through TPWD. For more information on this permit, please contact the Wildlife Permits Office at (512) 389-4647.

Texas horned lizard (*Phrynosoma cornutum*) – State-listed Threatened

The project area may provide suitable habitat for the Texas horned lizard. If present in the project area, the Texas horned lizard could be impacted by ground disturbing activities from construction. Horned lizards may hibernate on site in the loose soils few inches below ground during the cool months from September/October to March/April. Construction in these areas could harm hibernating lizards. Horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. If horned lizards (nesting, gravid females, newborn young, lethargic from cool temperatures or hibernation) cannot move away from noise and approaching construction equipment in time, they could be affected by construction activities.

Recommendation: TPWD recommends that a pre-construction survey be conducted to determine if horned lizards are present in the areas proposed for disturbance. A useful indication that the Texas horned lizard may occupy the site is the presence of Harvester Ant (*Pogonomyrmex barbatus*) nests since Harvester Ants are the primary food source of horned lizards. The survey should be performed during the warm months of the year when the horned lizards are active. Fact sheets, including survey protocols and photos of Texas horned lizard may be found on-line at http://www.tpwd.state.tx.us/learning/texas_nature_trackers/horned_lizard/ and at <http://www.tpwd.state.tx.us/huntwild/wild/species/thlizard/>.

If horned lizards are found on-site, TPWD recommends contacting this office to develop plans to relocate them, particularly if there is likelihood that they would be harmed by project activities. To minimize impacts to the Texas horned lizard, TPWD recommends the use of the BMPs described in the *Texas Horned Lizard Watch – Management and Monitoring Packet* which can be found online at http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0038.pdf and *Texas Tortoise Best Management Practices* which can be found online at http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/media/texas_tortoise_bmps.pdf.

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Please note that Texas tortoise BMPs are applicable to the Texas horned lizard.

Rare Species

In addition to state- and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or endangered. These species and communities are tracked in the TXNDD, and TPWD actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list.

Based on the project description, site location, a review of the TXNDD, and publicly-available aerial photographs, the following species of concern could be impacted as a result of the proposed project:

Blanco River Springs salamander (*Eurycea pterophila*)
Warnock's coral-root (*Hexalectris warnockii*)

Two TXNDD records for the Blanco River Springs salamander are located within close proximity to the proposed project area. A TXNDD record for Warnock's coral-root is located just south of the project area. These TXNDD records are shown on the TXNDD map attached for your reference.

Warnock's coral-root is found in oak-juniper woodlands on limestone slopes in the Edward's Plateau region of Texas.

Recommendation: TPWD recommends that the project area be surveyed for Warnock's coral-root where suitable habitat is present. The survey should be performed by a qualified biologist at the time of year when the species is most likely to be found, usually the species flowering period. If this species is present, plans should be made to avoid adverse impacts to the greatest extent possible

The Blanco River Springs salamander is a subaquatic species that inhabits springs and caves within the Blanco River drainage.

Recommendation: TPWD recommends that that project area be surveyed for springs. If springs are present, TPWD recommends Alan Plummer

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perform a salamander survey. If salamanders are present on-site and would be adversely impacted by the proposed project, then this office should be contacted for guidance on protection of this species.

Although there are no TXNDD records for the following rare species in the project area, suitable habitat may still be present.

Spot-tailed earless lizard (*Holbrookia lacerata*)
Texas garter snake (*Thamnophis sirtalis annectens*)
Plains spotted skunk (*Spilogale putorius interrupta*)

In January 2010, the species of concern Spot-tailed earless lizard was petitioned for listing under the ESA. On May 24, 2011, the USFWS issued a 90-day finding on that petition. Based on their review, the USFWS found the petition presents substantial scientific or commercial information indicating that listing the Spot-tailed earless lizard may be warranted. The USFWS has therefore initiated a status review to determine if listing is in fact warranted. Based on this status review, the USFWS will issue a 12-month finding on the petition.

Recommendation: TPWD recommends Alan Plummer monitor the listing status of the Spot-tailed earless lizard throughout project planning and construction and perform required consultation, permitting, and mitigation with the USFWS if this species becomes listed under the ESA. TPWD also recommends Alan Plummer survey for this species in areas proposed for disturbance, and avoid impacts to this species if found on-site.

There may be suitable habitat for the Texas garter snake at Deer Creek, which is to be crossed by the proposed pipeline. This species prefers wet or moist microhabitats, but is not necessarily restricted to them.

Recommendation: Snakes are generally perceived as a threat and killed when encountered during clearing or construction. Therefore, TPWD recommends that personnel involved in clearing and construction be informed of the potential for the rare Texas garter snake to occur on the project site. Personnel should be advised to avoid impacts to this snake as it is non-venomous and poses no threat to humans. Contractors should avoid contact with this species if encountered and allow the snake to safely leave the premises.

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The project area could provide habitat for the Plains spotted skunk. The Plains spotted skunk can be found in open fields, prairies, croplands, fence rows, forest edges, and woodlands.

Recommendation: If during construction the project area is found to contain the rare species listed above, TPWD recommends that precautions be taken to avoid impacts to them.

Recommendation: Please review the TPWD county list for Hays County, as rare species in addition to those discussed above could be present, depending upon habitat availability. This list is available online at <http://www.tpwd.state.tx.us/gis/ris/es/>. If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species. For the USFWS threatened and endangered species lists by county, please visit <http://www.fws.gov/endangered/>.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting wildlife.

TPWD strives to respond to requests for project review within a 45 day comment period. Responses may be delayed due to workload and lack of staff. Failure to meet the 45 day review timeframe does not constitute a concurrence from TPWD that the proposed project will not adversely impact fish and wildlife resources.

Mr. Jason Voight
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TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (512) 389-8054 or email at Jessica.Schmerler@tpwd.texas.gov.

Sincerely,



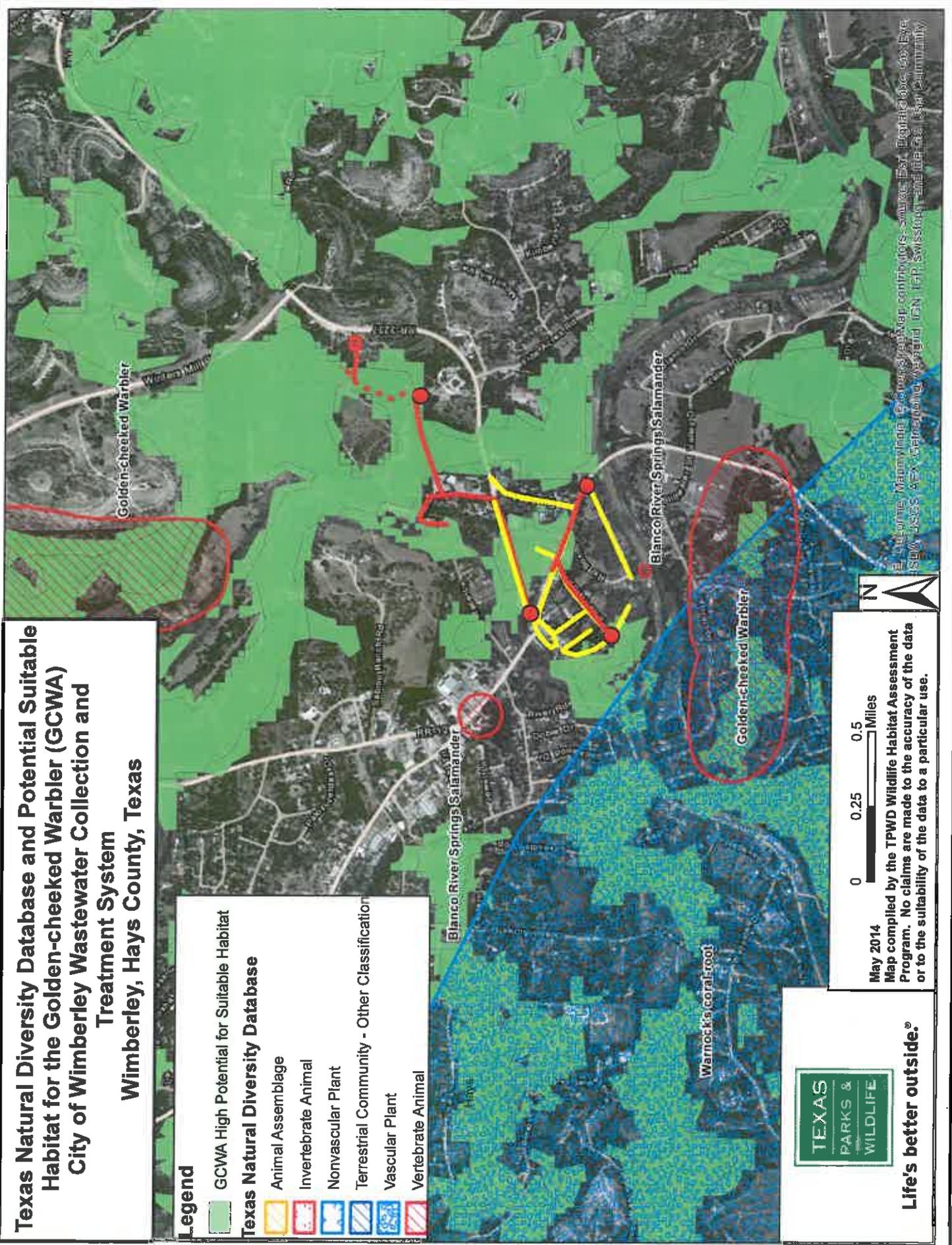
Jessica E. Schmerler
Wildlife Habitat Assessment Program
Wildlife Division

JES:gg.ERCS-8906

Attachments (2)

Texas Natural Diversity Database and Potential Suitable Habitat for the Golden-cheeked Warbler (GCWA) City of Wimberley Wastewater Treatment System Wimberley, Hays County, Texas

- Legend**
- GCWA High Potential for Suitable Habitat
- Texas Natural Diversity Database**
- Animal Assemblage
 - Invertebrate Animal
 - Nonvascular Plant
 - Terrestrial Community - Other Classification
 - Vascular Plant
 - Vertebrate Animal



May 2014
 Map compiled by the TPWD Wildlife Habitat Assessment Program. No claims are made to the accuracy of the data or to the suitability of the data to a particular use.



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Protection of State-Listed Species
Texas Parks and Wildlife Department Guidelines

Protection of State-Listed Species

State law prohibits any take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons possessing a **Scientific Collecting Permit** or a **Letter of Authorization** issued to relocate a species.

- **Section 68.002 of the Texas Parks and Wildlife (TPW) Code** states that species of fish or wildlife indigenous to Texas are endangered if listed on the United States List of Endangered Native Fish and Wildlife or the list of fish or wildlife threatened with statewide extinction as filed by the director of Texas Park and Wildlife Department. Species listed as Endangered or Threatened by the Endangered Species Act are protected by both Federal and State Law. The State of Texas also lists and protects additional species considered to be threatened with extinction within Texas.
- **Animals** - Laws and regulations pertaining to state-listed endangered or threatened animal species are contained in **Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code** and **Sections 65.171 - 65.176 of Title 31 of the Texas Administrative Code (TAC)**. State-listed animals may be found at **31 TAC §65.175 & 176**.
- **Plants** - Laws and regulations pertaining to endangered or threatened plant species are contained in **Chapter 88 of the TPW Code** and **Sections 69.01 - 69.9 of the TAC**. State-listed plants may be found at **31 TAC §69.8(a) & (b)**.

Prohibitions on Take of State Listed Species

Section 68.015 of the TPW Code states that no person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered fish or wildlife.

Section 65.171 of the Texas Administrative Code states that except as otherwise provided in this subchapter or **Parks and Wildlife Code, Chapters 67 or 68**, no person may take, possess, propagate, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed by the department as endangered or threatened.

"Take" is defined in **Section 1.101(5) of the Texas Parks and Wildlife Code** as:

"Take," except as otherwise provided by this code, means collect, hook, hunt, net, shoot, or snare, by any means or device, and includes an attempt to take or to pursue in order to take.

Penalties

The penalties for take of state-listed species (**TPW Code, Chapter 67 or 68**) are:

- 1ST Offense = Class C Misdemeanor:
\$25-\$500 fine
- One or more prior convictions = Class B Misdemeanor
\$200-\$2,000 fine and/or up to 180 days in jail.
- Two or more prior convictions = Class A Misdemeanor
\$500-\$4,000 fine and/or up to 1 year in jail.

Restitution values apply and vary by species. Specific values and a list of species may be obtained from the TPWD Wildlife Habitat Assessment Program.

From: [Jessica Schmerler](#)
To: [Voight, Jason](#)
Cc: [Coonan, Steve](#); [Wiesehan, Erin](#); dferguson@cityofwimberley.com
Subject: RE: Meeting Summary for the City of Wimberley's Proposed Wastewater Collection and Treatment System Project
Date: Tuesday, June 17, 2014 10:06:48 AM

Hi Jason,

TPWD concurs with your responses regarding this project. Please let me know if you have any questions or need any additional information.

Thanks!

Jessica

Jessica E. Schmerler
Texas Parks and Wildlife Department
Wildlife Division - Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744

Phone: (512)389-8054

Fax: (512)389-4599

jessica.schmerler@tpwd.texas.gov (Please note new email address)

From: Voight, Jason [mailto:jvoight@apaienv.com]
Sent: Friday, June 13, 2014 2:07 PM
To: Jessica Schmerler
Cc: Coonan, Steve; Wiesehan, Erin; dferguson@cityofwimberley.com
Subject: Meeting Summary for the City of Wimberley's Proposed Wastewater Collection and Treatment System Project

Jessica,

Meeting Attendees: Ms. Jessica Schmerler with Texas Parks and Wildlife Department – TPWD reviewer for the project

Ms. Julie Wicker with Texas Parks and Wildlife Department – TPWD habitat assessment program leader

Mr. Don Ferguson with the City of Wimberley – City Manager

Mr. Steve Coonan, PE with Alan Plummer Associates, Inc. – design engineer for the project

Mr. Jason Voight with Alan Plummer Associates, Inc. – biologist with the design engineering firm

Regarding our meeting at TPWD headquarters on June 10, 2014 at 1:30 PM, the City of Wimberley agrees to the following (recommendations paraphrased):

Recommendation 1: Limit clearing of vegetation to the least amount possible for the construction of

the project.

Response to Rec. 1: The City of Wimberley will limit clearing of vegetation to the minimum width necessary to safely construct the project. The City of Wimberley will utilize a native grass and wildflower seed mixture adapted to the Texas Hill Country for surface restoration of areas impacted by construction.

Recommendation 2: Preserve mature trees; TPWD generally recommends trees greater than 12 inches in diameter at dbh slated for removal be replaced at a ratio of 3:1 – trees less than 12 inches dbh should be replaced at a ratio of 1:1. A 3 to 5 year maintenance plan should be performed to ensure 85% survival.

Response to Rec. 2: The City of Wimberley intends to perform a tree survey for trees 8 inches or greater in diameter at dbh within the project area. Should trees greater than 8 inches dbh be removed, the City of Wimberley will replace those trees within Blue Hole Regional Park at a ratio of 3:1. Replacement trees will be of greater value to wildlife than the tree species removed. All replacement trees will be regionally adaptive native species. The City or appointed representative will monitor the survival of the replacement trees to ensure 80% survival for two consecutive years. If 80% survival of the replacement trees is not attained, the City will replant and the two year monitoring period will start from the replanting date.

Recommendation 3: Construct pipeline across Deer Creek by boring rather than trenching. If boring is not practicable, trench when the stream is dry.

Response to Rec. 3: Construction of the pipeline across Deer Creek by boring is not practicable due to the limited size and ephemeral nature of the creek. The pipeline will be constructed by open trench installation techniques. The City's design engineer will place notes on the plans that "construction across Deer Creek should be limited to the minimum width necessary for construction and construction will only take place during low or no flow conditions." The project has also received a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers – Fort Worth District. As a component of the Section 401 of the Clean Water Act coordination with the TCEQ, appropriate stormwater best management practices will also be employed at the site to minimize sediment migration downstream of the construction area.

Recommendation 4: If the proposed project would impact a state stream bed, contact Tom Heger with TPWD Wetlands Conservation Team for sand, gravel, or marl permit coordination.

Response to Rec. 4: The City of Wimberley presumes it is exempted from Chapter 86, Parks and Wildlife Code pursuant to Sec. 86.0191. EXEMPTION. (a) The commission shall, by rule, exempt entities from the requirements of this chapter regarding permits and fees required for disturbing or taking marl, sand, gravel, shell, and mudshell for noncommercial purposes when such disturbances or takings occur for maintenance projects or construction of new utility lines carried out by public utilities. However, the City will phone Mr. Heger for concurrence with the exemption.

Recommendation 5: Project be designed to avoid adverse impacts and protect water quality

downstream of the project in the Blanco River, Cypress Creek, as well as other water crossings that may be affected by the project.

Response to Rec. 5: The proposed project is in response to improving water quality in Cypress Creek and the Blanco River. The proposed project is intended to place Wimberley's Central Business District (CBD) and residential areas surrounding the CBD on a regional collection system that is conveyed to a centralized treatment facility. This would in turn decommission aging and leaking septic systems that the businesses and residents surrounding the CBD currently employ. As mentioned in Response to Rec. 3, best management practices will be utilized to minimize impacts to area aquatic resources from construction related activities.

Recommendation 6: Exclude vegetation clearing during the migratory bird nesting season – March through August. If clearing of vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nest with eggs or young will be disturbed by operations. Any vegetation where occupied nests are located should not be disturbed until eggs have hatched and young have fledged.

Response to Rec. 6: The City of Wimberley will make every effort to convey to the contractor the need to perform vegetation clearing activities during the months of September through February. However, dictating schedules to a contractor can result in significantly higher construction costs. Should clearing need to be performed between the months of March through August, the City of Wimberley agrees to perform a migratory bird survey for species, their nests or young. The City also agrees that should a migratory bird species, their nest, or young be observed, the occupied area would be buffered by a minimum of 300 feet and avoided until the eggs have hatched and the young have fledged.

Recommendation 7: TPWD recommends a survey for suitable GCWA and BCVI habitat in areas that were surveyed in 2010 (PBSJ study) as well as areas within the proposed alignment that have not been surveyed (areas outside of Blue Hole Regional Park). Per the June 10, 2014 meeting regarding the PBSJ study, Jessica Schmerler with TPWD asked about the PBSJ referenced GCWA study to be performed by Cliff Ladd of Loomis Consulting. Per the June 10, 2014 meeting, TPWD staff asked if the USFWS has formerly commented on the current Draft EID iteration.

Response to Rec. 7: The City of Wimberley has had numerous projects in the past 4-5 years in the general vicinity of the proposed project. These projects consisted of the construction of the Blue Hole Regional Park funded partially through a TPWD grant, a regional hike and bike trail funded by TxDOT and US Federal Highway Administration grants, and TxDOT improvements to area roads in the CBD. Studies for the GCWA and BCVI, as well as other species, have been performed for all of these construction projects – conclusions from these studies are that the “proposed projects would not likely adversely affect the GCWA or BCVI.” The City of Wimberley will attempt to get a copy of the TxDOT Environmental Permits, Issues, or Commitments sheet for the roadwork in the CBD and convey that document to the TPWD. The City will also attempt to get a copy of the Cliff Ladd of Loomis Consulting GCWA study and convey that document to the TPWD. At a minimum, the City will request a response from the USFWS's Austin Field Office specific to the proposed project. If the USFWS concludes that the proposed project would not likely adversely affect the GCWA or BCVI, no

further GCWA or BCVI studies are warranted.

Recommendation 8: TPWD recommends a pre-construction survey to determine if horned lizards are present in the areas proposed for disturbance.

Response to Rec. 8: Although no horned lizards were observed (PBSJ study and the Alan Plummer field assessment), the City of Wimberley agrees to host a pre-construction meeting with the contractor to educate and inform the contractor's staff about horned lizards and harvester ants and to provide the contractor with best management practices to avoid impacts to the horned lizard. The City's design engineer will at a minimum place notes on the plans to "cover trenching activities at night when practicable, and if not practicable, observe area trenches for horned lizards prior to daily construction commencement."

Recommendation 9: TPWD recommends that the project area be surveyed for Warnock's coral-root where suitable habitat is present.

Response to Rec. 9: For the Blue Hole Regional Park, PBSJ performed a survey for suitable Warnock's coral-root habitat. The conclusion from that survey "Unlikely. Species was not observed during field surveys conducted in 2010 or surveys conducted by the Lady Bird Johnson Wildflower Center in 2007." With regard to the conveyance pipelines outside of Blue Hole Regional Park, the majority of the proposed pipelines would be within existing roadways, immediately adjacent to existing roadways, or within previously impacted areas. Therefore, further study for the Warnock's coral-root is unwarranted.

Recommendation 10: TPWD recommends that the project area be surveyed for springs. If springs are identified, perform a Blanco River Springs salamander survey.

Response to Rec. 10: No springs were identified during the Alan Plummer field assessment for the proposed project. The only aquatic resources identified in the immediate project area consisted of the ephemeral Deer Creek and two unnamed ephemeral tributaries to Deer Creek. Further study for the Blanco River Springs salamander is unwarranted.

Recommendations 11, 12, 13, and 14: TPWD recommends that a survey for the spot-tailed earless lizard be performed in the general project area and monitor its federal endangered species listing status. TPWD recommends performing a survey for the Texas garter snake at Deer Creek. TPWD mentioned that the project may contain suitable habitat for the Plains spotted skunk and if identified, take precautions to avoid impacts to the Plains spotted skunk. Lastly, TPWD recommends that the TPWD listing of threatened endangered or rare species for Hays County as well as the USFWS federal species list be reviewed for potential presence of listed species prior to construction. If species are identified, take precautions to avoid those species.

Response to Recs. 11, 12, 13, and 14: The City of Wimberley will host a pre-construction meeting to educate and inform the contractor's staff about the spot-tailed earless lizard, the Texas garter snake, the Plains spotted skunk, or any other potential listed threatened, endangered, candidate, or rare species that may occur in the project vicinity. The contractor will be told to avoid these species,

and the consequences for impacting these species. The City will provide the contractor with best management practices to avoid impacts to these species. A qualified biologist will be available at the meeting to answer any questions that may arise. The City of Wimberley will instruct the contractor to not kill, injure, or maim any snake located within the project area. The City or their appointed representative will review the current state and federal listing for threatened, endangered, candidate, or rare species immediately prior to construction commencement and provide an opinion on potential impacts to these species from construction activities. Should any questions or concerns arise, the City of Wimberley will contact either TPWD Wildlife Division staff or USFWS staff for guidance.

If the TPWD agrees to the responses provided herein, please provide a reply acknowledging concurrence.

Should you have any questions or comments, please feel free to give me a phone call.

Jason C. Voight, PWS

*Professional Wetland Scientist #2326
Texas Licensed Irrigator #15271*

Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, Texas 76107

817.806.1700 (office)

817.870.2536 (fax)

www.apaienv.com

TBPE Firm No. 13

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TELEPHONE MEMORANDUM

DATE:	June 11, 2014
TIME:	4:02 PM
APAI PROJECT NO.:	1732-002-01
CLIENT PROJECT NO.:	--

FROM: Mr. Tom Heger	TO: Tim Capps
Texas Parks and Wildlife Department (TPWD)	Alan Plummer Associates, Inc.
Phone: (512) 389-4583	Phone: (817) 806-1700

NOTES:

Mr. Heger said that the proposed would not require a Sand, Marl, and Gravel Permit for the installation of wastewater pipelines, and an effluent outfall in Deer Creek. A permit is only required for navigable waters, and since the width of Deer Creek is under the 30' width of a statutory navigable water, impacts to Deer Creek would not require a permit. Additionally, the project would fall under the exemption for maintenance projects carried out by public utilities for noncommercial purposes (31 TAC §69.120).



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

Austin Ecological Services Field Office
10711 BURNET ROAD, SUITE 200
AUSTIN, TX 78758
(512) 490-0057
<http://www.fws.gov/southwest/es/AustinTexas/>
<http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>

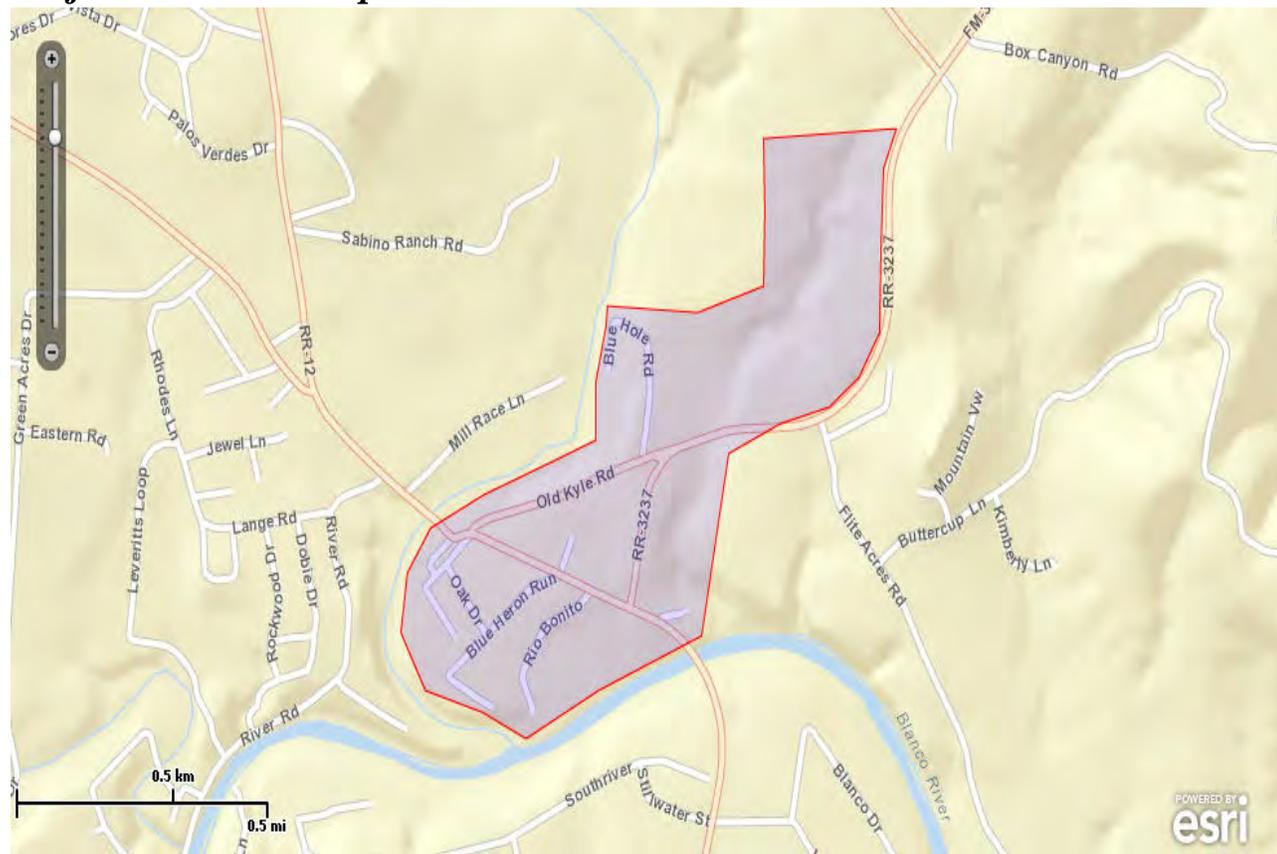
Project Name:

Wimberley WWTP



Natural Resources of Concern

Project Location Map:



Project Counties:

Hays, TX

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-98.0819268 30.0054385, -98.0823559 30.0045484, -98.0824417 30.0026883, -98.0824847 30.0008672, -98.0831713 29.9998656, -98.0841605 29.9991966, -98.0857913 29.9988249, -98.0875079 29.9981559, -98.0884113 29.9940661, -98.0918402 29.9928395, -98.0942435 29.9917616, -98.0957026 29.9923563, -98.097593 29.9928395, -98.0984084 29.9941404, -98.0981938 29.9954785, -98.0974213 29.996482, -98.0956618 29.9972253, -98.0919292 29.9984521, -98.0919292 29.999753, -98.0915859 30.0010166, -98.091543 30.0014626, -98.0885389 30.0013139, -98.0863502 30.0019086, -98.0863073 30.003581, -98.0863502 30.0052162, -98.0819268 30.0054385))))



Natural Resources of Concern

Project Type:

Wastewater Facility

Endangered Species Act Species List (USFWS Endangered Species Program).

There are a total of 19 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Note that 2 of these species should be considered only under certain conditions. See the second table below for a list of these species and the conditions under which effects should be considered. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Amphibians	Status		Has Critical Habitat	Contact
Austin Blind Salamander (<i>Eurycea waterlooensis</i>)	Endangered	species info	Final designated critical habitat	Austin Ecological Services Field Office
Barton Springs salamander (<i>Eurycea sosorum</i>) Population: Entire	Endangered	species info		Austin Ecological Services Field Office
San Marcos salamander (<i>Eurycea nana</i>) Population: Entire	Threatened	species info	Final designated critical habitat	Austin Ecological Services Field Office
Texas Blind salamander (<i>Typhlomolge rathbuni</i>) Population: Entire	Endangered	species info		Austin Ecological Services Field Office
Birds				



Natural Resources of Concern

Black-Capped Vireo (<i>Vireo atricapilla</i>) Population: Entire	Endangered	species info		Austin Ecological Services Field Office
golden-cheeked warbler (<i>Dendroica chrysoparia</i>) Population: Entire	Endangered	species info		Austin Ecological Services Field Office
Whooping crane (<i>Grus americana</i>) Population: except where EXPN	Endangered	species info	Final designated critical habitat	Austin Ecological Services Field Office
Clams				
golden orb (<i>Quadrula aurea</i>)	Candidate	species info		Austin Ecological Services Field Office
Texas Fatmucket (<i>Lampsilis bracteata</i>)	Candidate	species info		Austin Ecological Services Field Office
Texas Pimpleback (<i>Quadrula petrina</i>) Population:	Candidate	species info		Austin Ecological Services Field Office
Crustaceans				
Peck's Cave amphipod (<i>Stygobromus (=stygonectes) pecki</i>)	Endangered	species info		Austin Ecological Services Field Office
Fishes				



Natural Resources of Concern

Fountain darter (<i>Etheostoma fonticola</i>) Population: Entire	Endangered	species info		Austin Ecological Services Field Office
San Marcos gambusia (<i>Gambusia georgei</i>) Population: Entire	Endangered	species info	Final designated critical habitat	Austin Ecological Services Field Office
Flowering Plants				
Bracted twistflower (<i>Streptanthus bracteatus</i>)	Candidate	species info		Austin Ecological Services Field Office
Texas wild-rice (<i>Zizania texana</i>)	Endangered	species info	Final designated critical habitat	Austin Ecological Services Field Office
Insects				
Comal Springs Dryopid beetle (<i>Stygoparnus comalensis</i>)	Endangered	species info		Austin Ecological Services Field Office
Comal Springs Riffle beetle (<i>Heterelmis comalensis</i>)	Endangered	species info		Austin Ecological Services Field Office

Species that should be considered in an effects analysis for your project under specified conditions:

Birds				
Least tern (<i>Sterna antillarum</i>) Population: interior pop.	Endangered	species info	condition info	Austin Ecological Services Field Office



Natural Resources of Concern

Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	species info	condition info	Final designated critical habitat Final designated critical habitat	Austin Ecological Services Field Office
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Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

Migratory bird information is not available for your project location.

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the



U.S. Fish and Wildlife Service

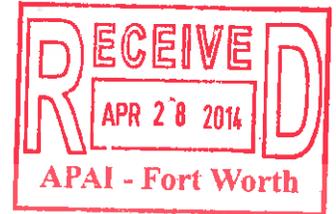
Natural Resources of Concern

Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

Wetlands intersect or are near your project area, but wetland type and area information typically displayed here is not available for them.



FEMA



FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION VI
MITIGATION DIVISION

**PUBLIC NOTICE REVIEW/ENVIRONMENTAL
CONSULTATION**

We have no comments to offer. We offer the following comments:

**WE WOULD RECOMMEND THAT LOCAL FLOODPLAIN ADMINISTRATOR BE
CONTACTED FOR THE POSSIBLE PERMIT REQUIREMENTS FOR THIS
PROJECT.**

**If project is Federally funded, we would request project to be compliant with EO 11988
and 11990.**

Wastewater Collection and Treatment System

Don Ferguson
City Administrator
Village of Wimberly
PO Box 2027
Wimberly, TX 78676
512-847-0025

REVIEWER: *Mayra G. Diaz*
Natural Hazards Program Specialist

DATE: April 23, 2014

If additional jurisdictions are involved in the project or if you have any questions, please contact me at 940-898-5541.

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar *Commissioner*
Richard Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 21, 2014

Jason C. Voight
Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, Texas 76107

Re: TCEQ Grant and Texas Review and Comment System (TRACS) #2013-235, Wastewater Collection And Treatment System Project, City of Wimberley, Hays County.

Dear Ms. Murray:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for general conformity impact in accordance with 40 CFR Part 93 indicates that the proposed action is located in Hays County, which is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity rules do not apply.

We are in support of the project. The environmental assessment addresses issues related to surface and groundwater quality.

Any debris or waste disposal should be at an appropriately authorized disposal facility.

Thank you for the opportunity to review this project. If you have any questions, please contact Mr. Mike Hoke at (512) 239-4899 or mike.hoke@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Hagle".

Steve Hagle, P.E., Deputy Director
Office of Air

Voight, Jason

From: David Purser [dpurser@fs.fed.us]
Sent: Wednesday, April 07, 2010 10:02 AM
To: Capps, Tim
Cc: Chris Liggett; Lynn Jackson
Subject: [Pending]Re: Guadalupe-Blanco River Authority Village of Wimberley Wastewater Collection and Treatment System Environmental Information Document

Mr. Capps:

The Southern Region, USDA Forest Service has no comment on the Guadalupe-Blanco River Authority Village of Wimberley Wastewater Collection and Treatment System Environmental Information Document. The proposal is not in the vicinity of National Forest System lands.

David Purser
Environmental Coordinator, R8

e-mail dpurser@fs.fed.us
404.347.5292
FAX 404.347.5401

Capps, Tim

From: Bill Martin <Bill.Martin@thc.state.tx.us>
Sent: Tuesday, July 08, 2014 1:19 PM
To: Capps, Tim
Subject: RE: City of Wimberley Texas Water Development Board EID

We had no concerns, so we did not comment, since we had already reviewed the archeological report in 2010. We simply filed the document after we were sure we had already dealt with it.

From: Capps, Tim [<mailto:tcapps@apaienv.com>]
Sent: Monday, July 07, 2014 4:37 PM
To: Bill Martin
Subject: City of Wimberley Texas Water Development Board EID

Good afternoon Mr. Martin,

In early April we sent your office a Draft EID for the City of Wimberley Wastewater Improvement Project, the draft EID is a component of the application process to receive a State Revolving Fund loan from the Texas Water Development Board. I was wondering if someone at your office had a chance to review the document, and if there were any comments or concerns. The project is an extension of a GBRA project that was reviewed in 2010, but was never finalized with the TWDB. I have attached the cultural resource study performed by AR Consultants, and the THC review correspondence associated with the 2010 project review. Please let me know if you have any questions or need any further information.

Thank you for your time

Tim Capps

Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, Texas 76107

817.806.1700 (office)
817.870.2536 (fax)
www.apaienv.com
TBPE Firm No. 13

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TEXAS HISTORICAL COMMISSION
real places telling real stories

March 23, 2010



Alan Plummer and Associates, Inc.
Attn: Jason Voight
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764

Re: Guadalupe-Blanco River Authority and City of Wimberley
Draft Environmental Information Document
Texas Water Development Board Clear Water State Revolving Fund Tier III Loan
Village of Wimberley Wastewater Collection and Treatment System Project
(Texas Water Development Board)

Dear Mr. Voight:

Thank you for providing us with the above referenced draft Environmental Information Document. It is our understanding that review archeologists with the TWDB shall review the undertaking and assess the need for and the scale of any cultural resources work that may be required. We look forward to consulting with the TWDB, when they have completed their review.

If you have any questions concerning our review or if we may be of further assistance, please contact Mr. Baker at 512/463-5866.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Wolfe'.

for
Mark Wolfe, State Historic Preservation Officer
MW/elb

cc: Christopher Jurgens TWDB





United States Department of Agriculture

Natural Resources
Conservation Service

State Office
Ecological Sciences

101 S. Main
Temple
TX 76501-7602
Voice 254-742-9880
Fax 254-742-9889

July 7, 2014

Mr. Jason Voight
Alan Plummer Associates, Inc.
1320 South University Drive, Suite 300
Fort Worth, TX 76107

Dear Mr. Voight:

We have reviewed the information pertaining to Texas Water Development Board Clean Water State Revolving Fund Tier III loan to fund the proposed Village of Wimberley Wastewater Collection and Treatment System project.

This project should have no significant adverse impact on the environment or natural resources in the area. We do not require any permits, easements, or approvals for this activity.

Thank you for the opportunity to review this proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Salvador Salinas".

SALVADOR SALINAS
State Conservationist



United States Department of the Interior
NATIONAL PARK SERVICE
Big Bend National Park
Rio Grande Wild and Scenic River
P.O. Box 129
Big Bend National Park, Texas 79834-0129



In reply to:

N30 (7137)

July 9, 2014

Mr. Jason Voight
Alan Plummer Associates, Inc.
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764

Re: City of Wimberly Wastewater Collection and Treatment System, review of Environmental Information Document.

Dear Mr. Voight:

This is in reply to your submittal for review of the document "Floodplain and Wetland Management Notice: City of Wimberley Wastewater Collection and Treatment Project". We have reviewed this document.

At this time, Big Bend National Park and Rio Grande Wild and Scenic River does not have comments on the project.

Sincerely,

Cindy Ott-Jones
Superintendent

Capps, Tim

From: Ott-Jones, Cindy <cindy_ott-jones@nps.gov>
Sent: Tuesday, July 08, 2014 8:32 AM
To: Capps, Tim
Cc: Joe Sirotnak
Subject: Re: City of Wimberley Texas Water Development Board Environmental Information Document

Tim, this is very helpful, thank you. So sorry to cause you the extra work. We'll be back with you today, I suspect, and I will send you an email.

Joe, let me know if you did not receive his three attachments and I'll resend.

*Cindy Ott-Jones
Superintendent
Big Bend National Park
Rio Grande Wild and Scenic River
P.O. Box 129
Big Bend National Park, TX 79834
(432) 477-1101 - secretary
<http://www.nps.gov/bibe>
<http://www.nps.gov/rigr>*

"If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it." - President Lyndon B Johnson on signing the Wilderness Act, 1964

On Tue, Jul 8, 2014 at 8:20 AM, Capps, Tim <tcapps@apaienv.com> wrote:

Yes, it would have been a hard copy; registered mail, return receipt. The receipt shows that it was received on April 7, 2014 by Natalie Craig. The project is essentially the same as a project reviewed by the NPS in 2010. I have attached the Floodplain Notice that should give you an idea of the proposed project location and components, I have also attached the transmittal letter and return receipt and a copy of the NPS 2010 concurrence letter. Let me know if you need any more information.

Thank you,

Tim Capps

Alan Plummer Associates, Inc.

817.806.1700 (office)

From: cottjones [mailto:cindy_ott-jones@nps.gov]

Sent: Monday, July 07, 2014 6:07 PM

To: Capps, Tim

Cc: Joe Sirotnak

Subject: Re: City of Wimberley Texas Water Development Board Environmental Information Document

Tim,

This would have been sent by hard copy snail mail, right? We can't find anything in our email.

Thank you.

Sent from my iPhone

On Jul 7, 2014, at 4:54 PM, "Capps, Tim" <tcapps@apaienv.com> wrote:

Not a problem. Thank you for your quick response. An email stating any comments, concerns, or lack thereof would satisfy the required documentation needed to complete TWDB's review of the document. Thank you, have a good afternoon.

Tim Capps

Alan Plummer Associates, Inc.

817.806.1700 (office)

From: Ott-Jones, Cindy [mailto:cindy_ott-jones@nps.gov]

Sent: Monday, July 07, 2014 4:14 PM

To: Capps, Tim

Subject: Re: City of Wimberley Texas Water Development Board Environmental Information Document

Hello,

I checked with our Science and Resource office and indeed, it seems that we have not answered this request. I am so sorry. I will see if someone in the office can review it quickly and let you know asap.

Thank you.

Cindy Ott-Jones

Superintendent

Big Bend National Park

Rio Grande Wild and Scenic River

P.O. Box 129

Big Bend National Park, TX 79834

(432) 477-1101 - secretary

<http://www.nps.gov/bibe>

<http://www.nps.gov/rigr>

"If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it." - President Lyndon B Johnson on signing the Wilderness Act, 1964

On Mon, Jul 7, 2014 at 3:24 PM, Capps, Tim <tcapps@apaienv.com> wrote:

Good afternoon,

In early April we sent your office a Draft EID for the City of Wimberley Wastewater Improvement Project, the draft EID is a component of the application process to receive a State Revolving Fund loan from the Texas Water Development Board. I was wondering if someone at your office had a chance to review the document, and if there were any comments or concerns. Please let me know if you have any questions or need any further information.

Thank you for your time

Tim Capps

Alan Plummer Associates, Inc.

1320 South University Drive, Suite 300

Fort Worth, Texas 76107

817.806.1700 (office)

817.870.2536 (fax)

www.apaienv.com

TBPE Firm No. 13

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TEXAS WATER DEVELOPMENT BOARD

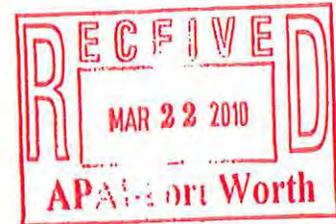


James E. Herring, *Chairman*
Lewis H. McMahan, *Member*
Edward G. Vaughan, *Member*

J. Kevin Ward
Executive Administrator

Jack Hunt, *Vice Chairman*
Thomas Weir Labatt III, *Member*
Joe M. Crutcher, *Member*

March 15, 2010



Mr. Jason Voight
Alan Plummer Associates, Inc.
1320 South University Drive
Suite 300
Fort Worth, Texas 76107

Re: Guadalupe-Blanco River Authority Village of Wimberley Wastewater Collection
and Treatment System Floodplain and Wetland Management Notice

Dear Mr. Voight:

This is in response to your letter of March 3, 2010, concerning the referenced project. After a review of the information you provided for an Application for Approval of Reclamation Project, our findings indicate that as a participant in the National Flood Insurance Program (NFIP), the Village of Wimberley has approval authority for projects within their jurisdiction. Please refer to their Flood Damage Prevention Ordinance for regulation of development in the Special Flood Hazard Area. You may want to contact the appropriate Floodplain Administrator on how to proceed with this project.

The Texas Water Development Board is now the State Coordinating Office for the National Flood Insurance Program. Please note our new address for future correspondence.

Thank you for bringing this matter to our attention.

Sincerely,

Michael Segner, CFM
NFIP State Coordinator

Our Mission

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas.

P.O. Box 13231 • 1700 N. Congress Avenue • Austin, Texas 78711-3231
Telephone (512) 463-7847 • Fax (512) 475-2053 • 1-800-RELAYTX (for the hearing impaired)
www.twdb.state.tx.us • info@twdb.state.tx.us

TNRIS - Texas Natural Resources Information System • www.tnr.is.state.tx.us
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EFR Amendment No. 2 - December 3, 2018

**CITY OF WIMBERLEY
CENTRAL WASTEWATER SYSTEM
ENGINEERING FEASIBILITY REPORT
AMENDMENT NO. 2**

December 3, 2018



**CITY OF WIMBERLEY
CENTRAL WASTEWATER PROJECT
PRELIMINARY ENGINEERING REPORT
AMENDMENT NO. 2**

INTRODUCTION

This document is intended to amend the Engineering Feasibility Report (EFR) originally dated December 2013 and subsequently Amended in September 2014. The City of Wimberley is pursuing the construction of a wastewater system to serve the wastewater management needs of its citizens in the Central Wimberley area in accordance with the EFR. Construction was started on the project under two separate contracts. The City desires to make changes to the project. The reason for this proposed change is the result of an economic analysis of the cost of the project, sufficiency of funds, operating costs, and customer rates and revenues available to service the revenue bonds.

INITIAL CONSTRUCTION CONTRACTS

The City received bids for two separate construction contracts on April 19, 2017. One contract included the construction of the wastewater collection system, lift station and force main; while the other contract included the construction of a wastewater treatment plant, effluent storage, and irrigation system for Blue Hole Park. The combined bid price for the two projects exceeded the estimate and the budget for the project. The City obtained additional funding and awarded both projects.

Due to the high cost, City leadership continued to evaluate ways to reduce the cost of the project and began discussions with Aqua Texas, the owner and operator of a neighboring wastewater facility. Aqua Texas was considered as an alternative during the EFR phase of the project. At that time, the alternatives of a City-owned treatment plant and sending the wastewater to Aqua Texas had similar projected life-cycle costs. The City opted to proceed with their own treatment plant to maintain control.

With the increased cost of the City treatment plant option and an improved offer negotiated with Aqua Texas, the City determined that the option to send their wastewater to Aqua Texas provides a more cost-effective alternative. The Council voted to cancel the construction contract for the City's wastewater treatment plant and to enter into a contract with Aqua Texas. A draft copy of that agreement is attached as Exhibit A to this Amendment.

REVISED IMPROVEMENT PROJECT

The City intends to make modifications to the wastewater collection system to direct the wastewater to Aqua Texas for treatment. The collection system generally remains unchanged. However, the route of the force main from the lift station will be changed. Instead of turning to the east at the end of Blue Hole Lane, the force main will turn to the west and continue through the park. A line will be installed under Cypress Creek using a directional drill to avoid adversely impacting the creek. The force main will

be connected to the Aqua Texas system on the west side of Cypress Creek. In addition, a smaller force main will be constructed from the existing lift station that serves the park and the Deer Creek Nursing Home. Figure 1 shows the revised collection system. These improvements will be constructed as a Change Order to the existing construction contract for the collection system.

REVISED BUDGET

The revised budget for the Amended project is shown in Table 1. A preliminary opinion of probable cost for the change in the collection system is shown in Table 2. Finally, a revised Form 1201 for the TWDB is shown in Table 3.

REVISED SCHEDULE

The revised schedule is shown in Table 4.

AGREEMENT FOR WHOLESALE WASTEWATER SERVICE BETWEEN
CITY OF WIMBERLEY, TEXAS, AND AQUA TEXAS

This Agreement (this "Agreement") is made and entered into as of _____, 2018, by and between the CITY OF WIMBERLEY, TEXAS, a Texas general law Type A municipal corporation ("City"), and AQUA UTILITIES, INC. D/B/A AQUA TEXAS, a Texas corporation ("Aqua"), hereinafter collectively referred to as the "Parties."

WHEREAS, Aqua has provided at its own expense, and now owns, operates and maintains facilities for treating domestic wastewater for its retail sewer utility customers in and in close proximity to the City; and

WHEREAS, the City shall maintain all rights and service abilities under their Certificate of Convenience and Necessity No. 20936 ("CCN") allowed under Chapter 13 of the Texas Water Code and does not transfer such CCN to Aqua under this Agreement; and

WHEREAS, the City is constructing and will own, operate, and maintain at the City's expense a wastewater collection system and use that system to furnish wastewater service to the City's customers within its City Service Area; and

WHEREAS, it is deemed to be in the best interest of both Aqua and the City that the Parties enter into a mutually satisfactory agreement by means of which the City may obtain from Aqua wastewater treatment services at a mutually agreed upon wholesale rate; and

WHEREAS, by the execution of this Agreement, neither Aqua nor the City will surrender any of their respective rights to the ownership and operation of their present or future wastewater collection and treatment facilities, which includes the City's and Aqua's respective CCNs;

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS that for and in consideration of the mutual covenants, promises and agreements contained herein, Aqua and the City hereby covenant and agree as follows:

ARTICLE 1. Definitions

Capitalized terms used in this Agreement shall have the meanings provided for them below, unless otherwise defined or the context clearly requires otherwise.

Aqua System. The Aqua wastewater treatment and collection system that will be used to provide wholesale wastewater services to the City System through the Point of Connection as provided herein.

Calendar Day. The period from midnight of one day to 11:59 PM of the next day.

City Service Area. The areas inside the City's Certificate of Convenience and Necessity No. 20936 boundaries shown on **Exhibit A**, and such other areas as may be identified therein or added pursuant to Section 2.2.

City System. All City sewer mains and collection facilities on the City's side of the Point of Connection.

Domestic Wastewater. Wastewater which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks of a residential dwelling. Domestic wastewater may contain commercial or industrial contributions. Bulk quantities of food or food scraps not previously processed by a grinder or similar garbage disposal unit and grease and oils, except as incidental waste in process or wash water, used in or resulting from food preparation by customers engaged in the preparation and/or processing of food for other than domestic consumption for sale to the public is not domestic wastewater. Neither storm waters or run off waters are domestic wastewater. Further, for purposes of this Agreement, wastewater that exceeds the limits specified in **Exhibit B** (Allowable Influent Limits) is not domestic wastewater.

Emergency. A situation, event or condition created by unforeseeable mechanical failure, unprecedented high rate of treated wastewater usage, or circumstances beyond the Parties' reasonable control.

Permit. The TCEQ-issued domestic wastewater water quality permit under which the Aqua System wastewater treatment plant operates.

Point of Connection. The point through which wastewater is delivered by the City System to the Aqua System for collection and treatment, as shown in **Exhibit A**.

PUC. The Public Utility Commission of Texas or its successor agency.

TCEQ. The Texas Commission on Environmental Quality or its successor agency.

ARTICLE 2. Delivery/Collection of Wastewater

2.1 Delivery; collection line. Aqua agrees to furnish and sell to the City, to accommodate the City's customers, wholesale domestic wastewater treatment services meeting all applicable governmental standards, for wastewater delivered at the City Point of Connection shown in **Exhibit A**. The wastewater shall be delivered through the Point of Connection as provided herein, it being understood that the City will collect the wastewater from its customers, who shall be retail customers of the City. The City will notify Aqua at least semi-annually of its anticipated current and future wastewater treatment requirements.

2.2 Acceptance and Payment. The City agrees to deliver, and Aqua agrees to accept, wastewater at the Point of Connection up to an average of 75,000 gallons per day

measured on a calendar month basis. The City agrees to pay for the treatment of such domestic wastewater delivered in accordance with the terms and conditions of this Agreement. Domestic wastewater delivered by the City shall become the property of Aqua at the Point of Connection, but title to and responsibility for any substance delivered by the City at the Point of Connection that is not domestic wastewater shall remain with the City. Aqua reserves the right, within its sole discretion, to regulate the flow rate of effluent at the Aqua System wastewater treatment plant, the time of day the flow of wastewater is taken or shut off at the Point of Connection, and receipt of wastewater from the City System as needed to maintain Permit compliance so long as such flow regulation does not render the City System out of compliance with applicable regulatory requirements. Aqua will coordinate such events with the City to cause minimal disruption to the City System. The Parties will coordinate the construction and operation of their respective facilities to address flow rate regulation needs prior to the Aqua System accepting wastewater from the City System.

2.3 Operations. Aqua is entitled at any and all times to install, repair, maintain, and replace any equipment or devices in the Aqua System. In the event of service interruptions, Aqua shall make every reasonable effort to expedite the restoration of service in a timely manner, and shall not unreasonably interrupt, withhold or delay service to the City or favor other Aqua customers, retail or wholesale, nor shall Aqua be required to favor the City over other Aqua customers, retail or wholesale. The City agrees to operate and maintain its wastewater system in good condition, to promptly repair any leaks or breaks therein, and to undertake such actions as may be required to control unreasonable infiltration water or inflow water into the City System.

2.4 Quality of Delivered Wastewater. The quality of the wastewater delivered by the City at the Point of Connection for treatment by Aqua shall be domestic wastewater as defined herein. Aqua shall monitor the quality of the wastewater received from the City System at the Point of Connection and the quality of wastewater received from Aqua's retail sewer utility connections within the Aqua System. If there is sufficient evidence showing that wastewater from the City System at the Point of Connection is not domestic wastewater or does not meet the water quality criteria authorized for treatment under the Permit and receipt of such wastewater by Aqua has caused the Aqua System wastewater treatment plant to become non-compliant with the Permit, the Parties will negotiate and agree to a reasonable sum to reimburse Aqua for costs to bring the Aqua System wastewater treatment plant back into compliance and the City shall bear all costs associated with correcting the quality of its delivered wastewater so that it conforms to the definition of domestic wastewater in this Agreement; otherwise, Aqua shall bear such costs. Aqua shall at all times bear responsibility for Permit compliance and will immediately inform the City of any concerns Aqua may have about wastewater received from the City System at the Point of Connection so that corrective measures may be implemented by the City, if necessary. Aqua shall provide the City with reasonable notice prior to Aqua conducting any sampling in response to such concerns in order to provide the City with the opportunity to conduct split sampling with Aqua. A condition

for this Agreement shall be the City's adoption and enforcement of a City ordinance or regulation acceptable to Aqua that specifies the quality of wastewater the City will accept from the City's commercial or industrial customers into the City System prior to the City commencing wastewater delivery to the Aqua System at the Point of Connection. The City will permit Aqua the opportunity to review and provide comments to the City before enacting any such City ordinance or regulation.

ARTICLE 3. Billing

3.1 Billing. Aqua shall send the City an invoice each month for Aqua's wholesale wastewater services provided to the City during the prior month for each month this Agreement is in effect.

3.2 Rates. Wastewater treatment supplied hereunder shall be billed to the City at the same flat monthly wholesale rate for the first five years that this Agreement is in effect. Initially, that flat monthly wholesale rate shall be \$4,398.43 per month for 50,000 gallons per day (measured on the average daily volume during a calendar month). This rate is the current Aqua Southwest Region Sewer Utility Tariff rate for a six-inch meter size applicable to retail customers of the Aqua System outside municipalities. If the City exceeds 50,000 gallons per day (measured on the average daily volume during a calendar month), the flat monthly wholesale rate shall be adjusted for such month to the rate of \$7,037.49 per month. This is the current Aqua Southwest Region Sewer Utility Tariff rate for an eight-inch meter size applicable to retail customers of the Aqua System outside municipalities. After the first five years, Aqua may either increase or lower the flat monthly wholesale rates charged to the City or keep them the same. However, the wholesale rate shall not exceed the Aqua System retail sewer utility service rate applicable outside municipalities that would apply to the City's connection according to the volume benchmarks set forth above if the City's connection were an Aqua System commercial/non-residential retail sewer utility service connection.

3.3 Wholesale Service Connection Fee; Other Connection Costs. Within 60 days of executing this Agreement, the City shall pay Aqua a one-time wholesale service connection fee of \$300,000.00. Aqua may apply these funds toward the additional facilities needed to implement this agreement at its sole discretion to be determined after such facilities are completed. To connect the Aqua System with the City System, Aqua shall design, construct, and install at its sole expense a force main to the Point of Connection from Aqua's existing lift station located on Emergency Lane near the Wimberley H-E-B located at 14501 Ranch Road 12, Wimberley, TX 78676 which Aqua may also use for future retail customer connections. This force main will be sized at a minimum according to the City's engineered plans for the City System as those plans exist on the date of this Agreement. The City shall design, construct, and install at its sole expense all facilities that may be necessary to extend the City System to the Point of Connection, interconnect the City System with the Aqua System, and deliver City System wastewater to the Aqua System in accordance with this Agreement. Aqua has also agreed to upgrade the Aqua System wastewater treatment plant at Aqua's sole expense so that

Aqua's treated effluent qualifies as Type 1 reclaimed water in accordance with TCEQ rules. The Parties agree that Aqua's force main construction, or construction of any other facilities necessary for Aqua to accept wastewater from the City System for treatment, need not be complete until the City System is substantially complete. The Parties shall work together to coordinate construction timing.

3.4 Payment. Payment for wholesale wastewater service shall be due and payable monthly by the City to Aqua and is overdue on the 31st day after the date the City receives an invoice for such services from Aqua.

ARTICLE 4. Effective Date

The effective date and time of this Agreement for all purposes is the date first written above.

ARTICLE 5. Term

This Agreement expires on _____ 1, 2043, unless terminated earlier in accordance with this Agreement. It may be renewed on terms mutually agreeable to the Parties, and shall be automatically renewed for additional one year terms unless one Party notifies the others in writing of its intent not to renew at least 90 days prior to expiration of the current or renewal term.

ARTICLE 6. TCEQ Wastewater Facilities Approval

The facilities used by both Parties to comply with the terms of this Agreement shall be approved by the TCEQ during the life of this Agreement. If, at any time, the City System is not approved by the TCEQ, there shall not be any direct physical connection between the Aqua System and the City System.

ARTICLE 7. No Other Wastewater Customers

The City agrees that it will not provide wastewater to Aqua for treatment hereunder from any other person or entity outside of the City Service Area without the express written consent of Aqua, which consent shall not be unreasonably withheld. Aqua neither recognizes nor approves any such existing agreements entered into by the City with other governmental or corporate entities outside of the City Service Area, unless expressly approved in writing.

ARTICLE 8. Breach, Termination and Other Remedies

8.1 Termination by Mutual Consent. This Agreement may be terminated in whole or in part by the mutual consent of the City and Aqua. However, if the City elects to discontinue wholesale wastewater treatment services from Aqua within five years from the date the City first provides wastewater to Aqua for treatment through the Point of Connection, the City shall pay Aqua the sum of \$275,000.00 as liquidated damages. The

Parties agree that quantifying Aqua losses arising from such a City decision is inherently difficult given that this project involves a significant capital outlay by Aqua for facilities designed primarily to accept wastewater for treatment from the City System. If the City decides to cease sending wastewater to Aqua for treatment within the first five years, the newly built Aqua facilities could be underutilized and Aqua would not receive the monthly payments anticipated from the City agreed to herein. Thus, Aqua would likely experience financial loss, even though the nature and full amount of such losses are uncertain. The agreed upon sum is not a penalty, but a reasonable measure of damages anticipated to occur based upon the Parties' experience and given the nature of such losses that may result from a City decision to discontinue wholesale wastewater treatment service from Aqua within the first five years.

8.2 Termination for Material Breach. Notwithstanding anything in this Agreement to the contrary, any material breach by either Party to perform any of its duties or obligations under this Agreement, or to faithfully keep and perform any of the terms, conditions and provisions of this Agreement, shall be cause for termination of this Agreement by the non-breaching Party in the manner set forth in this Section. Upon such breach, the non-breaching Party may notify the breaching Party of the non-breaching Party's intention to terminate this Agreement if the breaching Party fails to cure such breach within 90 days from the date of the notice. The notice must include a reasonable description of the breach. The non-breaching Party shall notify the breaching Party in writing upon acceptance of the cure of any breach. If by the 90th day the breaching Party fails or refuses to cure such breach pursuant to the terms and conditions of this Agreement, then the non-breaching Party shall have the right to terminate this Agreement with six months additional notice to the breaching Party.

8.3 Termination for Repeated Material Breach. Upon a third material breach within a twelve-month time period of a similar nature by a Party and irrespective of any cure of such material breach, the non-breaching Party may, after a two-year notice to the breaching Party, terminate this Agreement. That notice must be provided within 90 days after the repeated breach that is the basis for the termination. The repeated material breach cannot be caused in whole or in part by the other Party.

8.4 Material Breach. The following breach, default or failure to perform a duty or obligation under this Agreement is a material breach:

- (a) Failure to pay any bill, charge, or fee as required by this Agreement;
- (b) Making any connection to the Aqua System at any point except the Point of Connection without expressed permission from Aqua;
- (c) Failure to correct any potentially hazardous connection after notice delivered by certified mail; or

- (d) Failure by Aqua to provide adequate wastewater treatment by not meeting the City's needs herein unless the failure is caused by the City.

All other breaches are deemed to be non-material.

8.5 Effect of Termination. Upon termination of this Agreement under this Article, all rights, powers, and privileges of the City and Aqua under this Agreement shall cease and terminate, and neither Party shall make any claim of any kind whatsoever against the other Party, its agents or representatives, by reason of termination or any act incident to termination, if the terminating Party acted reasonably and the termination was not unreasonable, or arbitrary and capricious. If this Agreement is not renewed before it expires, and the Parties are negotiating in good faith regarding the provisions of a new agreement, then the Parties may extend the date for termination, in writing signed by both Parties. If this Agreement is not renewed, or if the Agreement is terminated by one of the Parties pursuant to this Article, then this Agreement requires the City to develop alternative or replacement wastewater treatment options for the City System before the expiration or termination of this Agreement; this requirement may be enforced by the equitable remedy of specific performance, sought by court order, in addition to any other legal or equitable remedy as may be provided by law. No continuation of the service obligation exists or will be implied after expiration or termination.

8.6 No Waiver. Any failure by either Party to terminate this Agreement, or the acceptance by either Party of any benefits under this Agreement, for any period of time after a material breach, default or failure by the City or by Aqua shall not be determined to be a waiver by Aqua or the City of any rights to terminate this Agreement for any subsequent material breach, default or failure.

8.7 Goods and Services. The City and Aqua agree that this Agreement constitutes an agreement for providing goods and services by Aqua to the City and is subject to the provisions of Subchapter I of Chapter 271, Texas Local Government Code, as amended, and any successor statute(s). In accordance with Sections 271.152 and 271.153 thereof, the City hereby waives any constitutional, statutory or common law right to sovereign or governmental immunity from liability or suit and expressly consents to be sued and liable as described in said statutes, but only as to Aqua and this Agreement. City does not waive any additional rights under Texas Local Government Code Sections 271.155-157.

ARTICLE 9. Ownership and Liability

9.1 No Joint Venture. No provision of this Agreement shall be construed to create any type of joint or equity ownership of any property, any partnership or joint venture, nor shall same create any other rights or liabilities and City payments (whether past, present, or future) shall not be construed as granting the City partial ownership of, pre-paid capacity in, or equity in the Aqua System.

9.2 Liabilities. Liabilities for damages arising from the proper treatment, transportation and delivery for all domestic wastewater hereunder shall remain with the City to the Point of Connection and, upon passing through the meter, liability for such damages shall pass to Aqua. Liabilities for any substance delivered by the City at the Point of Connection which is not domestic wastewater as defined in this Agreement shall at all times remain with the City and shall not pass to Aqua. Each Party agrees to save, release and hold harmless the other Party from all claims, demands, and causes of action which may be asserted by anyone on account of the quality, collection, transportation and delivery while domestic wastewater is in the control of such Party. This covenant is not made for the benefit of any third party. Aqua takes the responsibility as between the Parties for the proper treatment, quality, collection, transportation, and delivery of all such domestic wastewater provided by City to the Point of Connection, but does not take responsibility as between the Parties for any other substance delivered at the Point of Connection by the City.

ARTICLE 10. Force Majeure

11.1 Notice and Suspension. If by any reason of force majeure either Party shall be rendered unable, wholly or in part, to carry out its obligations under this Agreement, other than the obligation of the City to make payments required under the terms hereof, then if such Parties shall give notice and full particulars of such force majeure in writing to the other Party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the Party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and such Party shall endeavor to remove or overcome such inability with all reasonable dispatch.

11.2 Definition. The term "force majeure," as employed herein, shall mean acts of God, strikes, lockouts or other industrial disturbances, acts of public enemy, orders of any kind of the government of the United States or the State of Texas, or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply or the City or Aqua Systems, and inability on the part of City to deliver wastewater to the Aqua System hereunder or Aqua to receive and treat wastewater from the City hereunder on account of any other cause not reasonably in the control of the Party claiming such inability.

ARTICLE 12. Notices

12.1 Required Notice. Any notice or other communication that is required, given or provided for under this Agreement shall be in writing, and addressed as follows:

To Aqua: Aqua Utilities, Inc. d/b/a Aqua Texas
 Attn: President

1106 Clayton Lane, Suite 400W
Austin, Texas 78723

To City: City of Wimberley, Texas
Attn: Mayor
P.O. Box 2027 (Mailing Address)
221 Stillwater (Physical Location)
Wimberley, TX 78676

12.2 Delivery and Receipt. Notice shall be either (a) delivered personally, (b) sent by United States certified mail, postage prepaid, return receipt requested, or (c) placed in the custody of a nationally recognized overnight carrier for next day delivery. Notice shall be deemed given when received if delivered personally or sent via telecopy or facsimile transmission with written confirmation of receipt; two days after mail or deposit. Each Party shall provide notice in writing of any change in its address.

ARTICLE 13. Reclaimed Water

13.1 Type 1 Reclaimed Water. As part of this Agreement, Aqua agrees to upgrade the Aqua System wastewater treatment plant at Aqua's sole expense so that Aqua's treated effluent qualifies as Type 1 reclaimed water in accordance with TCEQ rules. Aqua further agrees, for as long as this Agreement is in effect, to make this Type 1 reclaimed water available to the City at no cost based on the gallons of wastewater treated by Aqua for the City System up to 75,000 gallons per day unless there is mutual agreement to provide more. The Parties agree to work in good faith to develop a more detailed written agreement specifically governing the design, construction, and installation of facilities needed by the Parties for the delivery, storage, and use of such Type 1 reclaimed water by the City.

13.2 City Wastewater to be Measured. Aqua agrees to install a meter to measure the volume of wastewater received from the City System at the Point of Connection. Aqua also agrees to install a meter for the purpose of measuring reclaimed water delivered to the City subject to any requirements related to same in the Parties' separate more detailed reclaimed water use agreement.

13.3 Reclaimed Water Use Permit. The Parties acknowledge that a TCEQ permit under 30 Tex. Admin. Code ("TAC"), Chapter 210 will be required for Aqua to make the Type 1 reclaimed water from the Aqua System wastewater treatment plant available to the City for beneficial reuse and for the City to use same. The Parties agree to work in good faith to develop a more detailed written agreement specifically governing the delivery, storage, and use of such Type 1 reclaimed water prior to making application for the TCEQ Chapter 210 permit. If for any reason not within Aqua's control the TCEQ Chapter 210 permit application is denied, Aqua shall not be required to provide Type 1 reclaimed water to the City under this Agreement. However, the Parties shall work in good faith to support a TCEQ Chapter 210 application.

ARTICLE 14. Miscellaneous

14.1 Subject to Laws and Permits. This Agreement is subject to all applicable Federal and State laws and any applicable permits, amendments, orders, or regulations of any State or Federal governmental authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, order, rule or regulation in any forum having jurisdiction except as described herein with respect to Subchapter I of Chapter 271, Texas Local Government Code, as amended, and any successor statute(s). The City agrees to abide by any changes in this Agreement made necessary by any new, amended, or revised state or federal regulation; however, the Parties may not enact rules or laws that conflict with this Agreement.

14.2 Entry on the City's Premises. The City shall allow any duly authorized employee of Aqua who presents proper credentials to access any premises located within the City Service Area or served by the City as may be necessary for the purpose of inspections and observation, measurements, sampling and testing and/or auditing, in accordance with the provisions of this Agreement. The City may elect to accompany the Aqua representative. To the extent permitted by law, Aqua agrees to be responsible to the City for any damage or injury to person or property caused by the negligence of such duly authorized employee while such employee is in the course and scope of their employment.

14.3 Assignment. Neither Party may assign this Agreement without the prior written consent of the other. However, notwithstanding the foregoing, Aqua shall be entitled to assign its interest in this Agreement without need for prior consent if such assignment is performed to consolidate ownership of Aqua's wastewater facility assets with those of an affiliated entity with commonality of ownership (e.g., Aqua Texas, Inc. d/b/a Aqua Texas).

14.4 No Waiver. No waiver by either Party of any term or condition of this Agreement, or failure to give notice of any breach, shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

14.5 VENUE. THE PARTIES AGREE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS, AND THAT THE COURTS OF HAYS COUNTY ARE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING UNDER THIS AGREEMENT.

14.6 Construction. As used in this Agreement, the term "including" means "including without limitation," the words "shall" and "will" are mandatory and the word "may" is permissive, and the term "days" means calendar days, not business days. Wherever required by the context, the singular shall include the plural, and the plural shall include the singular.

14.7 Severability. If any term or provision in this Agreement is held to be invalid or unenforceable by any legislative act or court of competent jurisdiction, and the extent of such invalidity or unenforceability does not cause substantial deviation from the underlying intent of the parties as expressed in this Agreement, then such invalid or unenforceable provision shall be deemed severed from this Agreement without invalidating the remainder of this Agreement, and a new provision shall be deemed substituted in lieu of the provision severed, which new provision shall, to the extent possible, accomplish the intent of the parties as evidenced by the provision severed, and without affecting any other term or provision in this Agreement.

14.7 Counterparts. This Agreement may be executed in any number of counterparts and any signatory hereto may execute any such counterpart, each of which when executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument. This Agreement shall become binding when one or more counterparts taken together shall have been executed and delivered by all signatories. It shall not be necessary in making proof of this Agreement or any counterpart hereof to produce or account for any of the other counterparts.

14.8 Exhibits. All exhibits attached to this Agreement are incorporated into this Agreement by reference, for all intents and purposes of this Agreement, as follows:

Exhibit A City Service Area and mutually agreed Point of Connection on the Effective Date

Exhibit B Allowable Influent Limits

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN TESTIMONY WHEREOF, intending to be legally bound, the Parties have duly executed this Agreement on the date first written.

CITY OF WIMBERLEY, TEXAS

Susan Jagers, Mayor

ATTEST

Secretary

AQUA UTILITIES, INC. D/B/A AQUA TEXAS

By: _____

Robert Laughman, President

ATTEST

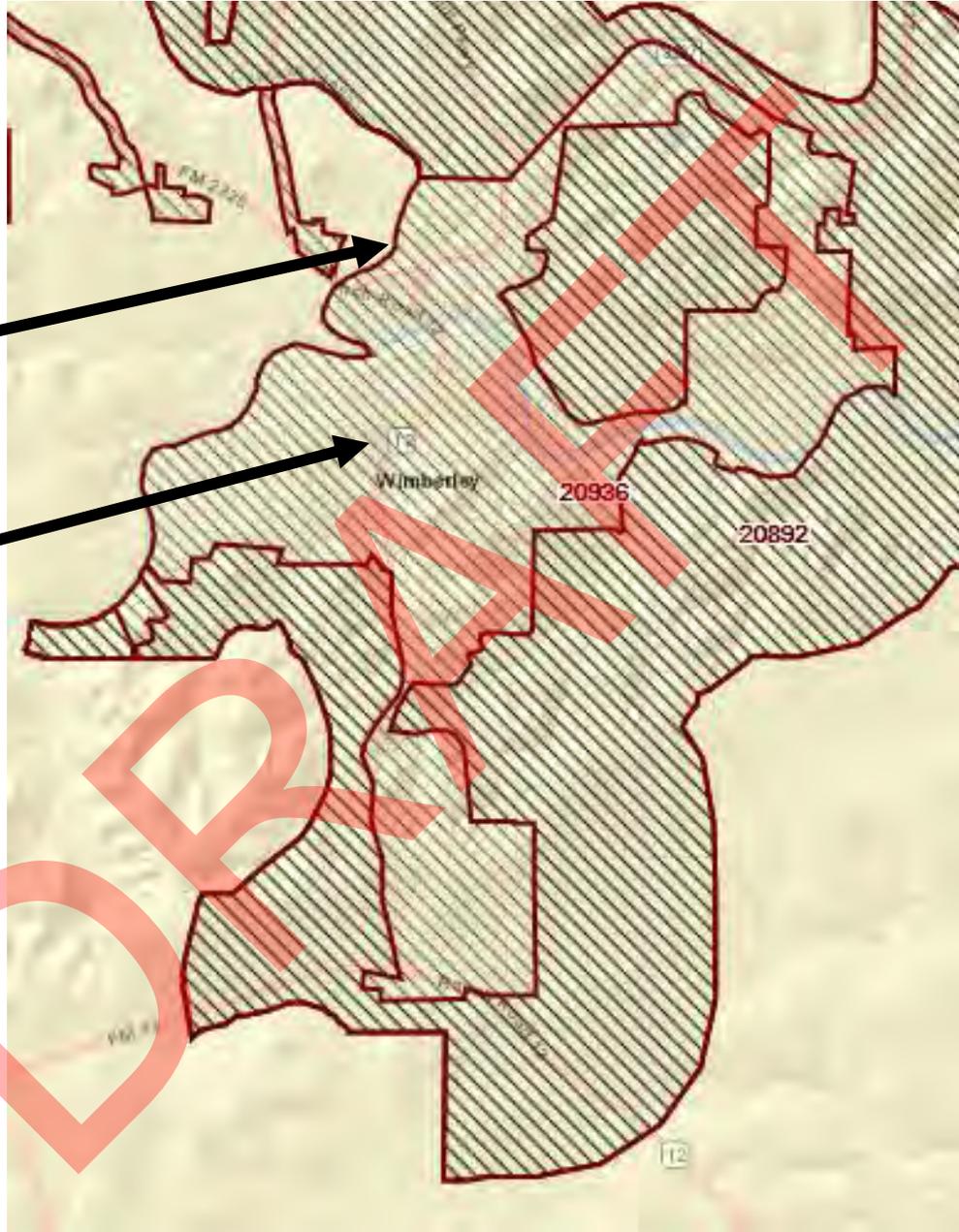
By: _____

Name: _____

Title: _____

DRAFT

Exhibit A
City Service Area
Point of Connection



Point of Connection

City Service Area -
Wimberley's Certificate
of Convenience and
Necessity (CCN) No.
20936 is shown in the
marked contiguous area

Exhibit A
Point of Connection



Exhibit A
Point of Connection

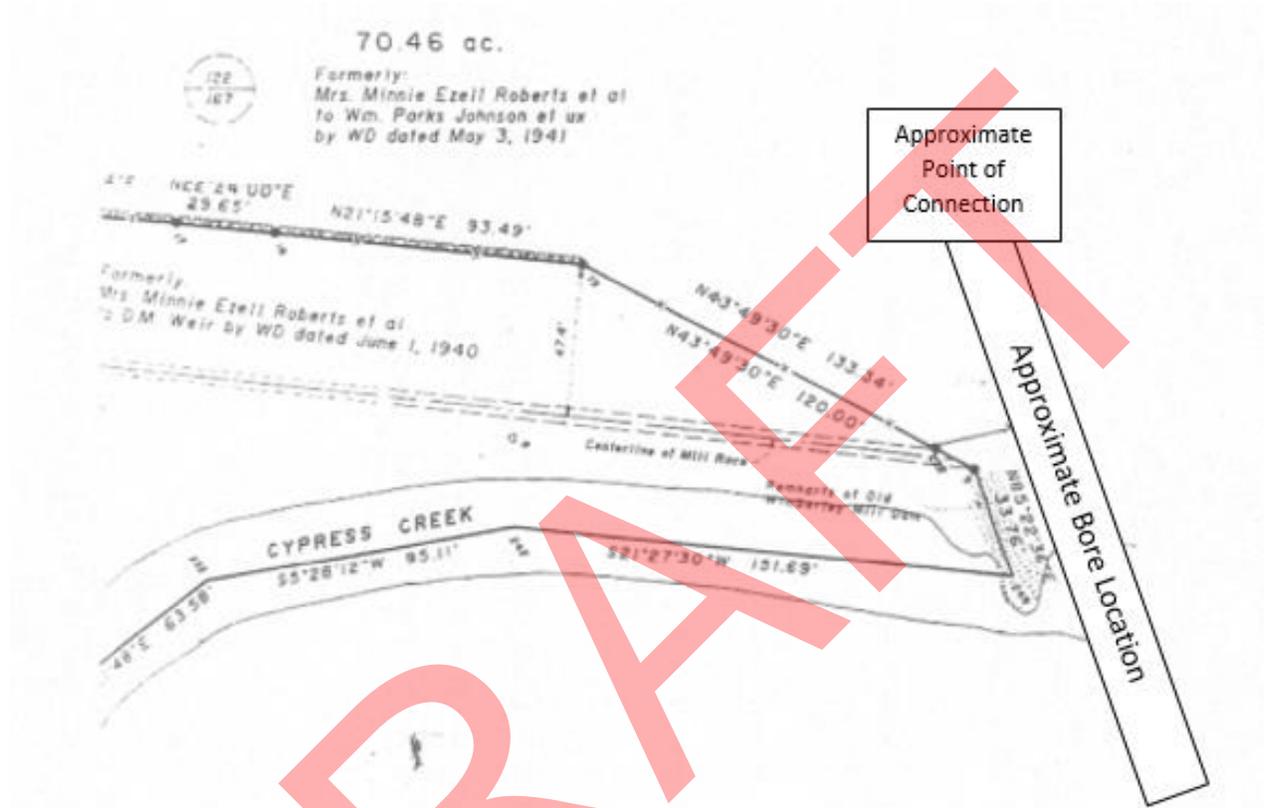
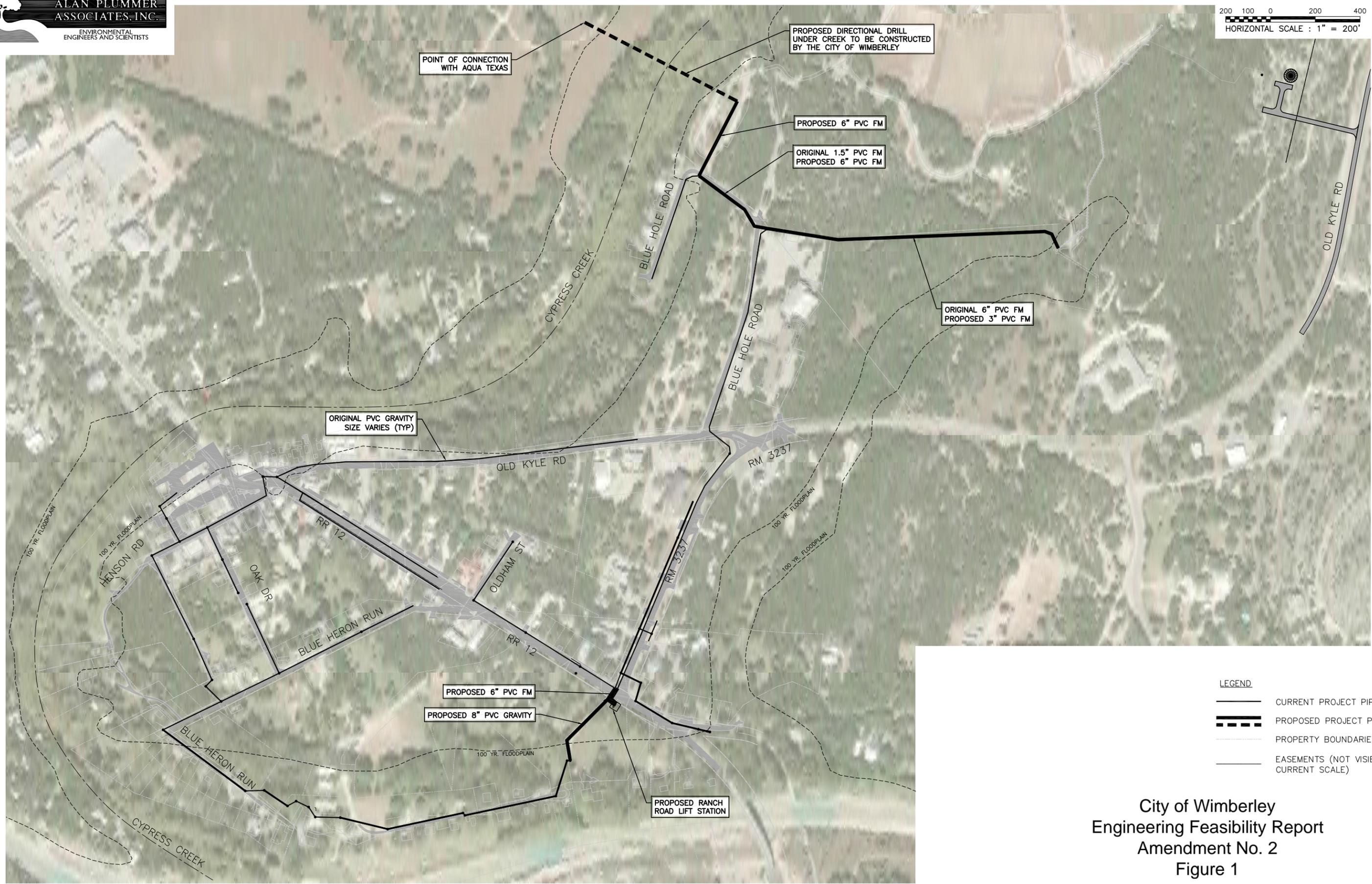


Exhibit B: Allowable Influent Limits

Maximum Allowable Limits (Grab Sample)		Maximum Allowable Limits (Composite Sample)
BOD5 (mg/l).....	250	..... 250
TSS (mg/l).....	200	..... 200
Oil & Grease (mg/l).....	50	..... 50
COD (mg/l).....	500	..... 500
Ammonia.....	50	..... 50
pH.....	6-10	..... N/A
Temperature (F).....	113	..... N/A
Arsenic (mg/l).....	0.3	..... 0.2
Barium (mg/l).....	2.0	..... 1.0
Boron (mg/l).....	4.0	..... 2.0
Cadmium (mg/l).....	0.2	..... 0.1
Chromium (mg/l).....	3.0	..... 1.0
Copper (mg/l).....	2.0	..... 1.0
Lead (mg/l).....	1.5	..... 1.0
Manganese (mg/l).....	3.0	..... 2.0
Mercury (mg/l).....	0.01	..... 0.005
Nickel (mg/l).....	2.0	..... 2.0
Selenium (mg/l).....	0.2	..... 0.1
Silver (mg/l).....	0.2	..... 0.1
Zinc (mg/l).....	2.0	..... 2.0



- LEGEND**
-  CURRENT PROJECT PIPELINE
 -  PROPOSED PROJECT PIPELINE
 -  PROPERTY BOUNDARIES
 -  EASEMENTS (NOT VISIBLE AT CURRENT SCALE)

City of Wimberley
 Engineering Feasibility Report
 Amendment No. 2
 Figure 1

**CITY OF WIMBERLEY
ENGINEERING FEASIBILITY REPORT
AMENDMENT 2
TABLE 1**

	ITEM DESCRIPTION	ORIGINAL CONTRACT QUANTITY	UNIT	\$ UNIT PRICE	ORIGINAL CONTRACT \$ AMOUNT	TOTAL QTY TO FINAL	TOTAL TO FINAL \$	QTY OVER/UNDER	\$ OVER/UNDER	% OVER/UNDER
GRAVITY ITEMS										
	PIPE 6" DIA. PVC TY ALL DEPTHS INC EXC & BKF	6650	LF	\$140.00	\$931,000.00	5330	\$746,200.00	1320	\$184,800.00	20%
	PIPE 8" DIA. PVC TY ALL DEPTHS INC EXC & BKF	4050	LF	\$190.00	\$769,500.00	4588	\$871,720.00	-538	-\$102,220.00	-13%
	TRENCH EXCAVATION SAFETY PROTECTIVE SYSTEMS	12300	LF	\$2.20	\$27,060.00	12347	\$27,163.40	-47	-\$103.40	-0.4%
	STANDARD PRECAST MANHOLE W/PRECAST	45	EA	\$8,500.00	\$382,500.00	41	\$348,500.00	4	\$34,000.00	9%
	EXTRA DEPTH OF MAHOLE 4' DIA.	233	VF	\$440.00	\$102,520.00	91.4	\$40,216.00	141.6	\$62,304.00	61%
	DROP MANHOLE W/PRECAST BASE 4' DIA.	12	EA	\$6,600.00	\$79,200.00	9	\$59,400.00	3	\$19,800.00	25%
	EXTRA DEPTH OF DROP MANHOLE 4' DIA.	80	VF	\$275.00	\$22,000.00	26.5	\$7,287.50	53.5	\$14,712.50	67%
	CEMENT STABILIZED BACKFILL 6" DIA.	65	LF	\$66.00	\$4,290.00	0	\$0.00	65	\$4,290.00	100%
	CEMENT STABILIZED BACKFILL 8" DIA.	30	LF	\$66.00	\$1,980.00	0	\$0.00	30	\$1,980.00	100%
	CEMENT STABILIZED BACKFILL 4' DIA. MANHOLE	10	EA	\$7,700.00	\$77,000.00	8	\$61,600.00	2	\$15,400.00	20%
	150 PSI PRESSURE CL PIPE 6" DIA.	375	LF	\$82.00	\$30,750.00	2329	\$190,978.00	-1954	-\$160,228.00	-521%
	150 PSI PRESSURE CL PIPE 9" DIA.	1050	LF	\$92.00	\$96,600.00	0	\$0.00	1050	\$96,600.00	100%
	4" DIA. SHORT SANITARY SEWER CONNECTION (1'-100')	39	EA	\$1,900.00	\$74,100.00	135	\$256,500.00	-96	-\$182,400.00	-246%
	4" DIA. MEDIUM SANITARY SEWER CONNECTION (101-200')	69	EA	\$2,300.00	\$158,700.00	8	\$18,400.00	61	\$140,300.00	88%
	4" DIA. LONG SANITARY SEWER CONNECTION (201'-300')	11	EA	\$2,900.00	\$31,900.00	0	\$0.00	11	\$31,900.00	100%
FORCE MAIN										
	RANCH RD PUMP STATION, VALVE VAULT & ELECTRICAL	1	LS	\$360,000.00	\$360,000.00	1	\$360,000.00	0	\$0.00	0%
	VALVES, GATE VALVE 6" DIA.	3	EA	\$2,750.00	\$8,250.00	3	\$8,250.00	0	\$0.00	0%
	PIPE 6" DIA. PVC TY ALL DEPTHS INCL EXC & BKFL	4100	LF	\$77.00	\$315,700.00	4100	\$315,700.00	0	\$0.00	0%
	TRENCH EXCAVATION SAFETY PROTECTIVE SYSTEMS	3900	LF	\$2.20	\$8,580.00	3900	\$8,580.00	0	\$0.00	0%
	PIPE 1.5" DIA. TY ALL DEPTHS INCL EXC & BKFL	1000	LF	\$27.50	\$27,500.00	1000	\$27,500.00	0	\$0.00	0%
	1.25' DIA. SANITARY SEWER LATERAL	7	EA	\$1,100.00	\$7,700.00	7	\$7,700.00	0	\$0.00	0%
	RESIDENTIAL GRINDER PUMP STATION	7	EA	\$12,000.00	\$84,000.00	7	\$84,000.00	0	\$0.00	0%
	GRINDER PUMP STATION ELECTRICAL ALLOWANCE \$2K	7	EA	\$2,200.00	\$15,400.00	7	\$15,400.00	0	\$0.00	0%
CHANGE ORDERS										
	Testing (CMR-01)	0	LS	\$21,884.00	0	1	\$21,884.00	-1	-\$21,884.00	
	CSB (CMR-02)	0	CY	\$81.22	0	1101	\$89,423.22	-1101	-\$89,423.22	
					\$3,616,230.00		\$3,566,402.12		\$49,827.88	

**CITY OF WIMBERLEY
ENGINEERING FEASIBILITY REPORT
AMENDMENT 2
TABLE 2**

Bid Item	Unit	Description	Change in		
			Quantity	Unit Price	Amount
510-AR 6" Dia.	LF	Pipe 6" Dia. PVC Type (all depths), including excavation and backfill	-560	\$ 77	\$ (43,120)
New Item	LF	Pipe 3" Dia. PVC Type (all depths), including excavation and backfill	1350	\$ 50	\$ 67,500
New Item	LF	Pipe 6" Dia. HDPE Directional Drill	600	\$ 200	\$ 120,000
					\$ 144,380

City of Wimberley - Project # 73653 - Part D2					
Uses	TWDB Funds L1000152	TWDB Funds L1000394	TWDB Total	City Funds	Total Cost
Construction					
Wastewater Plant CID 01	\$0	\$345,072	\$345,072	\$0	\$345,072
Collection System CID 02	\$0	\$3,710,782	\$3,710,782	\$0	\$3,710,782
Subtotal Construction	\$0	\$4,055,854	\$4,055,854	\$0	\$4,055,854
Basic Engineering Fees					
Planning +	\$141,000	\$0	\$141,000	\$0	\$141,000
Design	\$346,821	\$5,157	\$351,978	\$0	\$351,978
Construction Engineering	\$0	\$77,575	\$77,575	\$0	\$77,575
Basic Engineering Other **	\$0	\$0	\$0	\$0	\$0
Subtotal Basic Engineering Fees	\$487,821	\$82,732	\$570,553	\$0	\$570,553
Special Services					
Application	\$0	\$0	\$0	\$0	\$0
Environmental	\$15,000	\$0	\$15,000	\$0	\$15,000
Water Conservation Plan	\$0	\$0	\$0	\$0	\$0
I/I Studies/Sewer Evaluation	\$0	\$0	\$0	\$0	\$0
Surveying	\$55,000	\$0	\$55,000	\$0	\$55,000
Geotechnical	\$37,500	\$0	\$37,500	\$0	\$37,500
Testing	\$0	\$0	\$0	\$0	\$0
Permits	\$36,261	\$0	\$36,261	\$0	\$36,261
Inspection	\$0	\$0	\$0	\$0	\$0
O&M Manual	\$0	\$0	\$0	\$0	\$0
Project Management (by engineer)	\$0	\$175,000	\$175,000	\$0	\$175,000
Pilot Testing	\$0	\$0	\$0	\$0	\$0
Water Distribution Modeling	\$0	\$0	\$0	\$0	\$0
Special Services Other **	\$0	\$0	\$0	\$0	\$0
Subtotal Special Services	\$143,761	\$175,000	\$318,761	\$0	\$318,761
Other					
Administration	\$6,611	\$0	\$6,611	\$0	\$6,611
Land/Easements Acquisition	\$0	\$0	\$0	\$44,000	\$44,000
Water Rights Purchase (If Applicable)	\$0	\$0	\$0	\$0	\$0
Capacity Buy-In (If Applicable)	\$0	\$300,000	\$300,000	\$0	\$300,000
Project Legal Expenses	\$0	\$0	\$0	\$0	\$0
Other **	\$0	\$0	\$0	\$0	\$0
Subtotal Other Services	\$6,611	\$300,000	\$306,611	\$44,000	\$350,611
Fiscal Services					
Financial Advisor	\$0	\$0	\$0	\$38,690	\$38,690
Bond Counsel	\$0	\$0	\$0	\$40,760	\$40,760
Issuance Cost	\$0	\$1,200	\$1,200	\$0	\$1,200
Bond Insurance/Surety	\$0	\$0	\$0	\$0	\$0
Fiscal/Legal	\$0	\$0	\$0	\$0	\$0
Capitalized Interest	\$0	\$170,847	\$170,847	\$0	\$170,847
Bond Reserve Fund	\$0	\$0	\$0	\$0	\$0
Loan Origination Fee	\$11,807	\$95,452	\$107,259	\$0	\$107,259
Debt Reserve	\$0	\$237,902	\$237,902	\$0	\$237,902
Subtotal Fiscal Services	\$11,807	\$505,401	\$517,208	\$79,450	\$596,658
Subtotal Before Contingency	\$650,000	\$5,118,987	\$5,768,987	\$123,450	\$5,892,437
Contingency					
Contingency	\$0	\$136,013	\$136,013	\$0	\$136,013
Subtotal Contingency	\$0	\$136,013	\$136,013	\$0	\$136,013
TOTAL COSTS	\$650,000	\$5,255,000	\$5,905,000	\$123,450	\$6,028,450

Other ** description must be entered

+ For Planning applications under the EDAP Program, please break down Planning costs as follows:

Category A				0
Category B				0
Category C				0
Category D				0
Total Planning Costs			0	0

**CITY OF WIMBERLEY
ENGINEERING FEASIBILITY REPORT
AMENDMENT NO. 2
TABLE 4**

Phase	Start Date	End Date
Collection System	4/5/2018	4/5/2019
Directional Drill Design	12/15/2018	1/31/2019
Directional Drill	2/15/2019	4/15/2019
Initiate Aqua Service	4/30/2019	

Publisher's Affidavit

San Marcos Publishing, LP
Wimberley View • Century News
P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of

3 weeks on the following dates:

December 6, 2018

December 13, 2018

December 20, 2018

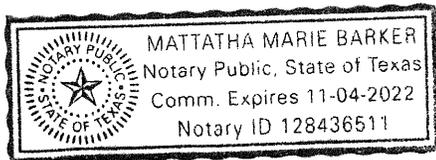
_____ 2018

The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.



Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 20th day of December, 2018 to certify which witness my hand and seal of office.



Mattatha Barker
NOTARY PUBLIC in and for Hays County, Texas

The Wimberley View

CLASSIFIEDS



P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice

Misc. Merchandise

Home For Rent

CITY OF WIMBERLEY

**NOTICE OF PUBLIC HEARING
PROPOSED CENTRAL WASTEWATER PROJECT MODIFICATIONS**

The City of Wimberley ("City") is constructing a wastewater collection system to serve central Wimberley. This project will decrease the reliance on private septic systems, which in many cases are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

This project is funded by a Texas Water Development Board ("TWDB") loan under the Clean Water State Revolving Fund Program. In accordance with regulations, any project financed through the Clean Water State Revolving Fund undergoes an environmental review process. As originally proposed, the City prepared the Environmental Information Document ("EID") and obtained public input on the project in 2014. The TWDB issued a Finding of No Significant Impact ("FNSI") following their review and after consultation with other regulatory agencies.

Since the issuance of the FNSI, the City has determined that it is in its best interest to make modifications to the project. The project is being funded through a loan from the Texas Water Development Board. Because of escalating capital costs of the total project, high annual operating costs of the plant that would need to be paid by the wastewater customers through their sewer rates, the need for future replacement capital costs, and environmental risk relative to discharge into Deer Creek, the City determined that the treatment plant and related storage tank and irrigation system would not be constructed. Rather, the City will contract with Aqua Utilities, Inc. d/b/a Aqua Texas ("Aqua") to process the wastewater at Aqua's existing land application permitted (non-discharge) treatment plant. In order to connect to Aqua's system, a connecting line will be installed under Cypress Creek using a directional drill to avoid adversely impacting the creek. Additionally, Aqua will upgrade its plant to produce Type 1 effluent, which will be made available for irrigation needs by the City and improve overall water quality for the benefit of the Wimberley Valley. The cost for the City to transport the reclaimed water for irrigation is not included within the scope of this project at this time. Under this wholesale arrangement, the City will serve its customers in the new service area and retain its Certificate of Convenience and Necessity. This modification is expected to reduce the City's financial burden and financial risks, and mitigate environmental risks by ensuring no discharge of effluent into Deer Creek, and thus into the Blanco River.

The modified project will include a new wastewater collection system, the rehabilitation and upgrade of an existing lift station, the construction of a new lift station, and the installation of approximately 6,000 linear feet of force main wastewater lines, and the installation of approximately 12,000 linear feet of gravity sewer lines. It will collect wastewater from residences and businesses in the portion of the City bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park ("Park") to the north, and FM 3237 to the east. Wastewater will be collected and transported by gravity lines, lift stations and force mains, to a point on the west side of Cypress Creek near the Park. At this point, the line will connect to the Aqua system, the regional wastewater treatment provider, and then transported by Aqua to its existing plant for treatment.

The total project cost is estimated at \$5.4 million. The total TWDB loan amount is \$5,255,000. This loan is secured by a first lien on the net revenues of the sewer system. Accordingly, sufficient revenue must be generated to pay for debt service and operating expenses of the wastewater system. Revenues will originate from sewer customers and reclaimed water access fees and sales to the City's Parks Department. The sewer customers' rates are expected to include components for capital recovery fees and base rates (both of which are based on Living Unit Equivalent ("LUE")), plus a component based on volume. The capital recovery fee is a one-time fee to connect, is forecasted to be \$2,500 per LUE and will be spread over eight years. Because of lower annual operating costs of the system under the modified project plan, customer sewer rates are expected to be reduced compared to the rates required to be charged under the original plan. The total estimated monthly bill for a typical residential household with a monthly volume of 4,000 gallons is \$63 to \$135, with the actual amount highly dependent upon the amount the City's Parks Department pays for its access to reclaimed water.

A public hearing is required, as outlined in the TWDB Environmental Information Document and 31 TAC § 375, Subchapter B. The hearing is intended to comply with the National Environmental Policy Act ("NEPA") requirements for public participation. Projects seeking funding through the Clean Water State Revolving Fund are subject to NEPA requirements. The public hearing is provided to discuss the proposed project changes, potential environmental impacts, alternatives to the proposed changes, and the economic impact on rate payers. A description of the proposed changes, maps and aerial photographs showing the proposed changes and original project, a copy of the 2014 Environmental Information Document, and the second amendment to the Engineering Feasibility Report will be displayed at the locations described below for thirty days before the Public Hearing and will be available at the hearing.

**The Public Hearing will be held
At 5:30 P.M.
Tuesday, January 8, 2019
Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676**

Following the presentation, comments on the modifications will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed modifications should be sent to Mr. Shawn Cox at the address below.

Copies of the documents will be available for public review and copying at the following locations:

- | | |
|--|---|
| Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676 | Wimberley Community Center
14068 RR 12
Wimberley, Texas 78676 |
| Wimberley Village Library
400 FM 2325
Wimberley, Texas 78676 | |

The contact for questions related to the public hearing is:

Mr. Shawn Cox, City Administrator (512-847-0025)
City of Wimberley
221 Stillwater
Wimberley, Texas 78676

**NOTICE TO ALL PERSONS HAVING
CLAIMS AGAINST THE ESTATE OF
JOHN PATRICK O'CONNOR**

Notice is hereby given that original Letters Testamentary for the Estate of John Patrick O'Connor, Deceased, were issued on November 28, 2018 in Cause No. 18-0355-P pending in the County Court at Law of Hays County, Texas, to Joseph Patrick O'Connor, as Independent Executor of said Estate. All persons having claims against this Estate are required to present them to said Executor at 530 Cascade Trail, San Marcos, Texas 78666, within the time and in the manner prescribed by Law. Dated the 29th day of November 2018

Patrick G. Rehmet, Attorney for the Estate of John Patrick O'Connor, Deceased

Law Office of Patrick G. Rehmet
P.O. Box 1916
Wimberley, Texas 78676
Telephone (512) 847-0117
Facsimile (512) 847-1274
Email: prehmet@austin.rr.com

**NOTICE OF APPLICATION TO
SUBDIVIDE**

An application has been filed with HAYS COUNTY to subdivide 16.052 acres of property located at along Fitzhugh Road, Austin, TX 78736. Information regarding the application may be obtained from Hays County Development Services (512) 393-2150. Tracking number: SUB-1116.

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General Help Wanted

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3/2 HOME for rent in Woodcreek with 2 car garage, fireplace, and screened porch. Rent is \$1650 per month with \$1500 deposit. Available immediately. Contact Janet @ (512)922-7894 or (512)847-2334.

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Home

The Wimberley View

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Public Notice



Apartment For Rent

CITY OF WIMBERLEY

**NOTICE OF PUBLIC HEARING
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PLEASE NOTE THIS LOCATION HAS BEEN CHANGED

The Public Hearing will now be held
At 5:30 P.M.

Tuesday, January 8, 2019

Wimberley Community Center - Johnson Hall

14068 Ranch Road 12

Wimberley, Texas 78676

Following the presentation, comments on the modifications will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed modifications should be sent to Mr. Shawn Cox at the address below.

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Mr. Shawn Cox, City Administrator (512-847-0025)

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit by Casa Vindemia Limited Liability Company dba Casa Vindemia, to be located at 1555 Ranch Rd 12, Wimberley 78676, Hays County, Texas. Officers of said corporation are Nancy G. Sallaberry, Manager.

NOTICE OF HTGCD OPERATING PERMIT APPLICATION: The Ivory Oak

The Hays Trinity Groundwater Conservation District (HTGCD) received an operating permit application from The Ivory Oak, 1521 Deer Lake Road Unit #B, Wimberley. The applicant requested an annual maximum production amount of 245,000 gallons. The intended well's non-exempt use, Commercial. The application has been reviewed and is administratively complete. District staff recommendation: one-year renewable operating permit for 245,000 gallons, monthly meter production recording with quarterly reporting to HTGCD, and mandatory drought cutback curtailments. The twenty-day deadline date for the District to accept formal contested case letters concerning this application is January 2, 2018. The application is available for review on the District's website www.haysgroundwater.com To determine if you have standing in this matter, see HTGCD Rules, Section 5.5 located on-line under Regulatory. Mail concerning submittal of a formal contested case letter shall be sent to HTGCD, PO Box 1648, Dripping Springs, TX. 78620

General Help Wanted

DEER CREEK OF WIMBERLEY
is hiring Full Time cooks, dietary aides and dishwashers. Please apply in person. 555 Ranch Rd 3237, Wimberley, TX 78676.

General Help Wanted

OZONA BANK
is accepting applications for Part-Time Teller positions in San Marcos and Wimberley. The successful applicant should have customer service and cash handling experience. Apply online at www.ozonabank.com. Equal Opportunity Employer

RN CASE MANAGER

Wimberley Home Health
We are taking applications for a full time Home Health Care Registered Nurse. Home Health experience is preferred, however, we will consider all applications. If you are interested in joining our team please



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108 Ave O - cottage A (5 blocks from courthouse square) \$1250/mo. All bills paid.

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on the golf course in Woodcreek. 41 Brookhollow. It's a 3 bedroom 2 bath home with open floor plan. \$1800 a month for rent. No pets. Call 770-324-2717 for more information.

3/2 HOME for rent in Woodcreek with 2 car garage, fireplace, and screened porch.

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- General Help Wanted
- General Help Wanted
- Homes For Rent
- Homes For Rent

CITY OF WIMBERLEY

NOTICE OF PUBLIC HEARING
PROPOSED CENTRAL WASTEWATER TREATMENT PROJECT MODIFICATIONS

The City of Wimberley ("City") is constructing a wastewater treatment plant to serve central Wimberley. This project will decrease the reliance on private septic systems, which are deteriorating. These deteriorating systems are potentially impacting the water quality of Cypress Creek, which winds through the central business district of Wimberley.

This project is funded by a Texas Water Development Board loan under the Clean Water State Revolving Fund Program. In accordance with regulations, any project financed by a Texas Water State Revolving Fund undergoes an environmental review process. As originally proposed, the City prepared an Environmental Information Document ("EID") and obtained public input on the project in 2014. The TWDB issued a Finding of No Significant Impact ("FNSI") following their review and after consultation with other regulatory agencies.

Since the issuance of the FNSI, the City has determined that it is in its best interest to make modifications to the project. The project is being funded through a loan from the Texas Water Development Board. Because of escalating capital costs of the total project, high annual operating costs of the plant that would need to be paid by the wastewater customers through their sewer rates, the need for future replacement capital costs, and environmental risk relative to discharge into Deer Creek, the City determined that the treatment plant and related storage tank and irrigation system would not be constructed. Rather, the City will contract with Aqua Utilities, Inc. d/b/a Aqua Texas ("Aqua") to process the wastewater at Aqua's existing land application permitted (non-discharge) treatment plant. In order to connect to Aqua's system, a connecting line will be installed under Cypress Creek using a directional drill to avoid adversely impacting the creek. Additionally, Aqua will upgrade its plant to produce Type 1 effluent, which will be made available for irrigation needs by the City and improve overall water quality for the benefit of the Wimberley Valley. The cost for the City to transport the reclaimed water for irrigation is not included within the scope of this project at this time. Under this wholesale arrangement, the City will serve its customers in the new service area and retain its Certificate of Convenience and Necessity. This modification is expected to reduce the City's financial burden and financial risks, and mitigate environmental risks by ensuring no discharge of effluent into Deer Creek, and thus into the Blanco River.

The modified project will include a new wastewater collection system, the rehabilitation and upgrade of an existing lift station, the construction of a new lift station, and the installation of approximately 6,000 linear feet of force main wastewater lines, and the installation of approximately 12,000 linear feet of gravity sewer lines. It will collect wastewater from residences and businesses in the portion of the City bounded roughly by Cypress Creek to the west, the Blanco River to the south, Blue Hole Regional Park ("Park") to the north, and FM 3237 to the east. Wastewater will be collected and transported by gravity lines, lift stations and force mains, to a point on the west side of Cypress Creek near the Park. At this point, the line will connect to the Aqua system, the regional wastewater treatment provider, and then transported by Aqua to its existing plant for treatment.

The total project cost is estimated at \$5.4 million. The total TWDB loan amount is \$5,255,000. This loan is secured by a first lien on the net revenues of the sewer system. Accordingly, sufficient revenue must be generated to pay for debt service and operating expenses of the wastewater system. Revenues will originate from sewer customers and reclaimed water access fees and sales to the City's Parks Department. The sewer customers' rates are expected to include components for capital recovery fees and base rates (both of which are based on Living Unit Equivalent ("LUE")), plus a component based on volume. The capital recovery fee is a one-time fee to connect, is forecasted to be \$2,500 per LUE and will be spread over eight years. Because of lower annual operating costs of the system under the modified project plan, customer sewer rates are expected to be reduced compared to the rates required to be charged under the original plan. The total estimated monthly bill for a typical residential household with a monthly volume of 4,000 gallons is \$63 to \$135, with the actual amount highly dependent upon the amount the City's Parks Department pays for its access to reclaimed water.

A public hearing is required, as outlined in the TWDB Environmental Information Document and 31 TAC § 375, Subchapter B. The hearing is intended to comply with the National Environmental Policy Act ("NEPA") requirements for public participation. Projects seeking funding through the Clean Water State Revolving Fund are subject to NEPA requirements. The public hearing is provided to discuss the proposed project changes, potential environmental impacts, alternatives to the proposed changes, and the economic impact on rate payers. A description of the proposed changes, maps and aerial photographs showing the proposed changes and original project, a copy of the 2014 Environmental Information Document, and the second amendment to the Engineering Feasibility Report will be displayed at the locations described below for thirty days before the Public Hearing and will be available at the hearing.

PLEASE NOTE THIS LOCATION HAS BEEN CHANGED
The Public Hearing will now be held
At 5:30 P.M.
Tuesday, January 8, 2019
Wimberley Community Center - Johnson Hall
14068 Ranch Road 12
Wimberley, Texas 78676

Following the presentation, comments on the modifications will be received from the public. Representatives from the City of Wimberley will be available to answer questions related to the project. All interested parties are invited and encouraged to attend. Any written comments specific to the proposed modifications should be sent to Mr. Shawn Cox at the address below.

Copies of the documents will be available for public review and copying at the following locations:

Wimberley City Hall 221 Stillwater Wimberley, Texas 78676	Wimberley Community Center 14068 RR 12 Wimberley, Texas 78676
Wimberley Village Library 400 FM 2325 Wimberley, Texas 78676	

The contact for questions related to the public hearing is:
Mr. Shawn Cox, City Administrator (512-847-0025)

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Wimberley Home Health
We are taking applications for a full time Home Health Care Registered Nurse. Home Health experience is preferred, however, we will consider all applications. If you are interested in joining our team please drop in to see us at Wimberley Medical Plaza, 201 FM 3237, Suite 123, Wimberley, Texas 78676, (upstairs). Feel free to send your resume to ann@wimberleyhomehealth.com, or call 512-847-7080. To learn more about Wimberley Home Health visit www.wimberleyhomehealth.com.

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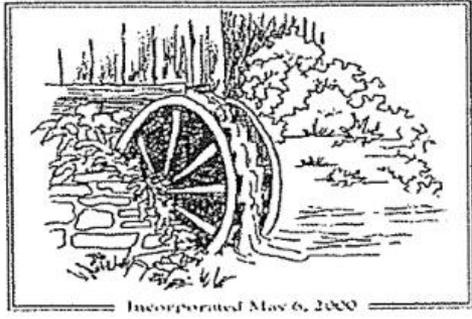
RENTAL PROPERTY
on the golf course in Woodcreek. 41 Brookhollow. It's a 3 bedroom 2 bath home with open floor plan. \$1800 a month for rent. No pets. Call 770-324-2717 for more information.

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Public Hearing Presentation



City of Wimberley

**Public Hearing
January 8, 2019**

**Proposed Central Wastewater Project
Modifications**

One of the Purposes of this Hearing is to Discuss the Potential Impacts of the Project Changes and Alternatives to it

- Proposed Project Changes
- Potential Environmental Impacts
- Alternatives to Proposed Changes
- Economic Impact on Rate Payers

Why Is Original Plan Being Modified?

In Summary - The Modified Plan Is:

- More **Environmentally Responsible**, including being a true “No Discharge” option into Deer Creek/Blanco River
- More **Financially Responsible** for the initial project cost, but more importantly, lower ongoing annual costs that affect customer rates and City support, as well as long-term financial risks and burdens of the City owning and operating a Plant at Blue Hole Park

Proposed Project Changes

Project Changes are
Summarized in
Engineering Feasibility
Report (EFR)
Amendment No. 2
Prepared by:
Alan Plummer
Associates, Inc.

EFR has been displayed
for this Hearing

**CITY OF WIMBERLEY
CENTRAL WASTEWATER SYSTEM
ENGINEERING FEASIBILITY REPORT
AMENDMENT NO. 2**

December 3, 2018



Stephen Coonan
12/3/18

Proposed Project Changes – Collection System

Collection System

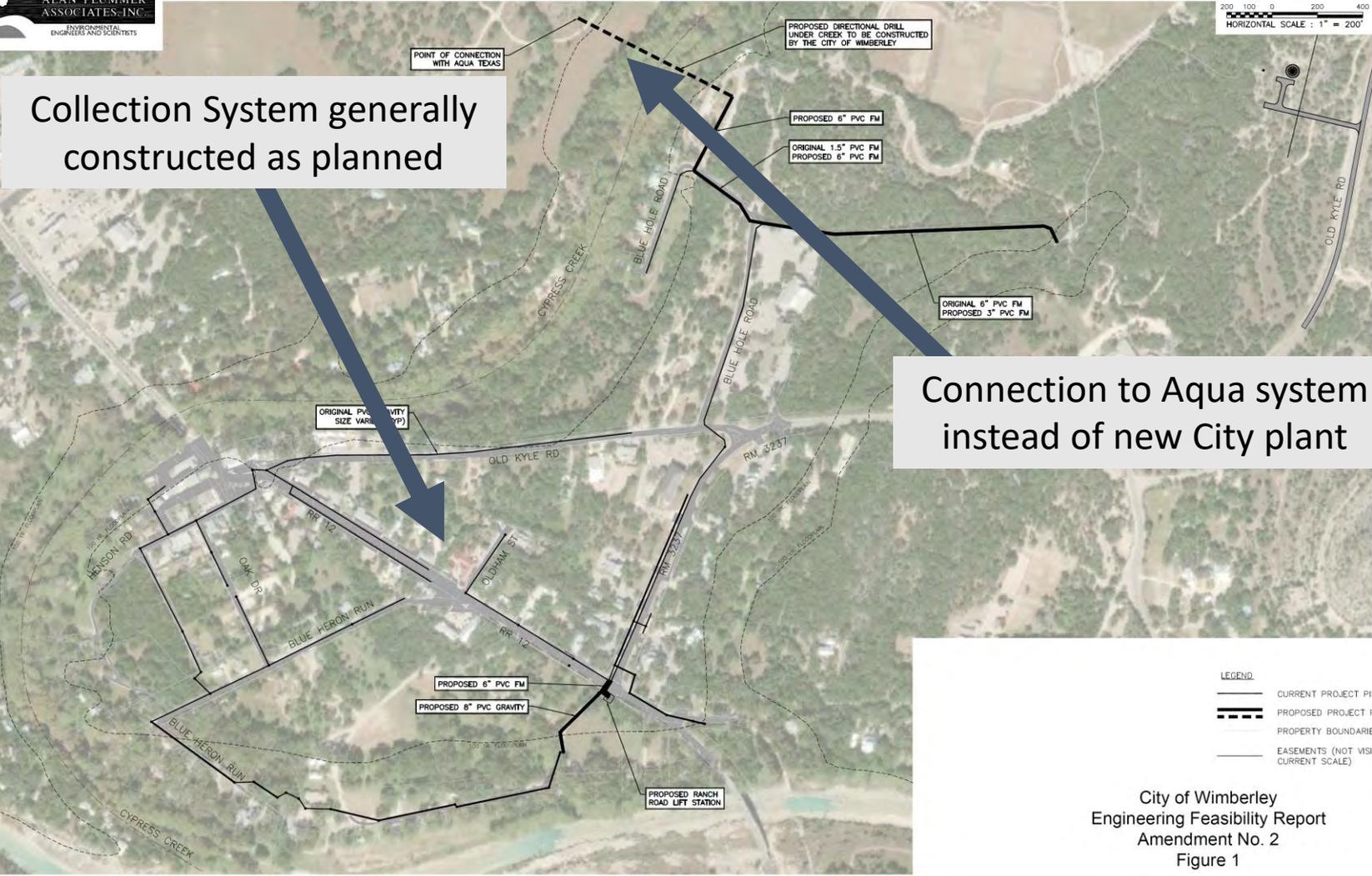
- Generally remains the same as originally planned and being constructed, except it will connect to Aqua's system instead of a new City wastewater treatment plant
- City will still provide sewer service to the Central Wimberley area – initially to serve approximately 100 residences and businesses
- City will still own, maintain and manage the collection system
- City still retains ownership and control of its CCN
- Sewer customers will still be served by the City with City determining customer rates

Proposed Project Changes – Wastewater Treatment

Wastewater Treatment

- \$3.1 million sewer plant planned to be constructed and operated at the northwest corner of Blue Hole Regional Park is eliminated from the project
- City will connect its Collection System to the Aqua Texas System on the west side of Cypress Creek
- Aqua will then transport the wastewater to its existing land application, non-discharge plant for treatment
- City will enter into a long-term agreement with Aqua for treatment of the City's wastewater

Modification - Map



Collection System generally constructed as planned

Connection to Aqua system instead of new City plant

LEGEND

- CURRENT PROJECT PIPELINE
- PROPOSED PROJECT PIPELINE
- PROPERTY BOUNDARIES
- EASEMENTS (NOT VISIBLE AT CURRENT SCALE)

City of Wimberley
 Engineering Feasibility Report
 Amendment No. 2
 Figure 1

Aqua Agreement Terms

- City Retains CCN - No CCN Transfer to Aqua
- Aqua takes City collection system wastewater at west side of Cypress Creek, transports and processes it at their non-discharge wastewater plant
- Aqua will be City wholesale wastewater treatment provider
- Aqua Cost is:
 - Up to 50,000 gpd- \$4,398 per month (\$52,776 per year)
 - 50,000 to 75,000 gpd - \$7,037 per month (\$84,444 per year)
 - Cost is based on tariff rates in effect since 2009
- There will be no increase in rates for five years, and increases thereafter tied to regulated tariffs
- Aqua will upgrade entire plant from Type 2 to Type 1 effluent
- Reclaimed Type 1 effluent will be made available to the City at no cost
- One time capacity buy-in (impact) fee of \$300,000
- Timing of completion of construction consistent with City's plans

Modified Plan - Reclaimed Water

- Under the Aqua agreement, Aqua will upgrade its entire plant from Type 2 to Type 1 treated effluent, benefiting the entire Wimberley Valley
- Type 1 effluent will be made available to the City at no cost for irrigation
- The City would like to utilize reclaimed water to provide irrigation to Blue Hole Park – primarily for the soccer fields
- At this time, sufficient funding is not available for a reclaimed water line back to Blue Hole in this project scope
- Until the City develops a plan for a reclaimed return water line, City will have available Type 1 effluent via truck if needed
- Under the Modified Plan, all effluent will be beneficially used for irrigation – with no discharge into waterways

Project Cost Summary

Project Cost	Original Plan		Modified Plan		Variance
Collection System	\$ 3,566,402	F	\$ 3,566,402	F	\$ -
Collection System Modifications	-		144,380	F	144,380
Treatment Plant	3,068,900	F	345,072	F	(2,723,828)
Treatment Plant - Termination Fee	-		200,000	C	200,000
Total Construction Costs	\$ 6,635,302		\$ 4,255,854		\$ (2,379,448)
Project and Construction Administration	\$ 252,575	C	\$ 252,575	F	\$ -
Engineering Redesign - Modification	-		36,500	F	36,500
Capacity Buy-in	-		300,000	F	300,000
Easements	44,000	C	44,000	C	-
Subtotal	\$ 6,931,877		\$ 4,888,929		\$ (2,042,948)
Bond Reserve, Origination and Other Fees	\$ 334,554	F	\$ 334,554	F	\$ -
Bond Counsel and Financial Advisor	68,950	C	79,450	C	10,500
Construction Interest (2 years)	170,847	C	170,847	F	-
Total Other Costs	\$ 574,351		\$ 584,851		\$ 10,500
Total Project Cost (excludes contingencies)	\$ 7,506,228		\$ 5,473,780		\$ (2,032,448)
Breakdown by Sources of Funds					
Funding Sources - TWDB, EDA, Way Grant	\$ 6,969,856	F	\$ 5,150,330	F	\$ (1,819,526)
City Funds	536,372	C	323,450	C	(212,922)
Total Project Cost - Sources of Funds	\$ 7,506,228		\$ 5,473,780		\$ (2,032,448)

Project Funding vs Cost

Sources of Funds	Original Plan	Modified Plan	Variance
TWDB Loan	\$ 5,255,000	\$ 5,255,000	\$ -
TWDB Loan - Design Loan Remaining	-	31,343	31,343
TWDB Funding Green Project	243,005	-	(243,005)
EDA Grant	1,000,000	-	(1,000,000)
Way Grant (Up to \$1 million)	471,851	-	(471,851)
Other Funding Sources Available	\$ 6,969,856	\$ 5,286,343	\$ (1,683,513)
City Funds	536,372	323,450	(212,922)
Total Sources of Funds Available	\$ 7,506,228	\$ 5,609,793	\$ (1,896,435)
Total Project Cost	\$ 7,506,228	\$ 5,473,780	\$ (2,032,448)
Excess Available Funds vs Cost	\$ -	\$ 136,013	

Notes:

- (1) TWDB Green Funding not available at this time
- (2) EDA Grant originally for both Collection System and Plant construction (including irrigation).
City requested 1st amendment to Grant in January 2018 to exclude Collection System and include Plant only.
City requested 2nd amendment to Grant in July 2018 to re-include Collection System, which was denied.
- (3) Way Grant available for contingency spending. Based on Project Cost Estimates available amount limited to \$471,851 under Original Plan. Grant not available for Modified Plan.

Economic Impact on Rate Payers

Under the Original Plan, Sewer Customers would be obligated to incur the following costs related to connecting to the City System:

- Cost to run lateral sewer lines from the sewer drain location on their property to the connection point with the City System
- Cost to decommission their existing septic tank
- Cost of a grinder pump if necessary
- Pay a one-time capital recovery fee of \$2,500 per Living Unit Equivalent (LUE), with such fee payable in monthly bill over 8 years

The Modified Plan does not change the above obligations

Sewer Customers will be obligated to pay a monthly bill that consists of the following components:

- The capital recovery fee payment described above
- A base rate per LUE
- A volume rate – based on water usage (per thousand gallons)

Under the Modified Plan, the base and/or volume rates are expected to be lower than the Original Plan rates due to lower revenue requirements

Economic Impact on Rate Payers - Revenues

The City must establish rates adequate to pay for:

- Annual Operating Costs of the System (including collection system and wastewater treatment costs)
- Annual Debt Service on the TWDB \$5.3 million revenue bonds

In addition to Sewer Customers, another source of revenues is for the Parks Dept to pay for access to and use of reclaimed water. Under a City agreement required by TWDB, this could be as much as \$200,000 per year, which is substantially greater than the fair market value of the volumes of available reclaimed water. **However, this amount (hereafter referred to as City Subsidy) will be at the sole discretion of the current and future City Councils to determine.**

The City Council will determine Sewer Customer rates based on this criteria – and will factor in the City Subsidy and expected number of sewer customers and their volumes. Individual rates will be determined based on assumptions regarding fixed base rates, capital recovery fees and volumetric rates, all at the discretion of the City Council in order to achieve the required revenues to cover costs.

Economic Impact on Rate Payers – Costs and Revenues

The Modified Plan will result in lower annual operating costs: a City owned Plant vs Aqua Processing Fees - Est \$161,473 per year. The following illustrates Sewer Customer revenue requirements assuming full City Subsidy of \$200,000 per year

	Original Plan	Modified Plan	Variance
Operating Costs	\$ 233,749	\$ 72,276	\$ (161,473)
Debt Service (TWDB Loan)	240,540	240,540	-
Total Revenue Required	\$ 474,289	\$ 312,816	\$ (161,473)
Blue Hole Reclaimed Water (Subsidy)	\$ (200,000)	\$ (200,000)	\$ -
Sewer Customer Revenue Required	\$ 274,289	\$ 112,816	\$ (161,473)

2.4X

Modified Revenue requirements for Sewer Customers reduced from \$274,89 to \$112,816

Assuming Sewer Customers benefit for entire difference: Original Plan rates are on average 2.4 X Modified Plan rates

Or the City and Customers can share in cost savings

Total Cost Difference over 30 years is over \$4 million

Economic Impact on Rate Payers - Rates

- This is an example of the comparative impact on Sewer Customer rate payers under the Original Plan vs the Modified Plan for one illustrative customer - See more examples on following slide.
- Because the amount of the annual City Subsidy is of such significance to the rates, it shows three scenarios – one at the Fair Market Value of reclaimed water at \$15k, at a premium of \$100k and the maximum under the agreement of \$200k per year.
- It also assumes a base customer rate of \$35 per LUE, a capital recovery fee of \$2,500 per LUE and a volumetric rate required to fulfill the total revenue requirements, as used in the Raftelis rate studies. However, these are individual assumptions that Councils may change that affect individual rates.
- Because of lower operating costs under the Modified Plan, the revenue requirements, and thus customer rates are lower than the Original Plan.

<u>Examples</u>	<u>Typical</u>	<u>LUE's</u>	<u>Mo. Gallons</u>	<u>Original Plan</u>			<u>Modified Plan</u>		
				<u>Reclaimed Water Revenue</u>			<u>Reclaimed Water Revenue</u>		
				<u>At FMV</u>	<u>At \$100k</u>	<u>Max \$200k</u>	<u>At FMV</u>	<u>At \$100k</u>	<u>Max \$200k</u>
Sewer	Residential	1.0	4,000	<u>Monthly Bill</u> \$ 198	<u>Monthly Bill</u> \$ 165	<u>Monthly Bill</u> \$ 126	<u>Monthly Bill</u> \$ 135	<u>Monthly Bill</u> \$ 102	<u>Monthly Bill</u> \$ 63

Source: Based on Raftelis Updated Study on 7-19-18

Economic Impact on Customer Rates

	Original Plan			Modified Plan		
	Reclaimed Water Revenue			Reclaimed Water Revenue		
	At FMV	At \$100k	Max \$200k	At FMV	At \$100k	Max \$200k
Operating Costs & Debt Service - Revenue Requirements						
Operating Costs	\$ 233,749	\$ 233,749	\$ 233,749	\$ 72,276	\$ 72,276	\$ 72,276
Debt Service	240,540	240,540	240,540	240,540	240,540	240,540
Total Costs - Revenue Requirements	\$ 474,289	\$ 474,289	\$ 474,289	\$ 312,816	\$ 312,816	\$ 312,816
Revenues						
Sewer Customers (approx 100 customers)	\$ 458,888	\$ 374,289	\$ 274,289	\$ 297,415	\$ 212,816	\$ 112,816
Blue Hole Reclaimed Water Access (City Subsidy) Rate/000 \$ 1.50	15,401	100,000	200,000	15,401	100,000	200,000
Total Revenues	\$ 474,289	\$ 474,289	\$ 474,289	\$ 312,816	\$ 312,816	\$ 312,816
Volumes						
LUE's - For Base Rates	162	162	162	162	162	162
LUE's - For Capital Recovery Fees	128	128	128	128	128	128
Monthly Volume - gallons	855,622	855,622	855,622	855,622	855,622	855,622
Rates Per Unit						
Base Rate - Per LUE	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
Volume Rate - Per thousand gallons	\$ 34.17	\$ 25.93	\$ 16.19	\$ 18.44	\$ 10.20	\$ 0.46
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500

Examples	Typical	LUE's	Mo. Gallons	Original Plan			Modified Plan		
				Monthly Bill	Monthly Bill	Monthly Bill	Monthly Bill	Monthly Bill	Monthly Bill
Monthly Sewer Bills at Various Volumes (Water Usage)	Small Business	1.0	2,000	\$ 129	\$ 113	\$ 93	\$ 98	\$ 81	\$ 62
	Residential	1.0	4,000	\$ 198	\$ 165	\$ 126	\$ 135	\$ 102	\$ 63
	Small Restaurant	1.7	9,000	\$ 369	\$ 294	\$ 207	\$ 227	\$ 153	\$ 65
	Large Restaurant	3.3	15,000	\$ 614	\$ 491	\$ 345	\$ 378	\$ 255	\$ 109
	Large Restaurant	5.6	30,000	\$ 1,229	\$ 981	\$ 689	\$ 757	\$ 510	\$ 217
	Deer Creek	33.3	50,000	\$ 2,048	\$ 1,636	\$ 1,149	\$ 1,261	\$ 849	\$ 362
			300,000	\$ 11,417	\$ 8,945	\$ 6,024	\$ 6,699	\$ 4,227	\$ 1,306

Source: Based on Raftelis Updated Study on 7-19-18

Note: 300,000 gal customer represents Deer Creek with no capital recovery fee

Environmental Information Document

2014 Environmental
Information Document
(EID) prepared by:

Alan Plummer
Associates, Inc.

TWDB Issued a Finding
of No Significant Impact
(FNSI) Following Their
Review

EID has been displayed
for this Hearing

State Revolving Fund Program
Texas Water Development Board

FINAL
Environmental Information Document

for

THE CITY OF WIMBERLEY

PROPOSED WASTEWATER COLLECTION AND TREATMENT SYSTEM PROJECT

WIMBERLEY, HAYS COUNTY, TEXAS

June 18, 2014

Prepared by:

Alan Plummer Associates, Inc.
1320 S. University Drive, Suite 300
Fort Worth, Texas 76107-5764

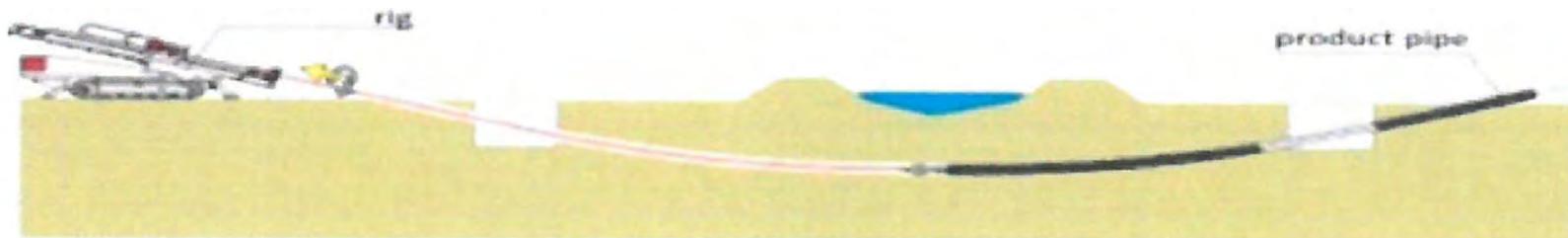
Potential Environmental Impacts

Environmental Issues Include:

- **Modified Plan will result in no City wastewater treatment plant at Blue Hole Park. Therefore no discharge of effluent into Deer Creek/Blanco River will occur. The Original Plan provided for both irrigation at the Park and discharge when irrigation could not occur. Under the current permit issued by the TCEQ for the proposed plant, the City could discharge up to 75,000 gallons of effluent per day**
- **Modified Plan eliminates the risk of sewage spills at the proposed plant site**
- **Modified Plan will result in Aqua upgrading its entire plant to produce Type 1 effluent, with all such effluent beneficially reused for irrigation. No discharge into waterways is allowed under its permit**
- **Modified Plan will require a connecting line installed under Cypress Creek using a directional drill to avoid adversely impacting the creek**

Boring Under Cypress Creek

- Installation will occur using horizontal directional drilling (HDD)
- Drilling equipment utilized will not be in or adjacent to Cypress Creek – it will take place approximately 100-200 feet away
- It is expected that the HDD will be approximately 10 feet below the bottom of the creek
- The pipe used to carry the wastewater would be high density polyethylene pipe (HDPE). This pipe is very durable, has a long life span and has fused joints that do not pull apart or leak
- The following illustrates the drilling process



Alternatives to the Proposed Changes

11 Options were considered in the initial feasibility study. Two options included using Aqua to process wastewater.

The Modified Plan is a version of these options that also includes eliminating the current Deer Creek Plant. Modified Plan became economically preferable due to:

- Original Plan bid costs significantly higher than expected
- Original Plan estimated annual plant operating costs higher than expected
- Annual Aqua fees under Modified Plan reduced significantly
- Modified Plan in compliance with Original Stakeholders' Committee conclusion

City of Wimberley

Wastewater Collection and
Treatment System Feasibility Study

December 2013



SUBMITTED BY:



TBPE Firm Registration No. F-13

Benefits of Modified Plan - Environmental

- No discharge of effluent into Deer Creek/Blanco River and resulting environmental impact
- No risk of excess effluent runoff into Cypress Creek due to over irrigation
- No aquifer contamination from discharge into Deer Creek/Blanco River
- No unsightly sewer plant with a 500,000 gallon effluent storage tank at Blue Hole Park
- No potential for raw sewer plant spills in Blue Hole Park or Deer Creek/Blanco River
- No sewer plant odor issues at Blue Hole Park
- Aqua's plant will be upgraded to Type 1, benefiting the entire Wimberley Valley
- Reduces risk of even higher levels of potential discharge in the future due to City growth

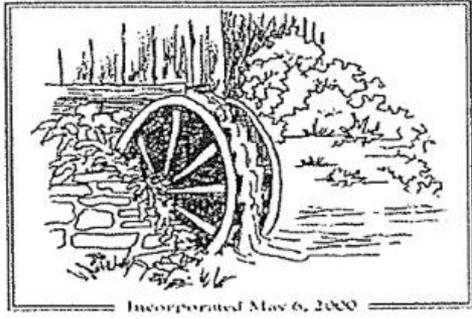
Benefits of Modified Plan – Financial

- Initial Project Cost requires less from City Funds/Reserves
- Lower annual costs by not owning/operating a plant - millions over time
- Opportunity to significantly reduce sewer customer rates and/or City subsidy
- Eliminates potential for costly sewer plant spills
- Eliminates costs and risks of maintaining a plant in working order and in environmental compliance for decades
- TCEQ requires expansion plans when plant reaches 75% of capacity - 56,250 gpd
- No need to plan for cost to replace the sewer plant at its end of life - 20-30 years

Objectives of Wastewater System	Original	Modified
Clean up Cypress Creek (to extent caused by failing septics)	✓	✓
Maintain Local Control with City Owned CCN	✓	✓
Provide Infrastructure to Allow for Controlled Growth Downtown as Permitted by the City	✓	✓
Provide Water to Irrigate Blue Hole Park	✓	Half ✓
Protect Our Environment - Blanco River, Cypress Creek, and Aquifers	X	✓
Make Rates Affordable to Sewer Customers	X	✓
Accomplish in a Financially Responsible Manner	X	✓

Thank You

Wimberley Wastewater System - Council Workshop - August 14, 2018



Wimberley Wastewater System

**Council Workshop
August 14, 2018**

Presentation Outline

- City Wastewater Project - Recap and Discuss Current Status
- City/Aqua Option
- City and City/Aqua Options - Comparisons
- Conclusions

Acknowledgements

Thanks to everyone who provided valuable input, including but not limited to:

- Alan Plummer Associates
- Texas Water Development Board (TWDB)
- Economic Development Administration (EDA)
- Texas Commission on Environmental Quality (TCEQ)
- Public Utility Commission (PUC) of Texas
- Aqua Texas
- Hays County
- Wimberley ISD
- Inframark (formerly Severn Trent)
- Raftelis Financial Consultants
- City Attorney
- Citizen Input

--

Stakeholder Committee Recommendation

Central Wimberley Wastewater Stakeholder Committee:

Recommendations to Wimberley City Council in response to mission statement provided by Council

Nov. 20, 2013

Alternative Position in the Event Objective II is Not Accomplished

- In the event that construction costs for city treatment and reuse systems exceed the engineer's estimate (including contingency, relocation of plant within Blue Hole, and Winter's Mill reuse line) by more than 10%, if the City's expanded 5-5-2-1 plant permit is denied, or the City fails to commit the funds necessary to construct the treatment plant, the City shall negotiate with Aqua Texas to send the planned capacity to Aqua for wholesale treatment

Ad Hoc Committee Recommendation

Wimberley
Downtown Wastewater System
Citizens Ad Hoc Committee
Presentation of Report
Dated June 25, 2016
Presented June 30, 2016

- **Key Observation** – City has never seriously negotiated with Aqua Texas to develop a proposal that would allow a fair comparison. This made it impossible for the Committee to fully determine the economic feasibility of the Aqua options in relation to the City’s proposed wastewater system.
 - **Conclusion** - Explore the viability of the various options with Aqua in greater depth during the bidding process to avoid any delay should the project prove not to be economically feasible
-

Objectives of City Wastewater System

Clean up Cypress Creek (to extent caused by failing septics)

Maintain Local Control with City Owned CCN

**Provide Infrastructure to Allow for Controlled Growth
Downtown as Permitted by the City**

Provide Water to Irrigate Blue Hole Park

**Protect Our Environment - Blanco River, Cypress Creek,
and Aquifers**

Make Rates Affordable to Sewer Customers

Accomplish in a Financially Responsible Manner

City Wastewater Project

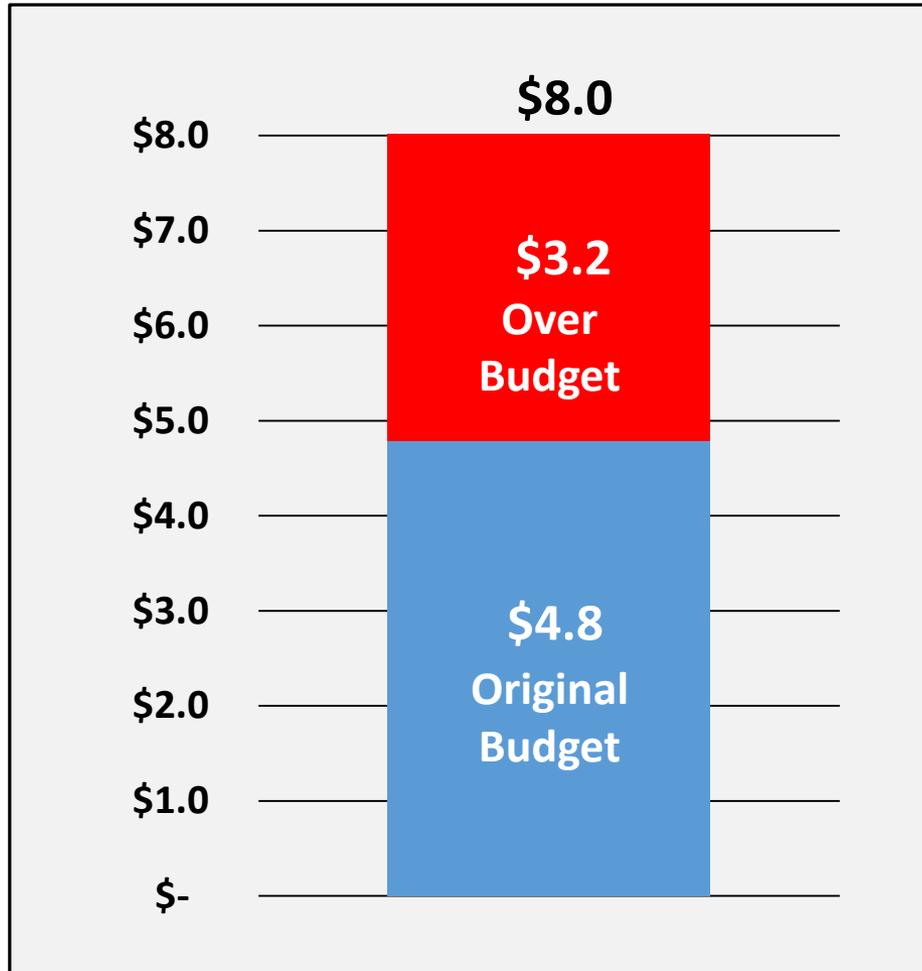
- Project Status
- Project Cost Status
- Funding Status
- Operating Costs
- Revenue Requirements
- Customer Rates

City - Project Status

- Collection System is under construction; current issues being worked include:
 - Easements
 - Property acquisition to relocate lift station
 - TXDOT permits
 - Re-routing lines
- Sewer Plant at Blue Hole Park on hold pending this evaluation
 - Only on-site activity has been clearing plant and storage tank site

--

City - Project Cost (\$ millions)



As the two construction contracts were awarded –
The estimated project cost has grown from \$4.8 to \$8.0 million
(\$3.2 million, or 67% over budget)

Project Cost Summary

	Original Budget	Current Estimate	Variance
Collection System	\$ 2,259,000	\$ 3,616,230	\$ 1,357,230
Treatment Plant	1,365,100	3,068,900	1,703,800
Total Construction Costs	\$ 3,624,100	\$ 6,685,130	\$ 3,061,030
Contingency Funds	512,998	479,521	(33,477)
Bond Reserve and Origination Fee	343,636	333,354	(10,282)
Subtotal	\$ 4,480,734	\$ 7,498,005	\$ 3,017,271
Bond Counsel and Financial Advisor	46,310	68,950	
Project Administration	-	175,000	
Construction Administration	-	77,575	
EDA Administration	-	25,000	
Other	30,000	-	
Construction Interest (2 years)	232,271	170,847	
Total Other Costs	\$ 308,581	\$ 517,372	\$ 208,791
Total Project Cost	\$ 4,789,315	\$ 8,015,377	\$ 3,226,062
Percentage Over Budget			67%

See Appendix 1 for Original Budget from Alan Plummer Associates

Excludes reclaimed water line to Central Wimberley removed from project scope

City - Project Funding

	Sources	Comments	
Texas Water Development Board (TWDB) Revenue Bond	\$ 5,498,005	Loan Funded October 2017	✓
Economic Development Agency (EDA) Grant	1,000,000	Grant Available	✓
Way Family Foundation Grant	1,000,000	Due to 2017 Project Plan and Budget Changes and Late Start, Grant May No Longer be Binding and Available Since Agreement Never Amended	?
Subtotal	\$ 7,498,005		
City's Operating Reserves	517,372	Costs Being Paid from City's Operating Reserves	✓
Total Sources of Funds	\$ 8,015,377		

Who Pays for Sewer System

- Financed with TWDB Revenue Bonds
- Total Annual Costs and Debt Service to be paid by Users (Not Taxpayers)
- Users defined as Sewer Customers and Blue Hole (for Reclaimed Water)
- Formula for determining revenue requirements from Sewer Customers:

Expected Annual Operating Costs

+ Debt Service on TWDB Loan (already fixed)

= Total Revenue Requirements

- Revenue from City for Reclaimed Water

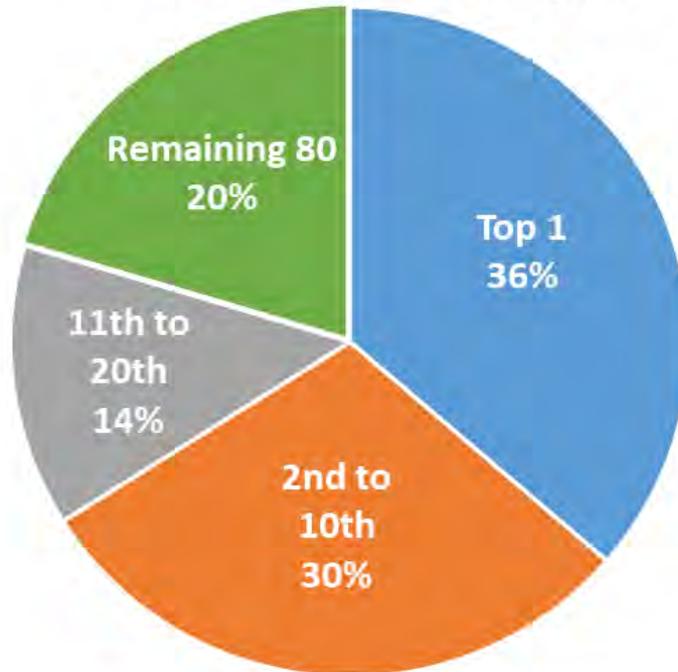
= Revenue Required from Sewer Customers

- Sewer Customer Rates Calculated from Revenue Required – Based on number of customers and volumes

Above formula illustrates the importance of keeping operating costs at lowest level to help ensure affordable rates for sewer customers

Volume Update – 100 Customer Base

**Initial Estimated Monthly Volume By
Customer - 27,000 gpd**



Ranking	
Top 1	36%
Top 10	66%
Top 20	80%
Bottom 80	20%

Source – Wimberley Water Supply Corporation – Residential based on winter averaging

Twelve months ended June 30, 2018

Note: Raftelis Updated Study Used 28,000 gpd

City - Annual Operating Costs

Step 1 - Update the Expected City Plant Operating Costs

Estimated O&M	Annual Costs
Collection System	\$ 19,500
Treatment Plant	214,249
Total Annual Operating Costs	\$ 233,749

Sources: Inframark (formerly Severn Trent) - current plant operator and Alan Plummer Associates. See Appendix 2 and 3

Updated City plant cost higher than existing plant and prior estimates. This is due to larger plant size, membrane technology, UV disinfection, higher energy needs and more testing requirements.

City – Revenue Requirements

Customer Rates Must Generate Sufficient Revenues to Pay Operating Costs Plus Debt Service

Operating Costs	\$ 233,749
Debt Service (TWDB Loan)	240,540
Total Revenue Required	\$ 474,289

Blue Hole Reclaimed Water (Subsidy)	\$ (200,000)
-------------------------------------	--------------

Sewer Customer Revenue Required	\$ 274,289
--	-------------------



Approximately 100 Central Wimberley Property Owners will Initially be Responsible to Pay this Amount

City - Customer Rates

Revenue Requirements			
Sewer Customers (approx 100 customers)		\$	274,289
Blue Hole Reclaimed Water (Subsidy)	42% →		200,000
Total Revenue Required		\$	474,289
Rates Per Unit			
Base Rate - Per LUE		\$	35.00
Volume Rate - Per thousand gallons		\$	16.19
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)		\$	2,500
<u>Examples</u>	<u>Typical</u>	<u>Mo. Gallons</u>	<u>Monthly Bill</u>
Monthly Sewer Bills at Various Volumes (Water Usage)	Small Business	2,000	\$ 93
	Residential	4,000	\$ 126
		9,000	\$ 207
	Small Restaurant	15,000	\$ 345
		30,000	\$ 689
	Large Restaurant	50,000	\$ 1,149
	Deer Creek	300,000	\$ 6,024

Source: Raftelis Updated Study on 7-19-18 - Appendix 5

Note: 300,000 gal customer represents Deer Creek with no capital recovery fee

City/Aqua Option

- Aqua Offer
- Description of City/Aqua Option
- Project Cost
- Project Funding
- Operating Costs
- Revenue Requirements
- Customer Rates
- Project Timeline and Permits

Aqua Offer

- City Retains CCN - No CCN Transfer to Aqua
- Aqua takes downtown wastewater at Cypress Creek location and processes it at their non-discharge wastewater plant
- City will be an Aqua wholesale customer
- Aqua Cost is \$4,398 per month (\$52,776 per year) - Cost is based on PUC tariff rates in effect since 2009
 - No increase in rates for five years
 - Any increases thereafter is subject to an appeal process with PUC
- Aqua will upgrade entire plant from Type 2 to Type 1
- Reclaimed Type 1 effluent will be made available to Blue Hole for irrigation at no cost
- One time impact fee of \$300,000
- Timing of completion of their construction consistent with City's plans
- See Aqua Offer in Appendix 4

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Description of City/Aqua Option

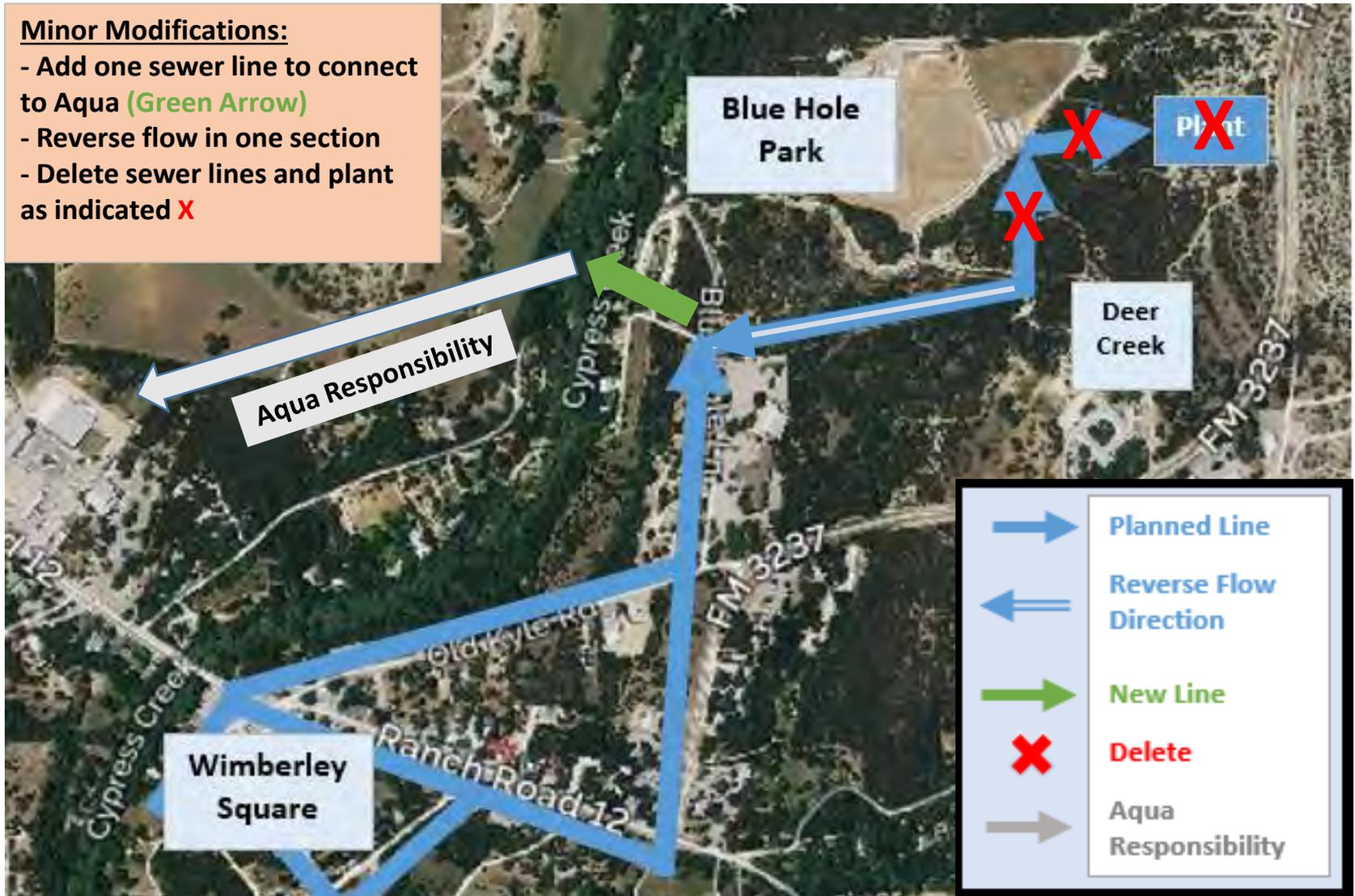
- City retains ownership of their CCN and therefore retains control of Wimberley growth
- City builds, owns and maintains the downtown collection system
- Wastewater facility is not built in Blue Hole Park; wastewater is sent to Aqua for processing
- Appropriately sized storage tank/irrigation system is built to meet watering needs of the Park
- Type 1 effluent is provided to the storage tank in the Park via a reclaimed water line running down Winters Mill Parkway
- City of Wimberley is retail provider to its customers and will set/control rates

--

City/Aqua Option - System Design Change

Minor Modifications:

- Add one sewer line to connect to Aqua (Green Arrow)
- Reverse flow in one section
- Delete sewer lines and plant as indicated X



City/Aqua Option - Reclaimed Water System



Water to Blue Hole - Includes new reclaimed water line, appropriately sized irrigation storage tank and irrigation system. Prepared by Alan Plummer Associates

Aqua Texas Information

- Provider of Wimberley sewer services north of Cypress Creek
 - Customers include Wimberley Schools, Wimberley Community Center, HEB, Brookshires, Ace, Leaning Pear, New Assisted Living Complex, and Others
- 10 Full-time employees in Wimberley Valley providing 24/7 service coverage
- Established company with experience, technical expertise and financial resources – operates 44 wastewater facilities in Texas
- Size allows for economies of scale to lower costs vs small treatment facilities

--

Aqua Rates Subject to Regulatory Oversight

Aqua's Rates to the City Are Regulated

- Aqua's rate for the City connection is subject to a regulatory oversight by the Public Utility Commission (PUC), with customers (in this case the City) having appellate rights
- Aqua's last rate filing that resulted in a change of customer rates for the Wimberley Valley was in 2009
- Aqua is agreeing to hold the quoted rate to the City **for five more years**

The City's Rates to City Customers Are Not Regulated

- Under both options, the City Council has the sole authority for setting and changing customer rates. A City owned utility is not subject to the PUC customer appeal. So, the City's customers have no recourse other than their voice and voting power

--

City/Aqua - Project Cost

Collection System	\$ 3,616,230
Treatment Plant	-
Terminate Treatment Plant Contract	TBD
Modifications to Collection System	146,592
Engineering Design	60,000
Aqua Impact Fee (one time)	300,000
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole	750,000
Total Construction Costs	\$ 4,872,822
Contingency Funds	479,521
Bond Reserve and Origination Fee	333,354
Subtotal	\$ 5,685,697
Bond Counsel and Financial Advisor	68,950
Project Administration	175,000
Construction Administration	77,575
EDA Administration	25,000
Construction Interest (2 years)	170,847
Total Other	\$ 517,372
Total Project Cost	\$ 6,203,069

Source of Const. Cost - Contract, Engineer's Estimates, Aqua Offer. See Appx. 4 & 7

City/Aqua Option Funding

	Sources	Comments	
Texas Water Development Board (TWDB) Revenue Bond	\$ 5,498,005	Loan Funded October 2017 Final Approval for Change Pending	✓ -
Economic Development Agency (EDA) Grant	1,000,000	Final Approval for Change Pending	✓ -
Way Family Foundation Grant	-	Assumed Not Available	X
Subtotal	\$ 6,498,005		
City's Operating Reserves	68,950	Costs Being Paid from City's Operating Reserves	✓
Total Sources of Funds	\$ 6,566,955		
Total Project Cost	\$ 6,203,069		
Excess Sources of Funds	\$ 363,886		

City/Aqua - Annual Operating Expenses

Estimated O&M	Annual Costs
Collection System	\$ 19,500
Treatment Plant	-
Aqua Treatment Fees	52,776
Total Annual Operating Costs	\$ 72,276

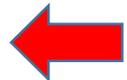
Sources: Inframark (formerly Severn Trent - current plant operator), Alan Plummer Associates, and Aqua Offer. See Appendix 2,3,4

Costs Determine Revenue Requirements and Customer Rates

City/Aqua – Revenue Requirements

Customer Rates Must Generate Sufficient Revenues to Pay Operating Costs Plus Debt Service

Operating Costs	\$ 72,276
Debt Service (TWDB Loan)	240,540
Total Revenue Required	\$ 312,816
Blue Hole Reclaimed Water (Subsidy)	\$ (200,000)
Sewer Customer Revenue Required	\$ 112,816



Approximately 100 Central Wimberley Property Owners will Initially be Responsible to Pay this Amount

City/Aqua - Customer Rates

Revenue Requirements			
Sewer Customers (approx 100 customers)		\$	112,816
Blue Hole Reclaimed Water (Subsidy)	64% 		200,000
Total Revenue Required		\$	312,816
Rates Per Unit			
Base Rate - Per LUE		\$	35.00
Volume Rate - Per thousand gallons		\$	0.46
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)		\$	2,500
<u>Examples</u>	<u>Typical</u>	<u>Mo. Gallons</u>	<u>Monthly Bill</u>
Monthly Sewer Bills at Various Volumes (Water Usage)	Small Business	2,000	\$ 62
	Residential	4,000	\$ 63
		9,000	\$ 65
	Small Restaurant	15,000	\$ 109
		30,000	\$ 217
	Large Restaurant	50,000	\$ 362
	Deer Creek	300,000	\$ 1,305



Source: Raftelis Updated Study on 7-19-18 - Appendix 5

Note: 300,000 gal customer represents Deer Creek with no capital recovery fee

Project Timeline and Permits

- Modifications to the wastewater design will require minor engineering and will not delay its current estimated completion date*
- Aqua construction commitment consistent with City's timeline*
- No permits required to bore under Cypress Creek*

*See Alan Plummer Associates Appendix 7f and 7g . Aqua Offer Appendix 4

--

Comparison of Options City to City/Aqua

- **Project Cost**
- **Project Funding**
- **Operating Costs**
- **Revenue Requirements**
- **Customer Rates**
- **Environmental**

Project Cost Comparisons

	City Option	City / Aqua Option	Variance
Collection System	\$ 3,616,230	\$ 3,616,230	TBD
Treatment Plant	3,068,900	-	
Terminate Treatment Plant Contract		TBD	
Modifications to Collection System		146,592	
Engineering Design		60,000	
Aqua Impact Fee (one time)		300,000	
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole		750,000	
Total Construction Costs	\$ 6,685,130	\$ 4,872,822	\$ (1,812,308)
Contingency Funds	479,521	479,521	-
Bond Reserve and Origination Fee	333,354	333,354	-
Subtotal	\$ 7,498,005	\$ 5,685,697	\$ (1,812,308)
Bond Counsel and Financial Advisor	68,950	68,950	
Project Administration	175,000	175,000	
Construction Administration	77,575	77,575	
EDA Administration	25,000	25,000	
Construction Interest (2 years)	170,847	170,847	
Total Other	\$ 517,372	\$ 517,372	\$ -
Total Project Cost	\$ 8,015,377	\$ 6,203,069	\$ (1,812,308)

Funding Comparisons

	City	City/Aqua
Total Project Cost - Funding Required	\$ 8,015,377	\$ 6,203,069
<hr/>		
Texas Water Development Board (TWDB) Revenue Bond	\$ 5,498,005	\$ 5,498,005
Economic Development Agency (EDA) Grant	1,000,000	1,000,000
Way Family Foundation Grant	1,000,000	-
Subtotal Funding	\$ 7,498,005	\$ 6,498,005
City's Operating Reserves	517,372	68,950
Total Sources of Funds	\$ 8,015,377	\$ 6,566,955
Excess Sources of Funds	\$ -	\$ 363,886

Operating Expense Comparisons

Estimated O&M	City Option	City / Aqua Option	Variance
Collection System	\$ 19,500	\$ 19,500	
Treatment Plant	214,249	-	
Aqua Treatment Fees	-	52,776	
Total Annual Operating Costs	\$233,749	\$ 72,276	\$ (161,473)

Savings in excess of \$4 million over 30 years

Costs Determine Revenue Requirements and Rates

Revenue Requirement Comparisons

	City Option	City / Aqua Option	Variance
Operating Costs	\$ 233,749	\$ 72,276	\$ (161,473)
Debt Service (TWDB Loan)	240,540	240,540	-
Total Revenue Required	\$ 474,289	\$ 312,816	\$ (161,473)
Blue Hole Reclaimed Water (Subsidy)	\$ (200,000)	\$ (200,000)	\$ -
Sewer Customer Revenue Required	\$ 274,289	\$ 112,816	\$ (161,473)



2.4X

Significantly Higher City Costs Result in Higher City Sewer Customer Revenue Requirements

Resulting City Rates are **2.4X City/Aqua Rates**

Customer Rates – Comparison of Options

		City Option		City/Aqua Option
Revenue Requirements				
Sewer Customers (approx 100 customers)		\$ 274,289	2.4X 	\$ 112,816
Blue Hole Reclaimed Water (Subsidy)		200,000		200,000
Total Revenue Required		\$ 474,289		\$ 312,816
Rates Per Unit				
Base Rate - Per LUE		\$ 35.00		\$ 35.00
Volume Rate - Per thousand gallons		\$ 16.19		\$ 0.46
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)		\$ 2,500		\$ 2,500
Examples	Typical	Mo. Gallons	Monthly Bill	Monthly Bill
Monthly Sewer Bills at Various Volumes (Water Usage)	Small Business	2,000	\$ 93	\$ 62
	Residential	4,000	\$ 126	\$ 63
		9,000	\$ 207	\$ 65
	Small Restaurant	15,000	\$ 345	\$ 109
		30,000	\$ 689	\$ 217
	Large Restaurant	50,000	\$ 1,149	\$ 362
	Deer Creek	300,000	\$ 6,024	\$ 1,305

Average Rates Under City Option Are 2.4X City/Aqua Option

Customer Rates – Comparison of Options

Another Option is to Reduce the City Subsidy (Blue Hole Reclaimed Water)

		City Option	City/Aqua Option	Reduce City Subsidy		
				by \$50,000	by \$100,000	
Revenue Requirements						
Sewer Customers (approx 100 customers)		\$ 274,289	\$ 112,816	\$ 162,816	\$ 212,816	
Blue Hole Reclaimed Water (Subsidy)		200,000	200,000	150,000	100,000	
Total Revenue Required		\$ 474,289	\$ 312,816	\$ 312,816	\$ 312,816	
Rates Per Unit						
Base Rate - Per LUE		\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	
Volume Rate - Per thousand gallons		\$ 16.19	\$ 0.46	\$ 5.33	\$ 10.20	
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
Examples	Typical	Mo. Gallons	Monthly Bill	Monthly Bill	Monthly Bill	Monthly Bill
Monthly	Small Business	2,000	\$ 93	\$ 62	\$ 72	\$ 81
Sewer	Residential	4,000	\$ 126	\$ 63	\$ 82	\$ 102
Bills		9,000	\$ 207	\$ 65	\$ 109	\$ 153
at Various	Small Restaurant	15,000	\$ 345	\$ 109	\$ 182	\$ 255
Volumes		30,000	\$ 689	\$ 217	\$ 363	\$ 509
(Water	Large Restaurant	50,000	\$ 1,149	\$ 362	\$ 606	\$ 849
Usage)	Deer Creek	300,000	\$ 6,024	\$ 1,305	\$ 2,766	\$ 4,227

Above illustrates City Subsidy could be reduced and still achieve lower rates. Subsidy could be reduced to \$39,000 and still have same City Option rates.

Environmental - Discharge

No Amount of Effluent Discharge is Healthy for the Blanco River and Our Aquifers

- **Changing the natural chemistry with higher nutrient levels, such as nitrogen and phosphorus, creates an enhanced environment for algae blooms**
- **Unightly algae competes for oxygen with aquatic fish and wildlife**
- **Sewer treatment plants are not effective at removing pharmaceuticals, household cleaners and detergents, pesticides, herbicides, and other toxic chemicals**
- **Blanco River directly feeds our critical and sensitive aquifers – our source of drinking water**
- **Effluent discharge is a concern to both the aquatic environment and human health**

--

Environmental – Discharge Options

New City Plant

- 75,000 gpd Discharge Permit (Type 1) into Deer Creek/Blanco River
- Plans for beneficial reuse for irrigation at Blue Hole
- 12 acres of irrigation and 500,000 gallon storage tank
- A No-Discharge permit from TCEQ would have required 29 acres and 5.7 million gallons of storage (Plummer report 12-13)
- **Plant will discharge into Blanco River when storage is full and there is no need for irrigation**

Aqua Plant

- 250,000 gpd Texas Land Application, No-Discharge Permit (TLAP) (Currently Type 2, but Aqua will upgrade entire plant to Type 1)
- 143 acres of irrigation and 19 million gallon storage pond
- **No discharge into waterways permitted at any time**

--

Trucking Excess Effluent Not Economical



Gallons in Storage Tank	500,000
Reclaimed Water Value (Delivered) \$/thousand gallons (1)	\$ 1.47
Total Economic Value of Water Delivered to Customer	\$ 735

(1) Reclaimed water rates per thousand gallons (delivered to customers)
San Antonio \$1.38. San Marcos \$1.56. Average \$1.47 per thousand gallons



Tanker Size - Gallons >>>>	5,000	9,000
Number of Trucks Required To Empty Storage Tank >>	100	56

Options

- Pay Tens of Thousands of Dollars to Truck Away, or
- Discharge into Blanco River at No Cost

Conclusions

- **Alan Plummer Associates Opinion Letter**
- **Conclusions**

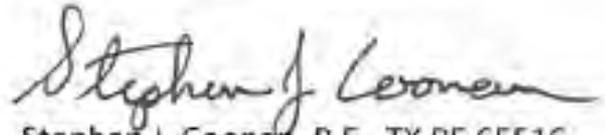
Engineer's Opinion Letter

We have reviewed the proposed modifications. In our professional opinion, these modifications are all technically feasible and will accomplish the City's goals of providing wastewater management services to the Central Wimberley area as well as providing irrigation water for the soccer fields at Blue Hole Park. Furthermore, it is our opinion that the proposed modifications will be protective of the special environment that exists in Wimberley.

If we can be of further assistance, please let us know.

Sincerely,

ALAN PLUMMER ASSOCIATES, INC.
TBPE Firm Registration No. 13



Stephen J. Coonan, P.E., TX PE 65516
Principal

See entire letter from Alan Plummer Associates in Appendix 7h

Key Conclusions

A decision to implement the City/Aqua option will result in the following benefits to the City of Wimberley:

- Overall wastewater project commitments will be met:
 - Collection/processing of wastewater for downtown Wimberley
 - Type 1 effluent available for Blue Hole Park and no discharge into the Blanco River
- Overall wastewater project cost will be lower by \$1.8 million (less plant contract termination TBD)
- Annual operating expenses will be lower by \$161,000; saving the City and/or Customers over \$4 million over a 30-year period
- Customer rates will be 2.4 times higher under the City option vs City/Aqua (or City has option to share in cost savings)

--

Other Key Benefits

- City of Wimberley retains CCN and local control for responsible downtown growth
- Avoids potential plant spills of wastewater and odor pollution in the park
- Avoids discharge of wastewater effluent into the Blanco River, or excess runoff into Cypress Creek, thereby preserving their natural state for the future
- Makes Type 1 effluent available to the Wimberley Valley that will help reduce the need to pull water out of our already stressed aquifers
- Eliminates the financial burden and risks of maintaining a plant, keeping it current with changing environmental standards, unexpected shutdowns and replacement at end of life

--

Objectives of Wastewater System	City	City/ Aqua
Clean up Cypress Creek (to extent caused by failing septics)	✓	✓
Maintain Local Control with City Owned CCN	✓	✓
Provide Infrastructure to Allow for Controlled Growth Downtown as Permitted by the City	✓	✓
Provide Water to Irrigate Blue Hole Park	✓	✓
Protect Our Environment - Blanco River, Cypress Creek, and Aquifers	✗	✓
Make Rates Affordable to Sewer Customers	✗	✓
Accomplish in a Financially Responsible Manner	✗	✓
Conclusion – City/Aqua Option Better Choice		

Thank You

Appendix

- 1. Original Project Budget**
- 2. Updated Wastewater System Operating Costs**
- 3. Updated Costs - Inframark**
- 4. Aqua Offer**
- 5. Raftelis Updated Rate Study**
- 6. Detail Revenue and Rates**
- 7. Engineer's Updated Project Information**
- 8. Volume Update**

Original Project Budget 3-4-16

City of Wimberley Wastewater Project

	Quantity	Units	Cost per Unit	Total Cost
Collection System	1	LS	\$2,259,000	\$2,259,000
Effluent Discharge	1	LS	\$20,000	\$20,000
Treatment Plant	1	LS	\$941,600	\$941,600
Screening & Equalization	1	LS	\$20,000	\$20,000
Aeration / Blowers	1	LS	\$150,000	\$150,000
Final Clarification	1	LS	\$75,000	\$75,000
Filtration	1	LS	\$100,000	\$100,000
UV or Chlorination / Dechlorination	1	LS	\$25,000	\$25,000
Post Aeration	1	LS	\$30,000	\$30,000
Odor Control	1	LS	\$40,000	\$40,000
RAS/WAS Handling	1	LS	\$20,000	\$20,000
Sludge Holding / Aeration	1	LS	\$30,000	\$30,000
Phosphorous Removal	1	LS	\$20,000	\$20,000
Drainfield Decommissioning	1	LS	\$50,000	\$50,000
Site Work and Yard Piping	1	LS	\$140,800	\$140,800
Electrical and Instrumentation	1	LS	\$240,800	\$240,800
Reclaimed Waterline	13,000	LF	\$58	\$755,000
Reclaimed Water Storage Tank	1	LS	\$300,000	\$300,000
Reclaimed Water Pump Station	1	LS	\$60,000	\$60,000
BHRP Spray Irrigation System	1	LS	\$43,500	\$43,500
Subtotal, Construction				\$4,379,100
Contingency (~12%)				\$512,998
Total, Construction				\$4,892,098
Administrative and Legal				\$30,000
Debt Reserve & Construction Interest				\$480,455
Loan Origination Fee (1.85% total loan value)				\$95,452
Total Project Cost				\$5,498,005

Adjustments to Estimate

Total Project Cost Per Engineer's Estimate	\$ 5,498,005
Less Reclaimed Waterline to Central Wimberley That was Omitted from Project	(755,000)
Bond Counsel and Financial Advisor	46,310
Adjusted Estimated Total Project Cost	\$ 4,789,315

STEPHEN J. COONAN
65516
STEPHEN J. COONAN
3/4/16

Appendix 1

Updated Wastewater System Operating Costs

City Option		City/Aqua Option	
Plant Operating Costs			
Quote from Inframark (formerly Severn Trent) - Current Plant Operator			
<u>Amount</u>	<u>Qty</u>	<u>Comments</u>	<u>Amount</u>
\$ 30,815		New Lab Cost, includes an addition 4 trips per week to the lab.	\$ -
1,560	52	Additional LS checks, 1 per week @ 30 minutes	-
26,000	26	Sludge disposal (Bi-weekley liquid haul at 1%, 7000 gal, \$1K/load)	-
12,480	52	Additional weekends @ 2 hrs per day (travel and labor)	-
33,000		Corrective maintenance, suplies, alarms, all WO's	-
60,000		Existing cost	-
\$ 163,855			\$ -
Other Costs - Alan Plummer Associates			
\$ 30,394		Electricity - Up significantly due to UV disinfection and additional pumps	\$ -
20,000		Capital Reserves - Membranes, pumps, etc.	-
\$ 50,394			\$ -
\$ 214,249	Total Plant Operating Costs		\$ -
Collection System Costs			
Quote from Inframark (formerly Severn Trent) - Current Plant Operator			
\$ 10,500	15000 ft	approx sewer line Asset Mgt, 5 yr plan, 20% per year	\$ 10,500
Other Costs - Alan Plummer Associates			
\$ 5,000		Electricity	\$ 5,000
4,000		Capital Reserves	4,000
\$ 9,000			\$ 9,000
\$ 19,500	Total Collection System Operating Costs		\$ 19,500
Aqua Wastewater Treatment Fees			
Quote Aqua - Tariff Rates			
\$ -	Wastewater Treatment Fees		\$ 52,776
\$ 233,749	Total Plant and Collection System Operating Costs		\$ 72,276

Note: Above does not include general administrative expenses or providing operating reserves

Appendix 2

Updated Costs - Inframark



Mon 7/2/2018 1:29 PM

Tyler, Jason <Jason.Tyler@inframark.com>

RE: Wimberley Waste Water Treatment Plant

To Mayor

You replied to this message on 7/2/2018 1:46 PM.

[Bing Maps](#)

[+ Get more](#)

I believe you guys pay the utilities. I have received the quotes from the lab and revised the Budget number below. The special sampling cost were only about \$5,000 per year. This brings our average budget number to \$175 k. The plant PMs are included in the \$33,000 maintenance cost.

\$30,815		New Lab Cost, includes an addition 4 trips per week to the lab.
\$1,560	52	additional LS checks, 1 per week @ 30 minutes
\$10,500	15000	ft approx sewer line Asset Mgt, 5 yr plan, 20% per year
\$26,000	26	sludge disposal (Bi-weekley liquid haul at 1%, 7000 gal, \$1K/load)
\$12,480	52	additional weekends @ 2 hrs per day (travel and labor)
\$33,000		corrective maintenance, suplies, alarms, all WO's
\$60,000		existing cost
		other cost billed direct to City

\$174,355

Jason Tyler | Project Manager



Appendix 3

Aqua Offer



City of Wimberley
Attn: Susan Jagggers, Mayor
PO Box 2027
Wimberley, TX 78676

July 11, 2018

Dear Mayor,

Thank you for the opportunity to reiterate and update the proposed Aqua Texas offer that was submitted to the Wimberley City Council on June 23, 2017. The purpose of my letter is to formally document our conversation as well as our offer should the City Council decide to use our wastewater processing facilities.

Before I go any further, I want to reiterate that Aqua Texas has no desire or future intentions to own Wimberley's CCN. Our offer is strictly on a wholesale basis and hence, the City of Wimberley will retain obligation of their CCN and own and maintain any related wastewater facilities within the City's CCN.

With the above said, the following outlines our updated offer:

Aqua Texas will pay to extend a force main from the HEB lift station to a mutually agreed location on Cypress Creek. The size of the force main will be consistent with the City's current engineering drawings.

Aqua Texas will charge a wholesale flat rate of \$4,398.00/month to process wastewater from the downtown area. The rate will remain in effect for 5 years. Future increases will never exceed PUC Retail Rates which first must be approved by the City of Wimberley.

All of Aqua Texas' effluent will be upgraded to Type 1 from Type 2. Type 1 effluent will be available to the City of Wimberley at no cost based on the gallons treated on behalf of the City.

Aqua Texas and the WISD have agreed to commence with the Aqua Texas service connection extensions (water, wastewater and purple pipe) to the new WISD campus at Winters Mill Parkway and RR12 without delay. The point of connection for purple pipe to Blue Hole Park will be at the WISD campus and is estimated to be available in 2019. The City of Wimberley will be responsible for the cost to extend purple pipe from the WISD campus to Blue Hole park for watering purposes.

Based on this offer, the City of Wimberley will pay a \$300,000 onetime impact fee for connecting. Aqua Texas also agrees to complete construction of facilities defined in this offer consistent with the timing the City of Wimberley completes its construction of its wastewater facilities (e.g., downtown collection system).

Pending your approval of this offer, I will finalize the agreement with my Board of Directors. This will take approximately 2 weeks from the date of your approval.

I'm available to discuss any aspects of this offer at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bob Laughman".

Bob Laughman

Raftelis Updated Rate Study

City of Wimberley, Texas
Draft Pro Forma

Fiscal Year	Capital Recovery Fees Revenue (1)	Future Impact Fees (2)	Base Charge Revenue	Volumetric Rate Revenue	City Contribution (3)	Annual Adjustment (4)	Annual Revenue (5)	O&M Expenses (6)	Current Debt Service (7)	TWDB Loan (8)	Total Expenses (5)	Surplus/ (Deficit)	
Case A	2019	40,022	-	68,040	166,226	200,000	128,492	602,781	233,749	128,492	240,540	602,781	-
Case B	2019	40,022	-	68,040	4,753	200,000	128,492	441,308	72,276	128,492	240,540	441,308	-
Case C	2019	40,022	-	68,040	54,753	150,000	128,492	441,308	72,276	128,492	240,540	441,308	-
Case D	2019	40,022	-	68,040	104,753	100,000	128,492	441,308	72,276	128,492	240,540	441,308	-

Base and Volumetric Charge

Fiscal Year	Base Charge	Volumetric Rate	
Case A	2019	35.00	16.19
Case B	2019	35.00	0.46
Case C	2019	35.00	5.33
Case D	2019	35.00	10.20

Note: Above prepared by Raftelis Financial Consultants 7-19-18 to update rate study for volume and operating cost adjustments as described below

Recap of Revenues and Expenses from Above Updated Raftelis Study	Sewer Customers	City Contribution	Total Revenue	O&M Expenses	TWDB Loan	Total Expenses
Case A	274,289	200,000	474,289	233,749	240,540	474,289
Case B	112,816	200,000	312,816	72,276	240,540	312,816
Case C	162,816	150,000	312,816	72,276	240,540	312,816
Case D	212,816	100,000	312,816	72,276	240,540	312,816

Description of Cases	
Case A	City Option
Case B	City/Aqua Option
Case C	City/Aqua Option - Reduce City contribution by \$50,000
Case D	City/Aqua Option - Reduce City contribution by \$100,000

Updated August 3, 2017 to reduce volume - Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession. City Collection and Plant costs updated.

Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession. City Collection + Aqua fees

Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession. City Collection + Aqua fees

Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession. City Collection + Aqua fees

Appendix 5

Detail for Revenue and Rates

			Revenues	Gallons>	2,000	4,000	9,000	15,000	30,000	50,000	300,000
City - Raftelis		<u>Rates</u>	<u>\$ Amount</u>	<u>LUE's ></u>	1.00	1.00	1.00	1.67	3.33	5.56	33.33
LUE's - For Base Rates	162.0000	\$ 35.00	68,040	Base>	35.00	35.00	35.00	58.33	116.67	194.44	1,166.67
LUE's - For Capital Recovery Fees	128.0704	\$ 16.19	166,230	Vol>	32.38	64.76	145.71	242.85	485.70	809.50	4,857.00
Monthly Volume - gallons	855,622	\$ 2,500	40,022	Cap Rec>	26.04	26.04	26.04	43.40	86.81	144.68	-
			274,292	Mo Rates>	93.42	125.80	206.75	344.59	689.17	1,148.62	6,023.67
Required Revenues >>			274,289								
Rounding >>			3								

			Revenues	Gallons>	2,000	4,000	9,000	15,000	30,000	50,000	300,000
City/Aqua - Raftelis		<u>Rates</u>	<u>\$ Amount</u>	<u>LUE's ></u>	1.00	1.00	1.00	1.67	3.33	5.56	33.33
LUE's - For Base Rates	162.0000	\$ 35.00	68,040	Base>	35.00	35.00	35.00	58.33	116.67	194.44	1,166.67
LUE's - For Capital Recovery Fees	128.0704	\$ 0.46	4,723	Vol>	0.92	1.84	4.14	6.90	13.80	23.00	138.00
Monthly Volume - gallons	855,622	\$ 2,500	40,022	Cap Rec>	26.04	26.04	26.04	43.40	86.81	144.68	-
			112,785	Mo Rates>	61.96	62.88	65.18	108.64	217.27	362.12	1,304.67
Required Revenues >>			112,816								
Rounding >>			(31)								

			Revenues	Gallons>	2,000	4,000	9,000	15,000	30,000	50,000	300,000
City/Aqua - Raftelis - \$150k Subsidy		<u>Rates</u>	<u>\$ Amount</u>	<u>LUE's ></u>	1.00	1.00	1.00	1.67	3.33	5.56	33.33
LUE's - For Base Rates	162.0000	\$ 35.00	68,040	Base>	35.00	35.00	35.00	58.33	116.67	194.44	1,166.67
LUE's - For Capital Recovery Fees	128.0704	\$ 5.33	54,726	Vol>	10.66	21.32	47.97	79.95	159.90	266.50	1,599.00
Monthly Volume - gallons	855,622	\$ 2,500	40,022	Cap Rec>	26.04	26.04	26.04	43.40	86.81	144.68	-
			162,788	Mo Rates>	71.70	82.36	109.01	181.69	363.37	605.62	2,765.67
Required Revenues >>			162,816								
Rounding >>			(28)								

			Revenues	Gallons>	2,000	4,000	9,000	15,000	30,000	50,000	300,000
City/Aqua - Raftelis - \$100k Subsidy		<u>Rates</u>	<u>\$ Amount</u>	<u>LUE's ></u>	1.00	1.00	1.00	1.67	3.33	5.56	33.33
LUE's - For Base Rates	162.0000	\$ 35.00	68,040	Base>	35.00	35.00	35.00	58.33	116.67	194.44	1,166.67
LUE's - For Capital Recovery Fees	128.0704	\$ 10.20	104,728	Vol>	20.40	40.80	91.80	153.00	306.00	510.00	3,060.00
Monthly Volume - gallons	855,622	\$ 2,500	40,022	Cap Rec>	26.04	26.04	26.04	43.40	86.81	144.68	-
			212,790	Mo Rates>	81.44	101.84	152.84	254.74	509.47	849.12	4,226.67
Required Revenues >>			212,816								
Rounding >>			(26)								

Volume Update

<u>Ranking</u>	<u>Gallons</u>		<u>%</u>
	<u>Per Mo.</u>	<u>Per Day</u>	
Top 1	302,356	9,939	36%
Next 9	246,955	8,118	30%
Next 10	113,303	3,725	14%
Remaining 80	169,444	5,570	20%
Total	832,058	27,352	100%

<u>Cumulative</u>	
Top 1	36%
Top 10	66%
Top 20	80%
Bottom 80	20%

Source: Wimberley Water Supply Corporation. 12 months ended June 2018
 Residential properties use winter averaging

Note: Raftelis updated study used 28,000 gallons

Appendix 6b

Engineer's Updated Project Information

Alan Plummer Associates Updated the Project Cost Estimates for the Proposed Change in Scope in the Following Exhibits

- Map of Changes to Collection System
- Map of New Reclaimed Water Line
- Updated Costs for Collection System
- Cost Estimate for Reclaimed Water System
- Time Schedule

Map of Reclaimed Water System



Appendix 7b

Updated Costs for Collection System

EXHIBIT A
CITY OF WIMBERLEY, TEXAS
COLLECTION SYSTEM PROJECT BUDGET UPDATE
July 30, 2018

Bid Item	Unit	Description	Original Quantity	Estimated Quantity	New Unit Price	Original Total	New Total
Gravity							
510-AWW 6" Dia.	LF	Pipe, 6" Dia. PVC Type (all depths), including Excavation and Backfill	6650	7860	140	\$ 931,000.00	\$ 1,100,400.00
510-AWW 8" Dia.	LF	Pipe, 8" Dia. PVC Type (all depths), including Excavation and Backfill	4050	4260	190	\$ 769,500.00	\$ 809,400.00
509S-1	LF	Trench Excavation Safety Protective Systems (all depths over 5')	12300	13640	2.2	\$ 27,060.00	\$ 30,008.00
506S MWW	EA	Standard Pre-cast Manhole w/Pre-cast Base, 4' Dia.	45	44	8500	\$ 382,500.00	\$ 374,000.00
506S EDMWW	LF	Extra Depth of Manhole, 4' Dia.	233	235	440	\$ 102,520.00	\$ 103,400.00
506S DWW	EA	Drop Manhole w/Pre-Cast Base, 4' Dia.	12	12	6600	\$ 79,200.00	\$ 79,200.00
506S EDM DWW	LF	Extra Depth of Drop Manhole, 4' Dia.	80	80	275	\$ 22,000.00	\$ 22,000.00
510-HR 6" Dia.	LF	Cement Stabilized Backfill, 6" Dia.	65	65	66	\$ 4,290.00	\$ 4,290.00
510-HR 8" Dia.	LF	Cement Stabilized Backfill, 8" Dia.	30	30	66	\$ 1,980.00	\$ 1,980.00
510-HR 4" Dia.	EA	Cement Stabilized Backfill, 4' Dia. Manhole	10	10	7700	\$ 77,000.00	\$ 77,000.00
510-AR 6" Dia.	LF	150 PSI Pressure Class Pipe, 6" Dia	375	375	82	\$ 30,750.00	\$ 30,750.00
510-AR 8" Dia.	LF	150 PSI Pressure Class Pipe, 8" Dia	1050	1050	92	\$ 96,600.00	\$ 96,600.00
510-SSSC-WW 4" Dia	EA	4" Dia. Short Sanitary Sewer Connection (1'-100')	39	39	1900	\$ 74,100.00	\$ 74,100.00
510-MSSC-WW 4" Dia	EA	4" Dia. Medium Sanitary Sewer Connection (101'-200')	69	69	2300	\$ 158,700.00	\$ 158,700.00
510-LSSC-WW 4" Dia	EA	4" Dia. Long Sanitary Sewer Connection (201'-300')	11	11	2900	\$ 31,900.00	\$ 31,900.00
Force Main Line							
5P-002	LS	Ranch Road Pump Station, Valve Vault, & Electrical	1	1	360000	\$ 360,000.00	\$ 360,000.00
511-A6	EA	Valves, Plug Valve, 6" Dia.	3	3	2750	\$ 8,250.00	\$ 8,250.00
510-AR 6" Dia.	LF	Pipe 6" Dia. PVC Type (all depths), including Excavation and Backfill	4100	3540	77	\$ 315,700.00	\$ 272,580.00
509S-1	LF	Trench Excavation Safety Protective Systems, (all depths over 5')	3900	3370	2.2	\$ 8,580.00	\$ 7,414.00
510-AR 1.5" Dia.	LF	Pipe 1.5" Dia. PVC Type (all depths), including Excavation and Backfill	1000	500	27.5	\$ 27,500.00	\$ 13,750.00
510-SSL-WW 1.25" Dia	EA	1.25" Dia. Sanitary Sewer Lateral	7	7	1100	\$ 7,700.00	\$ 7,700.00
5P-003	EA	Residential Grinder Pump Station	7	7	12000	\$ 84,000.00	\$ 84,000.00
5P-003a	EA	Grinder Pump Station Electrical Allowance	7	7	2200	\$ 15,400.00	\$ 15,400.00
New Item	LF	Pipe 3" Dia. PVC Type (all depths), including Excavation and Backfill		1350	50	\$ -	\$ 67,500.00
Bnew Item	LF	Pipe 6" Dia. HDPE Direction Drill		600	200	\$ -	\$ 120,000.00
Totals						\$ 3,616,230.00	\$ 3,762,822.00

Cost update prepared by Alan Plummer Associates. Includes modifications to collection system to connect to Aqua, plus some other unrelated changes.

Net Change is \$146,652 increase
See next Appendix for breakdown.

THESE DOCUMENTS ARE FOR TEXAS WATER DEVELOPMENT BOARD REVIEW ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

Appendix 7c

Updated Costs for Aqua Connection

Collection System Project Budget Update Source of Data: Alan Plummer Associates

Aqua Connection Modifications	Ft	\$/Ft	Total
<u>Blue Hole Road</u>			
Delete 1.5" PVC	(500)	27.50	\$ (13,750)
Add 6" PVC	500	77.00	38,500
<u>Blue Hold Road to Boring Location</u>			
Add 6" PVC	500	77.00	38,500
Directional Drill	600	200.00	120,000
<u>Reverse Flow Line from Deer Creek</u>			
Add 3" PVC Pipe	1,350	50.00	67,500
Delete 6" PVC Pipe	(1,350)	77.00	(103,950)
Trench Protective Systems	1,100	2.20	2,420
Changes Attributable to Aqua Connection			\$ 149,220
Original Contract Total			\$ 3,616,230
New Contract Total			3,762,822
Net Change			\$ 146,592
Net Change Attributable to:			
Aqua Connection			\$ 149,220
Other Modifications			(2,628)
Total Net Change			\$ 146,592

This schedule prepared from data from prior appendix that was prepared by Alan Plummer Associates.

It shows the breakdown of the changes attributable to the connection to Aqua.

Substantially all of the change is due to the Aqua modification.

Appendix 7d

Cost Estimate for Reclaimed Water System

ATTACHMENT B
CITY OF WIMBERLEY
RECLAIMED WATER SYSTEM
OPINION OF PROBABLE COST

	Unit	Description	Units	Unit Price	Total
1	LF	Pipe, 4" Dia. PVC Type (all depths)	15000	35	\$ 525,000.00
	LF	Trench Excavation Protection	15000	1	\$ 15,000.00
2	LF	Roadway Bore - 12"	100	400	\$ 40,000.00
3	LS	Driveway Pavement Replacement	1	20000	\$ 20,000.00
4	EA	Storage Tank (100,000 gallons)	1	75000	\$ 75,000.00
5	LF	Irrigation Pumps	2	20000	\$ 40,000.00
6	EA	Soccer Field Irrigation System	1	35000	\$ 35,000.00
				Totals	\$ 750,000.00

7/30/2018

Prepared by Alan Plummer Associates

Appendix 7e

Time Schedule

Attachment D
City of Wimberley
Schedule Update
30-Jul-18

Phase	Start Date	End Date
<i>Collection System</i>	4/5/2018	4/5/2019
<i>WWTP Project*</i>	3/12/2018	11/27/2018
<i>Reclaimed Water</i>		
<i>Design</i>	8/15/2018	11/30/2018
<i>Bidding</i>	12/1/2018	1/31/2019
<i>Construction</i>	2/1/2019	6/30/2019

* Contract proposed for cancellation

Prepared by Alan Plummer Associates

Appendix 7f

Environmental Permits and TCEQ



August 5, 2018

Mayor Susan Jagers
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Re: Central Wastewater Project

Dear Mayor:

You recently requested that I provide you additional information concerning the proposed modifications to the wastewater collection system and the redirection of the flow to the Aqua Texas collection system. I have the following answers to your specific questions.

Environmental Permits

As we discussed, the proposed crossing under Cypress Creek will not need any specific environmental permits. The two permits that were considered were a Sand, Gravel and Marl permit from the Texas Parks and Wildlife Department. This permit is not needed because public utilities are exempted from this requirement when constructing a line across a creek. The second consideration was a 404 Permit from the Army Corps of Engineers. This permit is not required because there will not be any surface disturbance within the ordinary high water mark of the creek.

You also mentioned the Chapter 210 Reclaimed Water Authorization for irrigation of the park with reclaimed water. An approval for this activity from the Texas Commission on Environmental Quality (TCEQ) will be needed, but this need is not associated with the proposed change to cross the creek. However, since Aqua Texas will be the source of reclaimed water, they will be the ones to apply for that approval.

In addition, while not a specific environmental permit, the Texas Water Development Board (TWDB) has indicated that they may want to review the proposed changes. To date the TWDB has only requested an aerial graphic showing the proposed changes and a description of the revised project.

Texas Commission on Environmental Quality

You asked what involvement the TCEQ would have in the proposed alternative. As this project is being funded through the TWDB, the TWDB takes the lead on reviewing the construction plans. TCEQ review is not needed and no permits other than the previously discussed Chapter 210 authorization are required.

Alan Plummer Opinion Letter (1 of 2)



August 3, 2018

Mayor Susan Jagers
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Re: Central Wastewater Project

Dear Mayor:

Alan Plummer Associates, Inc. (APA) understands that the City is considering making changes to the Central Wastewater Project. Specifically, APA understands that the City may cancel the construction contract with Black Castle for the installation of a City-owned wastewater treatment plant. If the City cancels the contract, the following changes would need to be implemented:

1. Revise the wastewater collection system such that the wastewater collected from the Central Wimberley area is conveyed to Aqua Texas for treatment at their Woodcreek Wastewater Treatment Plant. This would require the construction of a force main under Cypress Creek to be able to connect to Aqua Texas' collection system on the north side of the creek. The opinion of probable construction cost for this revision is \$130,000. We understand that the City has contacted potential landowners and that easements are not expected to be an issue. With that in mind, we believe that this revision can be made without extending the completion date for the collection system contract. Maintaining this schedule could be adversely affected if the TWDB requires extensive reviews of the proposed modifications.
2. Design and construct a new reclaimed water line along Winters Mill Parkway that would return treated water to Blue Hole park for irrigation of the soccer fields. This would include the installation of a smaller reclaimed water storage tank at the park, irrigation pumps, and an irrigation system for the soccer fields. The opinion of probable construction cost for these improvements is \$750,000. The City has indicated that Hays County is amenable to constructing the lines within their right-of-way and easement for the trail system. We would anticipate that this project would need to be bid separately. The design, bidding, and construction of these improvements could be completed in a 10-month time frame. However, extensive review requirements by funding agencies could extend the schedule.

Appendix 7h

Alan Plummer Opinion Letter (1 of 2)

Mayor Susan Jaggers
Page 2
August 3, 2018

We have reviewed the proposed modifications. In our professional opinion, these modifications are all technically feasible and will accomplish the City's goals of providing wastewater management services to the Central Wimberley area as well as providing irrigation water for the soccer fields at Blue Hole Park. Furthermore, it is our opinion that the proposed modifications will be protective of the special environment that exists in Wimberley.

If we can be of further assistance, please let us know.

Sincerely,

ALAN PLUMMER ASSOCIATES, INC.
TBPE Firm Registration No. 13


Stephen J. Coonan, P.E., TX PE 65516
Principal

Appendix 7h

City - Customer Rates – Detail Examples

Two Examples of Calculations from Prior Slide

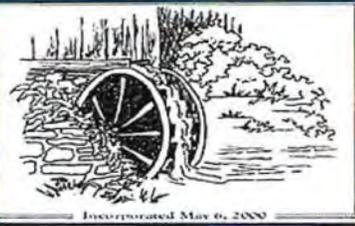
Rates Per Unit	
Base Rate - Per LUE	\$ 35.00
Volume Rate - Per thousand gallons	\$ 16.19
Capital Recovery Fee - Per LUE (over 8 yrs - \$26.04/mo)	\$ 2,500

Residential Customer - 4,000 Gallons			
Base	No. LUE	1.00	\$ 35.00
Volume	Gallons	4,000	\$ 64.76
Capital Recovery	No. LUE	1.00	\$ 26.04
Total Monthly Bill			\$ 125.80

Large Restaurant Customer - 50,000 Gallons			
Base	No. LUE	5.56	\$ 194.44
Volume	Gallons	50,000	\$ 809.50
Capital Recovery	No. LUE	5.56	\$ 144.67
Total Monthly Bill			\$ 1,148.61

Appendix 8

Public Hearing Attendee List

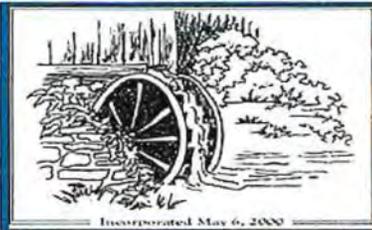


City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
1	ANDREW SANSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	STEVE THURBER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	John Espinoza		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	JOHN URBAN		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	Louis Parks		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Pam Mitchell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
7	Jenni Marino		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
8	LEEAN BOWER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
9	SUSAN NENNEY		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
4	Linda WEBB		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	Barbara HOPSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
12	Stephanie Nestlerode		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
13	Jam Green		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Scott Mitchell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5	THE VAN ORMAN		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
16	Linda Nichols		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
17	Linda Lang		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18	Christine Middleton		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
19	HEG SMITH		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
1	SUSAN ZIMMERMAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.



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Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
14 1	Gail Pigg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	STEVE KLEPFER		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	Buck Backus		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
DO NOT 14	Nancy Stevens		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
5	Tommy Tolson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	RR & Cindy Rodriguez		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
7	JEAN SANDER		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
15 8	Al Sander		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> No
9	Andrew Weber		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
10	William Bowman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	Maridel Martinez		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
NO DO NOT 12	CARROLL WILSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	Casey Craig		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
14	BOB TIMSTMAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
15	BRUCE P. GRETHEK		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Did not 16	Phyllis Finnemore		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
17	Shiila Safer		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18	BERT RAY		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
19	Justic Ray		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
16 20	Cookie [unclear]		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

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		Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
8	1	Sarah Dishman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	2	Tom Wanner		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	3	JOHN D. ESTEP, P.E.		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
9	4	Marla Fries		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
No comment	5	Letta Cole		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	6	Stanley Ashlock		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	7	Scott Jennifer Johnson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
10	8	Debby Spears		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	9	Beth Mitchell by Debby		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
-10		Sandy Dixon		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	11	Bill Mitchell		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	12	RAOUL BELLEAU		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	13	DAN GAUTHIER		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	14	KELLY McFARLAND		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
12	15	Jupiter Schmeider		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
No comment	16	ROBERTA HOLLAND		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	17	CANDY Spitzer		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	18	Rayne Beer		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	19	BOB DOSSLER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
-20		HAM SHAWALTER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No

PAGE 3

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Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
		Citizen	Business	Official	Yes	No
1 James Lancaster		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2 Sherry Lancaster		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3 Rebecca Minnick		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4 E.W. Byrns		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5 JAMIE PETTIT		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
6 Ywa Karlsson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7 Alison Harla		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
8 Bob Bullard		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
9 Millie Cushman		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10 Christine Byrne <i>vide to John Kesteppe</i>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
11 Chris Odde		<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
12 Mike Bachers		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
13 Dewe Kagan		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
14 Ashley Gibson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
15 Merryl Gibson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
16 Marilee Wood		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
17 Lynn Jackson		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
18 ANDREW HARSH		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
19 Rodger Marioni		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
20 Claudette Lowe <i>vide to Robert Tribisani</i>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

*Comments will be limited to 3 minutes.



City of Wimberley
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Sign-In

11/18/20
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Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
Sue Anders		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
BOB MARCUS		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Linda Hoppes		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Kay Anderson		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Linda Reed		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Bob Reed		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
SUSAN Thurberg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
Ganette B...low		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Jan Prueck		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Paul "		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Marianne Calvanese		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
BOB HAVE		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Ed Pope		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
TRACEY DEAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Randy Renter		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
Deborah Nelson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Helen Bobie		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
KENNETH DUGGAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
ERIK WOLGAN		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
SHEILA WOLGAN		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

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No.	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Clay Ewing		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
2	James Byrne		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
3	Andrew Mahang		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
4	Dia McCall		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
5	Lois Mahoney		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
6	Deborah Koock		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
7	Greg/LINDA DOUGLAS		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
8	Clay Ewing		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
9	May B. O.		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
10	Jackie Martice		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
11	Jerry Rayboul		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
12	Matt O'Leary		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
13	Nick Bradshaw		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No
14	Buffalo Thunder ^{Frank} Del Toro		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
15	DAVID BAKER		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
16	Rebecca H. Denton		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No
17	Linda Douglas		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
18	William Hamilton		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
19	Leslie Weeks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
20	Karen Weeks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No

*Comments will be limited to 3 minutes.

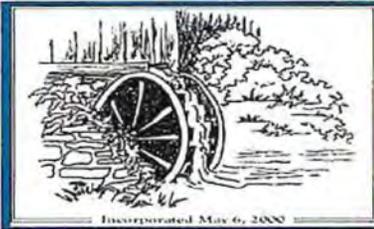


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Sign-In

Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
		Citizen	Business	Official	Yes	No
1 Kathy Ward		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2 Bill Kilmer		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3 Alex Perkowski		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
25 4 Jo Kathryn Quinn		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5 Deb Bradshaw		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6 Susan Raubrock		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7 Lee Ann Lincoln		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
8 Bryan Burke		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
9 David McGowan		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10 Ashley Waymouth		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
11 Thomas Wyzmiec		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
12 Claudia Perez		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
13 Armandelo Perez		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
14 BRIAN FERRAR		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
15 COLLINS, CORSEY		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
24 16 Dorothy Knight <small>Wald to street</small>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
17 Scott Pugh		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
18 Nancy C. Russell		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
19 Hailo (Hano)		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
20 20 Chris Sheffield		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

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Sign-In

		Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
No down	1	Lynn Probst		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
26	2	Alice Wightman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	3	Kisselle Lopez		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	4	Cliff Raymond		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	5	Ken Raymond		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
27 last	6	Suzanne White		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	7	Gigi Benno		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	8	Mary Gilroy		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	9	Sherril Coker		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	10	Michael "		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	11	Sally Trapp		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
28	12	Dorothy Knight		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	13	Larry Culbert		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	14	Linda Culbert		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	15	PERRY BARNARD		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	16	Linda Kaye Rogor		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	17	BOB ELKINS		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	18	DAWN LAMOURREUX		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	19	FAY LAMOURREUX		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	20	SHERYL DAVIS		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No

*Comments will be limited to 3 minutes.



City of Wimberley
 Central Wimberley Wastewater Project
 Public Hearing

Sign-In

	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
1	Duffne Kedus		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
2	Catherine Sifton		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
3	Paul Williams		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
4	John Williams		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
5	Heather Carter		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	DAVID BOEMAN		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
7	Purge Wilks		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
8	Jesse Wilks		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
9	SUZANNE McCORD		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
10	Laura Haygood		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
11	Marc Haygood		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
12	AWAY REISBERG		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
13	Faith Heftler		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
14	TOM BROWN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
15	John Brown		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
16	Brianne Willis		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
17	Dan Cheshire		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
18	Adia Cheshire		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No
19	Matthew Buchanan		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	Yes	<input type="radio"/> No
20	RACHEL Buchanan		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	Yes	<input checked="" type="radio"/> No

*Comments will be limited to 3 minutes.



Central Wimberley Wastewater Project Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle on of the Following			Like to Comment*	
1	Rebecca Reusberg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	Brook Langston		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
3	Randa Ryan		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
4	CYNTHIA MILLONZI		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5	Cynthia Marion		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Alexandra Thompson		<input type="radio"/> Citizen	<input type="radio"/> Business	<input checked="" type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
7	Rick Milliner		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
8	Will Tager		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
9	Judith Yost		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
10	JEAN VERIATO		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
11	KATHLEEN MOONEY		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
12	Traci Maxwell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input checked="" type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	Linda Kaye Rogers		<input type="radio"/> Citizen	<input type="radio"/> Business	<input checked="" type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
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20			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.

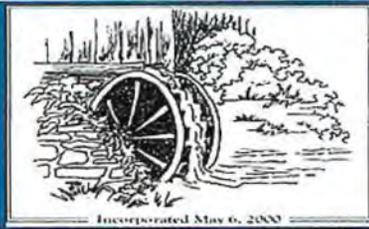


City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

1	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Joe Lang Sheffield		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	Lilita Olamo		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3	Peter Lingamfelter		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4	Allison Davis		<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5	Kon & LaNell Taylor		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6	Mindy Webber		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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*Comments will be limited to 3 minutes.



City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
1	<i>Thomas Manes</i>	[REDACTED]	<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2		[REDACTED]	<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
3			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
4			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
5			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
6			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
7			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
8			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
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*Comments will be limited to 3 minutes.



City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Nick Dornak	[REDACTED]	Citizen	Business	Official	Yes	No
2	Progen Navarro	[REDACTED]	Citizen	Business	Official	Yes	No
3			Citizen	Business	Official	Yes	No
4			Citizen	Business	Official	Yes	No
5			Citizen	Business	Official	Yes	No
6			Citizen	Business	Official	Yes	No
7			Citizen	Business	Official	Yes	No
8			Citizen	Business	Official	Yes	No
9			Citizen	Business	Official	Yes	No
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16			Citizen	Business	Official	Yes	No
17			Citizen	Business	Official	Yes	No
18			Citizen	Business	Official	Yes	No
19			Citizen	Business	Official	Yes	No
20			Citizen	Business	Official	Yes	No

*Comments will be limited to 3 minutes.

Public Hearing Written Statements

January 8, 2019

To the City of Wimberley Mayor and City Council:

Re: Wimberley Waste-Water Treatment Plant

First of all – we believe the abrupt and rushed cancelling of the in-process Black Castle construction was not just costly, but absolutely pre-mature and therefore irresponsible. What happens if TWDB does NOT approve the change in scope of the project?

That said, we have one question – WHY IS THIS CHANGE NECESSARY?

WHY did you not admit that this was your agenda all along when you were running for elective office? Many Wimberley citizens voted for you, believing you when you said Aqua Texas was “off the table.”

We were satisfied and convinced – that a city-owned system, approved after years in the planning by all previous councils – and voted in the affirmative by Wimberley citizens – was GOOD WATER POLICY. It included responsible re-use of treated waste water and the protection and maintenance of Wimberley's gem – Blue Hole. And, the plan attracted generous grants (now lost?).

Contrast that with the plan(?) put forth by a water profiteer – Aqua Texas. The most concerning aspect to us is the boring down and running pipe to carry wastes under Cypress Creek. There are too many unknowns, both of costs and of environmental concerns.

And, isn't it time to get our village square brought up to decent standards and to the caliber it deserves? It's not only embarrassing to hear visitors complain about having to use porta-potties when they visit our town and eat at our town square restaurants – we feel sorry for the merchants who struggle to maintain their businesses in that predicament. It is ridiculous! And, it was on the way to being fixed before you brought everything to a halt.

We do not feel that the current Mayor and council (save one) have made themselves readily available to explain your position on this. Where is the “transparency” you ran on? And, again – WHY IS THIS CHANGE SO NECESSARY NOW??

Respectfully,

Bob and Alison Harla
111 County Road 1492
Wimberley

We strongly object to the way in which citizens were allowed to speak. Individuals should have been called in order of sign-up. That is only fair!

1-8-19

Dear Mayor and members of City Council

I come before you to object to a deal with Aqua Texas.

They and their parent corporation are unfortunately known as the worst private utility in the nation. They have a D Minus rating with the BBB. Almost every community that has dealt with them has been lied to, poorly serviced, and in the end, universally disappointed by Aqua Texas. Many towns end up with no recourse but to take costly legal action. Ask Woodcreek. Ask Kyle.

And frankly they falsely promise and even lie, shamelessly. Their President sat in my living room and looked me in the eye and said they had no violations with the State of Texas – while I simultaneously showed him the state web site with the long list of their violations. More violations in fact, than any other utility. As I told this Council previously, they are not just a bad utility, they are the absolute worst utility.

They pray on small towns like ours, promising the world to get in, and then once entrenched, knowing those communities have limited resources to fight them, they proceed to price-gouge and short-change basic maintenance. This is their business model. They are a for-profit private company looking to minimize their costs to maximize their profits.

There is nothing wrong with profitability....until it impacts the environment. And unfortunately, broken pipes and raw sewage spills are a regular occurrence in Aqua Texas-served communities. You may not be able to set your watch by their negligence, but you can come darn close!

And here in pristine Wimberley, Texas, our Slice of Heaven, our waters are the foundation of the community and what makes us special.

Your constituents, your community, the people you serve, will live with this decision long after all of you are no longer serving on this Council, so I beg you, please do not let this bad, bad deal, be your legacy in Wimberley.

Thank you,

Brian Ferrar
CR1492, Wimberley TX 78676

TWDB Public Hearing for City of Wimberley Wastewater Change of Scope
01/08/19

Christine Byrne
205 Blue Hole Lane
Wimberley, TX 78676
512-924-7866
texasbyrnes@yahoo.com

My name is Christine Byrne. I am a resident of Wimberley and live at 205 Blue Hole Lane. My family will be directly affected by the change of scope since our residence lies within the downtown sewer district and directly below the Blue Hole. I am speaking tonight to voice my concern and objection to the proposed change of scope to the city wastewater plan.

As a downstream property owner and advocate for Blue Hole Park, my main concern is the proposed directional drill and raw sewage pipe located just below the Blue Hole swimming area. This area is one of the most pristine riparian areas of the creek. The creek bifurcates in this area and extends out hundreds of feet. At a minimum there should be an extensive environmental and/or geological study done prior to any drilling. Furthermore, the current plan calls for a single pipe with no leak detection sensors. A double pipe with leak detection sensors is imperative. The following questions should be addressed before approval is given to the city to change the scope of the plan:

What are the risks of drilling in areas that are known to have springs and Karst formations?

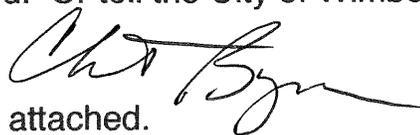
Is there a possibility that this drill could disrupt flow to Cypress Creek?

What is the cost of drilling in this area (through hundreds of feet of limestone bedrock)?

If there is a leak under the creek, how quickly could it be fixed and how would the city's sewage be treated in the interim?

TWDB, please do NOT approve a change of scope to the City of Wimberley's wastewater treatment plan at this time. Further environmental studies need to be conducted. Or tell the City of Wimberley to go back to their original approved plan.

*Pictures attached.



This is the largest project ever undertaken by the City. We have been left in the dark for 7 months. To allow only 90 mins.
disgrace

* The 2 hour TWDB hearing was shortened because the mayor is a spoke for



C. 10/1/19
Bifurcation

Proposed pipe to groundwater

Bifurcation of Blue Hole

Looking for a suitable hole
Johnson's hole in a pipe & log

Johnson
The end



down stream

Island

Johnson property pasture

Hurrested creek

Pond

Creek

Island

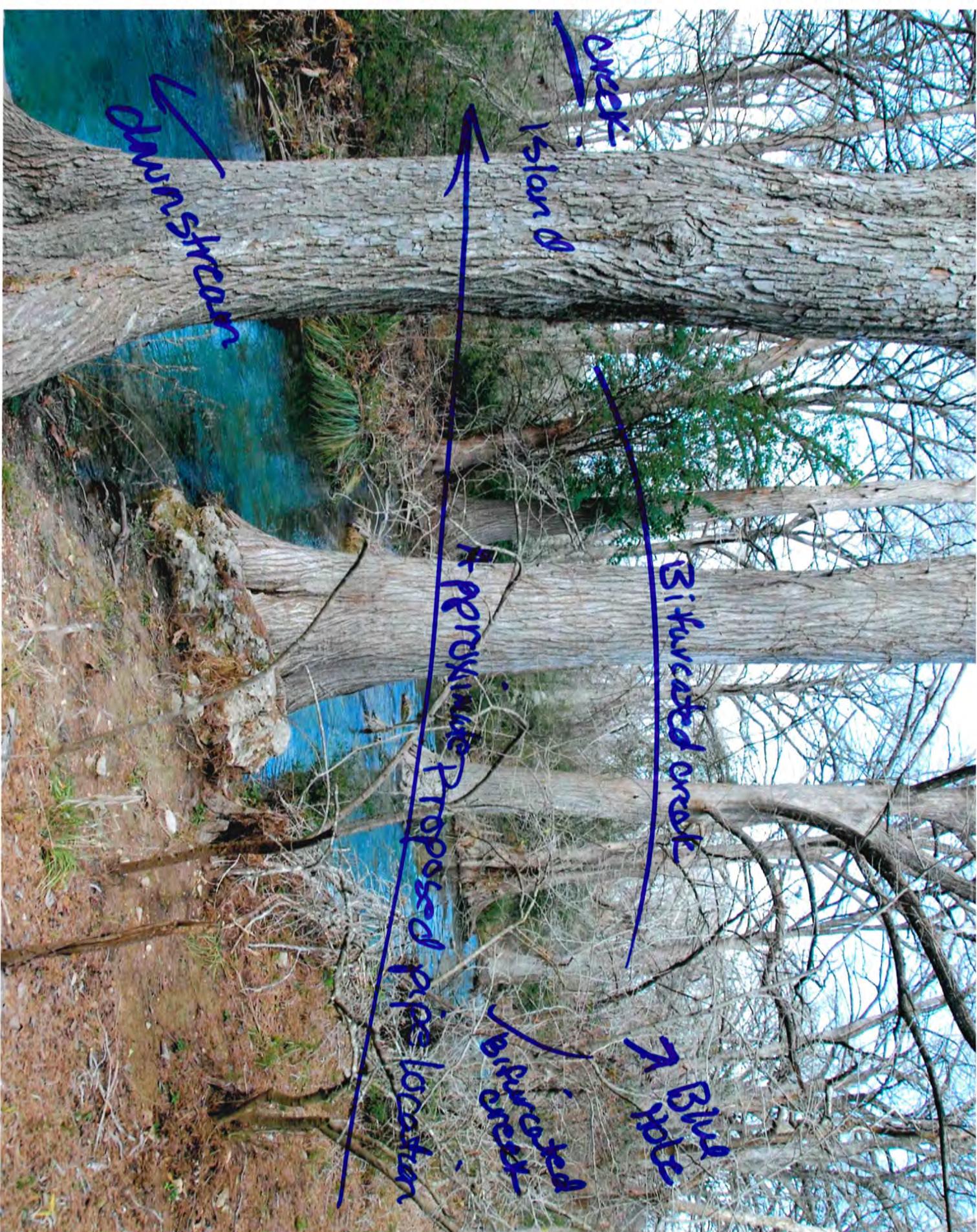
↓
Downstream

Bifurcated creek

→
proximate
Proposed pipe location

Blue
Holes

Bifurcated
Creek



Testimony
Texas Water Development Board Public Hearing
Tuesday, January 8, 2019

My name is Christine Middleton.

Since the 2015 Memorial Day flood I have been involved in restoration of the Wimberley Valley's riparian areas. Thus, I'm here tonight to talk about my concerns regarding a pipe under Cypress Creek.

My understanding is the location of the pipe is not settled. But it will be somewhere between the Ranch Road 12 bridge and our beloved Blue Hole swimming area. That area is far from "pasture land" as described by some. Rather the land bordering Cypress Creek on the downtown side consists of the Cypress Creek Nature Preserve and Blue Hole Park. The Nature Preserve was set aside because throughout Wimberley's history it was untouched by development. Chatterbox orchids, a plant that is uncommon in this valley, have been found along that stretch of the creek. And then there is Blue Hole Park whose riparian area was designed by the Lady Bird Johnson Wildflower Center and lovingly restored by a host of hardworking volunteers.

After the flood, one of the first things the experts cautioned us about was the use of heavy equipment in sensitive riparian areas.

So my first question is what procedures will be used during construction to minimize damage to the sensitive riparian area disturbed in the process of laying the pipeline across Cypress Creek and what will be done to restore that area once construction has been completed?

Once the pipeline goes into operation, there is the possibility of raw sewage leaking either within the creek bed itself or somewhere close enough to send polluted runoff into Cypress Creek.

So my second question is what kind of monitoring will be done to detect a leak and once a leak is detected what procedures will be followed to isolate the exact location and quickly fix the leak before damage is done to Cypress Creek's fragile ecosystem?

While I've educated myself over the past several years, I don't profess to be an expert. So, my final question is, once the location of the pipe is known, will there be a Texas Parks and Wildlife assessment?

Better yet, why have a pipe across the creek at all. Recently, many in this valley rejoiced when the Wimberley Independent School District board voted to pursue a One Water solution for the new primary school on Winters Mill Parkway. The original city sewer plan was essentially a path leading to a One Water solution for the Wimberley downtown area. I'm asking the Texas Water Development Board to help us get back on that path.

Thank you.

Statement by:
Christine Middleton, 512-413-0182, chrismid@austin.rr.com

Copy for TWDB

I oppose the change of scope and have concerns about an unmetered pipe carrying raw sewage under Cypress Creek and also about loss of local control over how the system is operated.

Christine Rambo
(City of Wimberley resident)

Christine Rambo

Jan 8, 2018

Wimberley City Council Public Hearing

Submitted for the record.

I Cynthia Millonzi, as resident of Wimberley do NOT support the change in scope for the Waste Water Treatment Project.

It is fiscally irresponsible, environmentally irresponsible and most importantly not wanted by a majority of the people of Wimberley.

The Mayor and select members of the City Council have done everything with their power to withhold pertinent information, present unverifiable data, tried to limit the voice of the people by determining who can speak to the council, and changing rules and regulations to silence any opposing view points.

Sincerely,

Cynthia Millonzi

cynthiamillonzi@gmail.com

512-964-2801

**Cynthia
Millonzi**

Digitally signed by Cynthia
Millonzi

Date: 2019.01.08 16:26:58
-06'00'

TWDB Public Hearing
January 8, 2019
Dan Gauthier
Dan@Earthtribe.com

My name is Dan Gauthier and I am a resident of Woodcreek North, in the Wimberley ETJ. Thank you for this opportunity to speak tonight. I have not had the opportunity to voice my comments or questions at City Council meetings for the past 6 months, although the choices made on the City Wastewater Project will affect my environment, myself and everyone in the Wimberley Valley.

I support the City-Owned/Operated plan that was underway when this Mayor and City Council were installed.

It is my understanding that a requisite easement for the unmonitored raw sewage line designed to transverse under Cypress Creek is no longer available. Without this easement, a new route for the raw sewage pipe is required and additional engineering is required.

This situation raises a few questions:

- How does this change in design impact our bond application to the Texas Water Development Board (TWDB)?
- What is the impact to schedule caused by amending our application to TWDB, based on revised engineering and design?
- Is the current collection system designed and being built to connect to the raw sewage pipe at the location predicated on the easement that is no longer available?
- Will additional cost be incurred--beyond the required reengineering expense--to re-route this raw sewage line?

And finally, I would like to say that operating an unmonitored raw sewage line under Cypress Creek is like operating a locomotive while sitting in the caboose looking backwards. Then, when debris appears behind the train, you deduce that the locomotive must have hit something, so you run to the front of the train in an attempt to mitigate the damage.

Hello. My name is Elizabeth Craig and I live in Driftwood. I would like to thank the TWDB for giving me and my neighbors this opportunity to speak. Since I don't live in the city limits, under this mayor and for the first time, I've not been allowed to speak. Shamefully, disgracefully, my first amendment rights have been squelched by this city. Water doesn't know manmade boundaries. A pipe of raw sewage boring under the creek puts the entire aquifer at risk - that makes every single one of us a stakeholder regardless of city limits. So I appreciate the state recognizing the rights of myself and my friends and neighbors to have a say in the goings on of this valley.

I am equidistant from Wimberley, Dripping Springs and Kyle, but we moved here because of Wimberley. Over 20 years ago we had the chance to buy a beautiful piece of property. It was a good deal and it was only 15 minutes from my favorite swimming hole on the planet, which was Little Arkansas. Not long after, the City of Wimberley made a deal with the devil and sold out our opportunities to swim there probably forever, or at least until Needmore decides they Need Less and deeds a stretch of the river back to the city for public use, a dream that will likely stay a dream.

Nevertheless, Wimberley is my town. My kids go to school here. I do most of my shopping here. My gym is here. So is my doctor and pharmacist. My friends live here. When the flood struck our little town, I was in the river bed with everybody else, helping dig out what was left of homes and memories from the mud and debris deposited by the raging water. So even though I don't live in the valley, I have a vested interest in what goes on here, and I am interested in making sure Wimberley grows in a healthy, sustainable and intelligent way.

What's been going on since last May is none of that. The mayor and several council members lied when they were running for office, saying the waste water treatment plan would continue as planned and that Aqua Texas was off the table. But the minute they got into office, they did just the opposite. Lying to constituents, saying one thing while campaigning, but immediately changing course once in office, going against the clear and vocal wishes of the majority of the citizens, limiting citizen input so as to skew public opinion, taking years of hard work, due diligence and research and tossing that aside for a hurriedly cobbled together, ill-thought out, poorly designed and inefficiently planned option with a company known for its predatory ways is not healthy, sustainable or intelligent. This AT plan is a bad plan for Wimberley. Just ask our neighbors in Kyle, who after years of leaks and lawsuits, finally got out from a contract with Aqua Texas and now have a city owned system.

I implore the TWDB to support the city returning to the original plan: the city owned treatment plant with reuse facilities in place for Blue Hole Park and its future plans. I implore the city to acknowledge the holes in their AT option and toss THAT plan aside. Wimberley has the opportunity to be a beacon of sustainability and good water management. Let's do that.

Thank you.

January 8, 2019

To Whom It May Concern at TWDB:

I am writing you as a concerned citizen of Wimberley. The current Mayor, Susan Jagers, ran for office with the promise of Aqua Texas being off the table, promising to finish the currently underway WWTP and stated she knew that this community wanted it's own WWTP.

Quickly however, within the first few weeks after the election, the current council being led by the Mayor and Councilman Barchfeld, changed scope of the project by halting progress on the plant and did so without transparency and without public input contrary to what their campaign promises were. They systematically removed and replaced every member on advisory committees including HOT, P&Z and Wastewater to be people in their camp and in agreement with halting the WWTP and using Aqua Texas instead, they also fired the city attorney that advised them it was a wrong move to stop progress on the WWTP. Our Mayor also promised a Town Hall meeting before any action was taken with Black Castle and we never got it.

On July 16, 2018 in her Mayor's Corner, Jagger's wrote "FACT: There has been no decision made on which option to pursue. When the analysis is complete, it will be presented to the Council in a workshop session for their review and consideration. The same analysis will also be presented at a Town Hall meeting at the Community Center prior to any direction taken by the Council."

This Mayor and Council have continually misled, withheld information from the public and kept public comment and questions from happening at meetings. Most of the information we have has been requested through FOIA and pieced together because of the lack of transparency of this council. Twice now I have signed up to speak and not been allowed to at council meetings due to the Mayor limiting time for public comment, saying only people residing in the city limits could attend and speak or saying that comment was limited to equal numbers of pro vs. con people, which is absolutely ridiculous. I was one of the 19 people signed up to speak AGAINST the termination of the Black Castle contract and was not allowed to speak because there were only two people signed up to speak FOR the termination.

This conduct in the very least is a misrepresentation of their intentions as elected officials, flagrant misuse of city funds, lack of transparency and a censoring of public outcry. I have never, in 20 years of living here, seen such an abuse of power and irresponsible use of city resources. We are now, against the public majority's wishes, spending even more money to pay Black Castle, what do we have to show for it? - absolutely nothing. The TWDB may be our last hope to impede this current council's agenda. As a community committed to

preserving our creeks, rivers and parks, we are pleading with you to deny funds of any kind that would support this council's agenda of going with Aqua Texas, drilling for pipe carrying raw sewage underneath our beloved Blue Hole at Cypress Creek and cancelling any chance we have as a city to control the unbridled growth and development seen in neighboring towns like us that ended up going with Aqua Texas. Kyle just spent millions getting out of a contract with Aqua Texas and I hope Wimberley doesn't follow that same knowingly irresponsible and destructive path.

My questions for this Council and the Mayor are as follows:

1. For the new members of this council that ran their campaigns on "no discharge" and were quoted saying that "Aqua Texas is off the table", it is shocking to me that you would be OK with Aqua Texas, a proven terrible steward of water resources and environmental quality, running a pipe with raw sewage directly under our pristine Cypress Creek!! What's the plan for handling the raw sewage in the event that there is a rupture of the pipeline that you want to place between Blue Hole and our downtown bridge? Have any studies been done to qualify or quantify the potential economic impact to Wimberley and Blue Hole if there is a leak in this raw sewage pipe??
2. The rapid and irresponsible decision to cancel construction on our city owned WWTP and a settlement to pay off Black Castle 4 days before this meeting tonight smells of bad governance, little to no transparency and gross misuse of our public funds. Without allowing public input or having a town hall like promised, how do you plan on justifying your actions to our community? Without the correct analysis and 30 year rate study that TWBD required of us on the WWTP approval, how do you know that using Aqua Texas is cheaper for our town in the long run? And how can you justify putting our creek, our park, our CCN and downtown businesses at risk for all of these unknowns?
3. I'd like a formal inquiry into the numbers presented by our Mayor in August titled **Raftelis Updated Rate Study** (attached), this chart claims Raftelis Updated their 30 year analysis to these new numbers for a 1 year rate analysis using AT. Through an FOI request we know that there has not been any work invoiced from Raftelis in over a year and we have an email exchange between the Mayor and Raftelis where they said they were no longer under contract with the city and wouldn't do that update for free, can the Mayor explain where she got these numbers?? And did the council base their vote to cancel the city owned WWTP in favor of an Aqua Texas plan based on these numbers??

Thank you for your time and consideration on this matter. I look forward to asking these questions tonight in the meeting that your organization thankfully made mandatory of this council and Mayor.

Sincerely,



Heather Carter
hcartist @ mac.com

Attached is the Mayor's claim from her August presentation:

Raftelis Updated Rate Study

City of Wimberley, Texas
Draft Pro Forma

	Fiscal Year	Capital Recovery Fee Revenue (\$)	Future Impact Fee (\$)	Base Charge Revenue	Volumetric Rate Revenue	City Contribution (\$)	Annual Adjustment (\$)	Annual Revenue (\$)	O&M Expenses (\$)	Current Debt Service (\$)	TWOG Loan (\$)	Total Expenses (\$)	Surplus/Deficit
Case A	2019	40,022		68,040	186,226	200,000	128,492	602,781	233,749	128,492	240,540	602,781	
Case B	2019	40,022		68,040	4,753	200,000	128,492	441,308	72,276	128,492	240,540	441,308	
Case C	2019	40,022		68,040	54,753	150,000	128,492	441,308	72,276	128,492	240,540	441,308	
Case D	2019	40,022		68,040	104,753	100,000	128,492	441,308	72,276	128,492	240,540	441,308	

Base and Volumetric Charge

	Fiscal Year	Base Charge	Volumetric Rate
Case A	2019	35.00	16.19
Case B	2019	35.00	0.46
Case C	2019	35.00	5.33
Case D	2019	35.00	10.20

Note: Above prepared by Raftelis Financial Consultants 7-19-18 to update rate study for volume and operating cost adjustments as described below

Recap of Revenues and Expenses from Above Updated Raftelis Study	Sewer Customers	City Contribution	Total Revenue	O&M Expenses	TWOG Loan	Total Expenses
Case A	274,289	200,000	474,289	233,749	240,540	474,289
Case B	112,816	200,000	312,816	72,276	240,540	312,816
Case C	162,816	150,000	312,816	72,276	240,540	312,816
Case D	212,816	100,000	312,816	72,276	240,540	312,816

Description of Cases	
Case A	City Option - Updated August 3, 2017 to reduce volume - Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession - City Collector and Plant costs updated
Case B	City / Aqua Option - Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession - City Collector + Aqua fees
Case C	City / Aqua Option - Reduce City contribution by \$50,000 - Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession - City Collector + Aqua fees
Case D	City / Aqua Option - Reduce City contribution by \$100,000 - Updated August 3, 2017 to reduce volume - Reduce Deer Creek to 305,873 gallons per month and eliminate Rio Bonito due to easement concession - City Collector + Aqua fees

Appendix 5

January 8, 2019

To Texas Water Development Board

Re: City of Wimberley change of Sewer to include Aqua Texas

*Myor's
copy*

My name is Jacqueline Mattice of 46 La Toya Trail, in the City of Wimberley

I am opposed to the the City of Wimberley's change from a City of Wimberley operated sewer to a system run by Aqua Texas.

In my books actions speak louder than words.

I purchased my house in 2002 knowing nothing about the utilities that came with my house. Within a year I came to thank my lucky stars that I had the City of Wimberley Water and NOT Aqua Texas. All I heard was complaints from my friends from Woodcreek about their water/sewer company Aqua Texas. Their bills were much higher and their service was lousy.

Wimberley has known it needed to fix its downtown sewer system and for years, since before I came in 2002. After much discussion and controversy and plan was finally put in place, the financing was secured and we were at last under way.

Then when the current council came in they cancelled the project! We were 20 % along the way--20% (at least) toward completing the City of Wimberley project which already had funded, gone through environmental reviews, received the sanction of all the regulatory agencies.

Not only that, their plan was to have Aqua Texas, a KNOWN poor performer run their system!

What were they thinking?

So, yes, I am OPPOSED because of the

- . money they have have already wasted--had to pay Black Castle 200,000 for cancelling their contract in addition to what was paid of work they performed

- . time they have already wasted stopping a project that was already ongoing, not to mention the untold time it would take to go through the whole regulatory process for any other plan.

TWDB had a 4 paged letter of things necessary for consideration that was due Oct 31st.

WHAT HAS BEEN DONE BY THE CITY TO FULFILL YOUR REQUIREMENTS???

- . because they want to put a pipe under Cypress Creek in a Nature Preserve Area

- . because the new plan would affect the water for Blue Hole Park.

Sincerely,

Jacqueline Mattice

John D. Estepp, P.G.

Groundwater Quality Investigations

Groundwater Quality from Well Logs Training Classes

30+ Years Groundwater Quality Well Log Interpretation Experience

TBPG License # 4191

P.O. Box 1018

Wimberley, TX 78676

512-847-5612

Cell: 512-557-2556

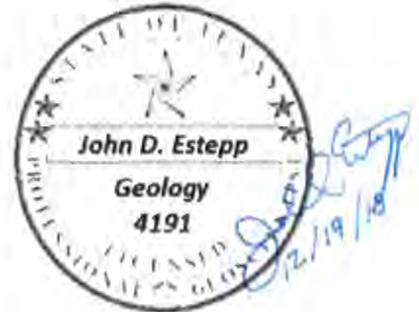
Email: jdestepp@yahoo.com

-TWDB Copy-
gpc

COMMENTS ON
GEOLOGIC & ENVIRONMENTAL CONCERNS
ON THE PROPOSE CITY OF WIMBERLEY
WASTEWATER PROJECT CHANGE OF SCOPE

TWDB PUBLIC HEARING FOR
TWDB PROJECT NO. 73653
WIMBERLEY COMMUNITY CENTER
WIMBERLEY, TEXAS
JANUARY 8, 2019

John D. Estep, P.G.
TBP# 4191



My Groundwater Credentials (for the TWDB's information):

- A Texas licensed Professional Geoscientist with 30+ years of groundwater protection/subsurface carbonate evaluation experience in Texas.
- I am considered a GWQ determination from well logs technical expert
- I have trained many of the TWDB geologists in interpreting GWQ using electric logs (TWDB BRACS Project, starting in 2010).
- Authored two GWQ evaluation manuals used by the TWDB
- A long-time Wimberley resident (1986) and member of the City of Wimberley Wastewater/Water Advisory Board since January, 2003.

Key Subsurface Geologic Points:

- Several known, SW-NE trending fault zones exist in the Wimberley and Woodcreek region.
- The nearest, Wimberley Fault Zone, crosses downtown Wimberley between the downtown Cypress Creek bridge and Blanco River Bridge on RR12.
- The San Marcos High geologic feature is responsible for the development of associated fractured joints which eventually become subsurface caves, springs, and sink holes from carbonate dissolution by rain and groundwater. Examples:
 - Jacob's Well, located in proximity of the Tom Creek Fault in the Wood Creek area and
 - Wimberley's Blue Hole in proximity of the Wimberley Fault Zone

- Historic water well (WW) data has shown the movement of GW horizontally and vertically along these fault zones as well as interconnected Lower Glen Rose carbonate reefs.
- A prepared geologic, structural well log cross section (using TWDB BRACS online water well log data) demonstrates this relationship:
 - Sabino Ranch WW [March, 2007] (State Well# 57-64-717) on NW and Village of Wimberley Blue Hole Test Well [December, 2006] (State Well# 57-64-806) on the SE (with Blue Hole located between them).
 - An earlier WW [January, 1987] (State Well# 68-08-202), located approximately 350 feet SE of the Village of Wimberley WW, identified a “Crack/Cave” at a depth of 270-280 feet.
 - This “Crack/Cave” zone was identified on the newer Village of Wimberley WW at a depth of 277-280 feet, which is located on the down-thrown side of the Wimberley Fault.
 - Well production testing of the earlier WW resulted in nearby private WWs having severe water level declines. As a result of this test, the subject WW was not used for water production, but became a TWDB monitor well.

Proposed Wastewater Pipeline beneath Cypress Creek Concerns:

- There is no subsurface isolation zone for the pipeline if it develops a leak due to corrosion or mechanical failure over time.
- Close proximity to Wimberley’s Blue Hole could be problematic in this situation (e.g., low-flow creek conditions in a drought).
- Local WWs could also be impacted.

My Recommendation to the TWDB

Due to the above described geologic/environmental concerns, I recommend the proposed City of Wimberley wastewater project change of scope be denied, requiring the currently approved wastewater plant project to continue as originally permitted by the TCEQ and funded by the TWDB.

Respectfully Submitted with an attached geologic cross section,
John D. Estep, P.G.

NW

BLUE HOLE PARK STRUCTURAL CROSS SECTION

SE

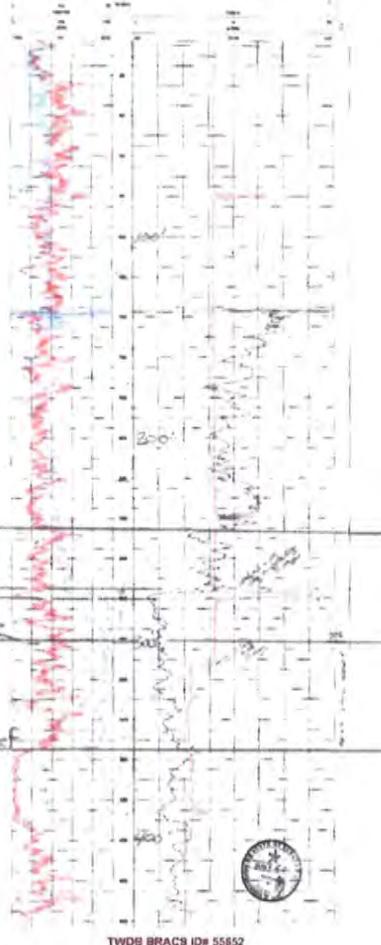
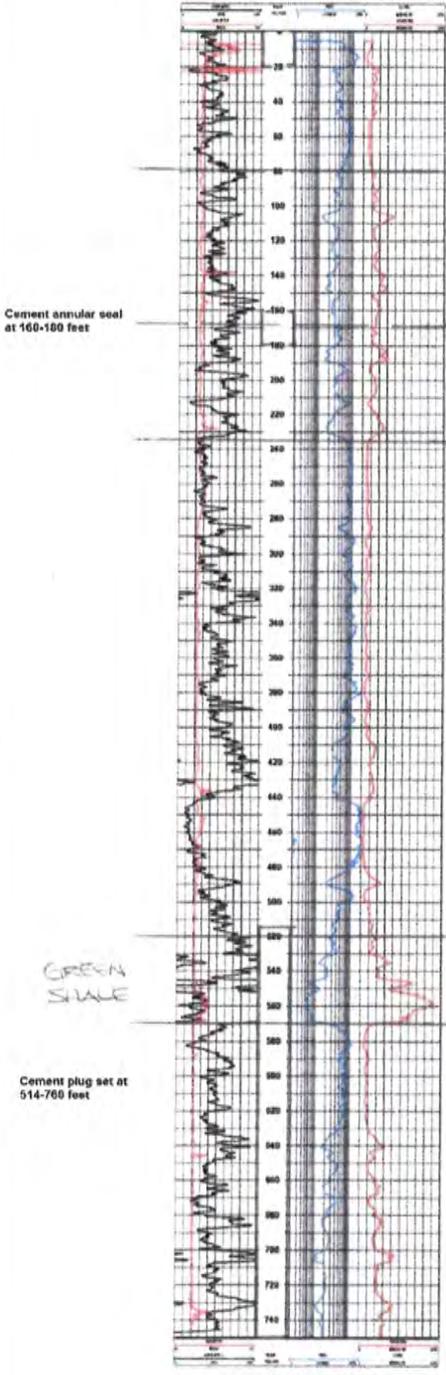
Sabino Ranch WW
State Well# 57-64-717
Elevation 880 ft

Village of Wimberley
Blue Hole Test Well
State Well# 57-64-806
Elevation 917 ft

Blue Hole Park
0.70 miles

Well	State	County	Section	Range	Block	Acres	Depth	Production	Injection	Notes
57-64-717	Texas	Brewster	10	10	10	10	10	10	10	10

Well	State	County	Section	Range	Block	Acres	Depth	Production	Injection	Notes
57-64-806	Texas	Brewster	10	10	10	10	10	10	10	10



Cement annular seal at 160-180 feet

LOWER GLEN ROSE FM

Reef

Crack/Cave feature described in WW 58-08-202 (270-280 ft), located approx. 350 feet SE.

LGR

Reef

GREEN SHALE

Cement plug set at 514-760 feet

TWDB BRACS ID# 55852

TWDB BRACS ID# 55617

STATE OF TEXAS
 John D. Estep
 Geology
 4191
 LICENSED PROFESSIONAL GEOLOGIST
 12/18/18

1) OWNER CITY OF WIMBERLEY Address 2000 WIMBERLEY DRIVE (City) WIMBERLEY (State) TX (Zip) 77875
 2) LOCATION OF WELL: HAYS County 2 miles (in S. direction from WIMBERLEY (Town))

Legal description: Section No. _____ Block No. _____ Township _____
 Abstract No. _____ Survey Name _____
 Distance and direction from two intersecting section or survey lines _____

Driller must complete the legal description to the right with distance and direction from two intersecting section or survey lines, or he must locate and identify the well on an official Quarter- or Half-Scale Texas County General Highway Map and attach the map to this form.

See attached map.

3) TYPE OF WORK (Check):
 New Well Deepening Reconditioning Plugging
 4) PROPOSED USE (Check):
 Domestic Industrial Public Supply Irrigation Test Well Other _____
 5) DRILLING METHOD (Check):
 Mud Rotary Air Hammer Driven Bored Air Rotary Cable Tool Jetted Other _____

6) WELL LOG:
 Date drilled 1/28/87
 DIAMETER OF HOLE
 Dis. (in.) From (ft.) To (ft.)
6" Surface 320

7) BOREHOLE COMPLETION:
 Open Hole Straight Wall Underreamed
 Gravel Packed Other _____
 If Gravel Packed give interval ... from _____ ft. to _____ ft.

From (ft.)	To (ft.)	Description and color of formation material
0-5		CALICHE
5-220		GRAY LIMESTONE
220-240	15 gpm	GRAY WATER SAND
240-270		GRAY LIMESTONE
270-280		CRACK-CAVE
280-290		GRAY WATER SAND
290-320		GRAY LIMESTONE

8) CASING, BLANK PIPE, AND WELL SCREEN DATA:

Dia. (in.)	New or Used	Steel, Plastic, etc. Perf., Slotted, etc. Screen Mfg., if commercial	Setting (ft.)		Gage Casing Screen
			From	To	
		N/A			

WATER AT 270-290 300gpm

9) CEMENTING DATA (Rule 319.44(b))
 Cemented from _____ ft. to _____ ft.
 Method used N/A
 Cemented by _____

10) SURFACE COMPLETION
 Specified Surface Slab Installed [Rule 319.44(c)]
 Pitless Adapter Used [Rule 319.44(d)]
 Approved Alternative Procedure Used [Rule 319.71] N/A

11) WATER LEVEL:
 Static level N/A ft. below land surface Date _____
 Artesian flow _____ gpm. Date _____

12) PACKERS: Type _____ Depth N/A

13) TYPE PUMP:
 Turbine Jet Submersible Cylinder
 Other N/A
 Depth to pump bowls, cylinder, jet, etc., _____ ft.

15) WATER QUALITY:
 Did you knowingly penetrate any strata which contained undesirable water? Yes No
 If yes, submit "REPORT OF UNDESIRABLE WATER"
 Type of water? GLEN ROSE Depth of strata 30'
 Was a chemical analysis made? Yes No

14) WELL TESTS:
 Type Test: Pump Bailor Jetted Estimated
 Yield: 300-350 gpm with _____ ft. drawdown after _____ hrs.

I hereby certify that this well was drilled by me (or under my supervision) and that each and all of the statements herein are true to the best of my knowledge and belief. I understand that failure to complete items 1 thru 12 will result in the log(s) being returned for completion and resubmittal.

Test Well #7
 Blue Hole property
 WATER ANALYSIS REPORT
 TEXAS DEPARTMENT OF HEALTH
 DIVISION OF WATER HYGIENE
 1100 WEST 49 TH STREET
 AUSTIN, TEXAS 78756

WIMBERLY WATER SUPPLY CORPORATION
 PO BOX 208
 WIMBERLY TX 78676

WATER SUPPLY #: 1050018
 LABORATORY NO: EP702846
 SAMPLE TYPE: RAW SAMPLE

COLLECTOR REMARKS:

SOURCE: WELL #7

DATE COLLECTED 1/28/87 DATE RECEIVED 2/11/87 DATE REPORTED 3/30/87

CONSTITUENT NAME	RESULT	UNITS	+/-
Calcium	505	mg/l	
Chloride	14	mg/l	
Fluoride	4.1	mg/l	
Magnesium	211	mg/l	
Nitrate (as N)	0.01	mg/l	
Sodium	14	mg/l	
Sulfate	1884	mg/l	
Total Hardness/CaCO3	2129	mg/l	
pH	7.9		
Dil. Conduct (umhos/cm)	5208		
Tot. Alka. as CaCO3	226	mg/l	
Bicarbonate	276	mg/l	
Carbonate	0	mg/l	
Dissolved solids	2780	mg/l	
P. Alkalinity /CaCO3	0	mg/l	
Arsenic	< 0.010	mg/l	
Barium	< 0.50	mg/l	
Cadmium	< 0.005	mg/l	
Chromium	< 0.02	mg/l	
Copper	0.02	mg/l	
Iron	0.05	mg/l	
Lead	< 0.02	mg/l	
Manganese	< 0.02	mg/l	
Mercury	< 0.0002	mg/l	
Selenium	< 0.002	mg/l	
Silver	< 0.01	mg/l	
Zinc	< 0.02	mg/l	

68-08-202

Typewrite (Black ribbon) or Print Plainly
(soft pencil or black ink)
Do not use ball point pen

Texas Department of Health Laboratories
1100 West 49th Street
Austin, Texas 78756

TWDB ONLY

Organization No. 422 Lab No. 01

Work No. 6150

CHEMICAL WATER ANALYSIS REPORT

Send Reply To:

Water Availability Data and Studies Section
Texas Water Development Board
Stephen F. Austin Building
1700 Congress Ave.
Austin, Texas 78711

County 105 Hays

State Well No. 68-08-202

WNSC Well No. #7

Date Collected 05-20-87

Attn: Don Mehr Rm. 430E

Owner Wimberly WSC Send copy to owner Sample No. By Don Mehr

Address PO Box 208 Wimberly TX 78676 Well Location _____

Date Drilled 01/20/87 Depth 320 ft. WB Power Glove Rose Source (type of well) Open Abk Sample

Producing intervals 2-34 Water level 94.21 ft. Sample depth 0280 ft.

Sampled after pumping _____ hrs. Yield _____ GPM 1000 est. Temperature _____ °F _____ °C

Point of collection Flow Station Appearance clear turbid colored other

Use _____ Remarks Silty

(FOR LABORATORY USE ONLY)

CHEMICAL ANALYSIS

Laboratory No. [REDACTED] Date Received Jun 29 '87 Date Reported Jun 29 '87

WATER ANALYSIS

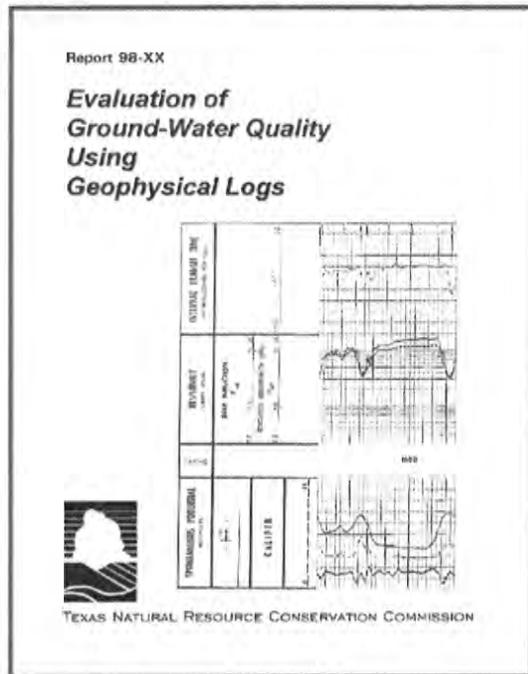
State Well No: <u>68-08-2</u>	Date: <u>061887</u>	Sample No: <u>ER7-1116</u>
Silica:00955: 13 MG/L	ME/L	MG/L ME/L
Calcium:00915: 499	24.96	Carbonate:00445: 0 0
Magnesium:00925: 198	16.30	Bicarbonate:00440: 266 4.36
Sodium:00930: 16	.70	Sulfate:00946: 1794 37.38
Potassium:00935: 12	.31	Chloride:00940: 16 .45
T. Cations 42.26	Nitrate as NO3:71851: .35 .01	Fluoride:00950: 3.8 .2
Manganese:01055: _____	%Na _____	T. Anions 42.39
Boron:01020: _____	SAR _____	pH:00403: 8.0
Total Iron:01045: _____	RSC _____	TDS(Calc):70301: 2683
Other _____	(Specific Cond.:00095: 2080)	P. Alk.:00415: 0
Diluted Conductance (micromhos/cm3)		T. Alk.:00410: 218
<u>Lab error</u>		T. Hardness:00900: 2063
_____ items will be analyzed if checked.		Ammonia-N:00610: _____
		Nitrite-N:00615: _____
		Nitrate-N:00620: _____
		Organic Nitrogen:00605: _____

68-08-202

GROUNDWATER QUALITY EVALUATION MANUALS

(Authored by John D. Estep, P.G.)

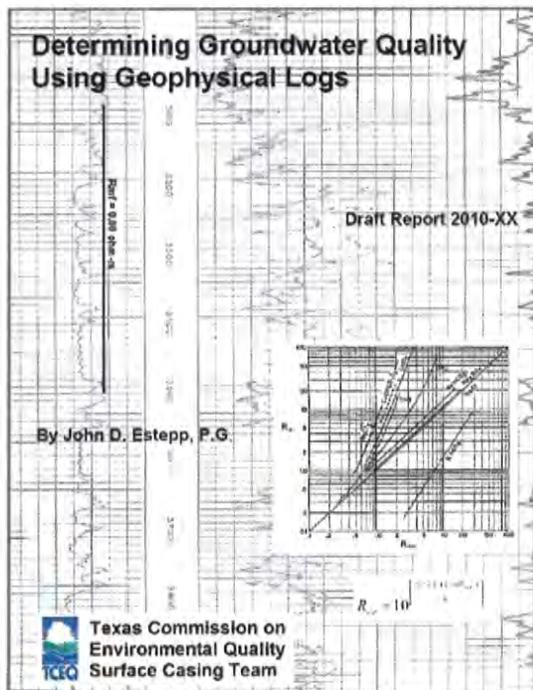
ORIGINAL HARDCOPY GWQ MANUAL (1998)



HYPER-LINKED PDF VERSION (1998)



2010 VERSION USED BY RRC GAU STAFF AND TWDB BRACS PROJECT



HISTORY OF THE 1998 GWQ MANUAL

- Original 1998 GWQ manual was compiled to address the high-bicarbonate problem in the Carrizo-Wilcox Aquifer in South Texas
- Covers more well log evaluation techniques (e.g., porosity, permeability, lithology identification, etc.)
- Hyper-linked PDF version was developed to reduce cost of printing and make the manual available to the public

HISTORY OF THE 2010 GWQ MANUAL

- Focused on GWQ determination methods for use by the TCEQ Surface Casing geologists and training TWDB BRACS geologists for evaluating brackish water aquifers
- Content was primarily extracted from the original 1998 GWQ manual with an additional GWQ case study for the Pecos Alluvium Aquifer

REFERENCE CITING

Original 1998 GWQ Manual:

Estepp, J.D., 1998, *Evaluation of ground-water quality using geophysical logs*, TNRCC Draft Report 98-XX, 516 p.

2010 GWQ Manual:

Estepp, J.D., 2010, *Determining groundwater quality using geophysical logs*, TCEQ Draft Report 2010-XX, 86 p.

Date: 1/8/2019

My name is John Espinoza

I am a property owner in the City of Wimberley, a licensed professional engineer and a certified floodplain manager. I have more than 40 years of experience conducting and managing the planning and design of infrastructure projects. I am here to voice my concerns regarding the wastewater collection and treatment projects.

I previously voiced my concerns (twice) during City Council meetings and in a letter sent to the Texas Water Development Board dated September 19, 2018. A summary of my 4 concerns stated in my TWDB letter included:

1. Since the City had a collection system and treatment plant that was designed and under construction, the plan to connect to Aqua Texas should have been considered as a new project. This new project should have been conducted following procedure as stated in Chapter 252 of the Local Government Code and required by the Texas Board of Professional Engineers in selecting professionals based on qualifications. On-going efforts to connect to Aqua Texas may not have followed these required procedures.
2. Throughout the City's process in promoting to connect to Aqua Texas, there has been a lack in providing back-up documentation used to develop engineering design concepts and financial analysis findings.
3. Managing of infrastructure projects requires professionals that have relevant experience to ensure projects will be designed and constructed within budget. Based on Council actions, I have serious concerns they are mismanaging the project that result in cost overruns.
4. The majority of citizens that were allowed to talk during previous Council meetings were against connecting to the Aqua Texas plant.

Based on information I recently obtained from the City's website, I have the following concerns.

1. In the TWDB Presentation dated September 12, 2018
 - a. Page 7, there is reference that the design change is relatively minor including going under Cypress Creek to connect to Aqua Texas. This action should not be considered as "minor" since there are still many unknowns when boring under Cypress Creek. This could include encountering karst features, endangered species, etc. which will add additional cost and possible permitting requirements.
 - b. Pages 10 & 11, The Revenue Requirement and Customer Rates comparison show connecting to Aqua Texas is the preferred option. However, without seeing the "back-up documentation", it makes it difficult to justify their recommendations
2. The City is proceeding in constructing the collection system including excavation and placing new pipes and manholes, placing of back-fill and repairing disturbed pavement. There appears that no service connections are being constructed at this time. Even though Capital Excavation cost estimate include a cost of \$1,500 to make these service connections, it is more efficient and cost effective that excavations for the main line and service connections be conducted at one time. Since additional excavations will be required for the service connections, I would not be surprised if additional fees will be requested.

TO THE TEXAS WATER DEVELOPMENT BOARD

Please deny the Wimberley City Council's request for a change of scope related to construction of the Wimberley Wastewater System.

The citizens of Wimberley have long planned a city-owned, environmentally responsible System. Dismissal of the treatment plant contractor in favor of Aqua Texas negates many years of effort and denies the clear mandate to protect the aquifer as we irrigate Blue Hole Regional Park.

I urge the Board to hear our voices loud and clear as we say No Aqua Texas.

Respectfully,

A handwritten signature in black ink, appearing to read "Julie Ray", with a stylized flourish at the end.

Julie Ray
115 Sky Ranch Circle
(property owner 110 Old Kyle Rd)
512-971-4047
Julie.ray@me.com

My name is Larry Calvert and I am a CARD member

I believe the city Sewer system fully meets the waste treatment and environmental needs as designed and should be installed.

I am opposed to the Aqua Texas plan since I believe the revised design is insufficient and Aqua Texas has a very poor record of responsible waste treatment.

In summary, I am opposed to the Aqua Texas option for waste treatment.

Larry Calvert
101 FM 3237, Suite F
Wimberley, TX 78676
512-484-0422
lecalveert@gmail.com

TESTIMONY

Texas Water Development Board Public Hearing

Tuesday, January 8, 2019

Wimberley Community Center

By

Linda Lang

35 Brookhollow Dr.

Woodcreek, Texas 7867

My name is Linda Lang and I live in the City of Woodcreek about five miles north of the City of Wimberley. I speak on behalf of the original city-owned wastewater system and against the possibility of Aqua Texas ruining this valley.

I fully support the city-owned, "One Water" wastewater system which is both an environmentally and economically sound plan. I thank the Texas Water Development Board for recognizing and supporting the original plan early on.

I do NOT support the new plan to replace the plant with Aqua Texas due to many reasons of which I will name a few:

Consequences of this switch will lead to unwanted over-development of the beauty and open spaces of Wimberley Valley. This will cause faster depletion of the Hays Trinity Aquifer that will affect our largest artesian spring, Jacob's Well, the headwaters of Cypress Creek.

As the springs and creeks lose their flow, surely the flow of money into our tourist businesses and home values will occur.

Thank you so much for your serious consideration and voting to NOT allow the present city council to engage Aqua Texas, but to go forward with the original city-owned wastewater plan.

Linda Lang

Testimony

Texas Water Development Board Public Hearing

Tuesday, January 8, 2019

Louis Parks
820 Red Hawk Road
Wimberley, Tx, 78676
512-289-8666
louis.parks@gmail.com

Good evening.

Members of the Texas Water Development Board, please hear us today; this may seem a foolish, wasteful local squabble, but it is vitally important to our future water resources and city prosperity.

I am Louis Parks, chair of Citizens Alliance for Responsible Development, or CARD.

CARD is an all-volunteer organization, funded by \$70 annual dues, which formed in this building in 2008 in opposition to a large development that threatened the recharge zone of the Trinity Aquifer. No one in CARD has any way of profiting from either side in this unfortunate sewer fight, except in the same way most residents do, in the future property values and beauty of our area.

CARD's primary focus is on the quality and quantity of water, the crucial natural resource of which the Wimberley Valley already has far too little.

CARD has campaigned for water conservation, such as rain tanks and water recycling, and against water waste. We have hosted numerous public education and awareness meetings, several in this building, on water concerns.

CARD originally supported the long-overdue sewer system for downtown Wimberley because it was needed to clean up Cypress Creek, and because it would clean and fully reuse downtown wastewater in Blue Hole Park, saving water in the aquifer. It was a win-win situation for the creek, the park, the aquifer and the City, all with no taxes for residents. Thanks to the TWDB's loan, and the help of \$2 million in grants for the plan's environmental qualities, the plan would be paid for over 30 years by the users of the system, the downtown business owners.

After long discussions, CARD came out in support of the Wimberley-operated plan in 2012, again in 2013, and continued to do so after the 2015 Settlement Agreement signed on by groups that originally opposed the plant for concerns about the possibility of discharge.

Our support of the City-managed plant increased when the Aqua Texas threat reared its head. As early as 2008, CARD had commented on AT's high rate of losing clean water – still a concern. The more we researched A. T.'s history, here and across the state and country, the more our concern grew.

The idea of sending downtown water – which could be cleaned to Enhanced Type I and reused for public good – over to Aqua Texas where it does the City no good, is absurd.

Forcing Wimberley to further drain the aquifer – if it ever wants to bring Blue Hole to its planned state – just to help Aqua Texas stockholders, is robbing the future needs of this town and valley. **There's not that much water under there.**

Cleaning Cypress Creek is very important to this City, its economy and its health. But why do it half-way, sending that water to a Type 2 Aqua Texas plant – that for years has promised it will upgrade to Type 1 – and then have it basically discarded on a golf course. There is no such thing as waste water. But there certainly is wasted water.

This unpopular and environmentally unsound change has already lost Wimberley more than \$3 million. Stop throwing away good money, say NO to the Aqua Texas plan. Despite our follies, oh TWDB, please show this town some love and tell this council to get us back on the right path with the right plant.

Mayor

Mayor Jaggers and Councilmembers:

- not a user of the system

My name is Marilee Wood. I have been a property owner and resident of Wimberley since the mid 1990's. I was elected to the City Council in 2003 and served two terms plus an appointed term of 7 months in 2010. Additionally, I served on the Planning & Zoning Commission, the Parks Board and numerous committees including the Committee that reviewed proposals and recommended to Council a design firm for Blue Hole Park. I am a Founding Member of Friends of Blue Hole and recently served a term as President of the Friends Board.

Blue Hole Park, from its acquisition to its development and its establishment as one of the premier parks in the Hill Country, has been the focus of my public service and my private support since 2003. It is with that background of commitment to the park that I urge denial of the City's change of scope request to stop construction of the city-owned treatment plant in order to go to Aqua Texas for wastewater treatment.

There are many environmental concerns associated with the current proposal to pipe raw sewage under Cypress Creek in the Blue Hole Regional Park, and millions of dollars have been given to the City by Hays County and the State of Texas, through Texas Parks & Wildlife, and by foundations too numerous to mention with an understanding that the City would complete the Park under the plan designed by the Lady Bird Johnson Wildflower Center, funded by Friends of Blue Hole and adopted by City Council in 2007 – this plan was designed with a City owned plant designed to water the Park without use of aquifer water. A basic tenet of the design called for the City plan to produce type 1 enhanced effluent. This plan protected the Park by guaranteeing that there would be a reliable source of water for use by the Park. All Wimberley City Councils since 2007 with the notable and reckless exception of the current Council have supported this plan.

The proposed contract with Aqua Texas, which would pipe raw sewage under Cypress Creek at Blue Hole, possibly puts the creek at risk and fails to provide water for the Park. It would put AT in the driver's seat for facilitating unregulated growth and would open the door for a future Wimberley that looks more like an I 35 community than the Hill Country village so many of us have spent so much time and effort trying to protect.

The actions of this Council to prevent a City owned sewer project have endangered not only the future of the Park, which I hold dear, but also the financial condition of the City of Wimberley and have damaged the ability of the town to work together. Years of community cooperation have been ignored. Please listen to the concern of Wimberley citizens. Facilitate the building of the City system. Your actions will help us protect Blue Hole Park, keep the faith with our funding sources, provide sewer facilities for the downtown area, enhance the environment and keep city services in the hands of the people where they belong.

Marilee Wood

mmwood200@gmail.com

Public Hearing for Change of Scope in Wimberley's City Sewer Project

Community Center, 5:30 p.m., Tuesday, January 8, 2019

I strongly oppose the change in scope for the city's sewer project as directed by the current mayor and three council members. This is not the plan that was approved by the previous mayors and councils. My concerns and theirs have been expressed and opposed by many Wimberley citizens for many legitimate reasons. How many times do we have to stand up here and say the same things over and over? We do not want Aqua Texas managing our system and we want water for Blue Hole!

Enough is enough. Thank you.

*Sincerely,
Marika Knies
101 Mesa Verde
Wimberley, TX 78676
512-847-8774*

Raoul Belleau remarks for TWDB Public Hearing on Wimberley Wastewater Project held January 8, 2019

Today I am going to discuss operating cost. A financial comparison from the Mayor's August 14 presentation that is often cited is that the planned city wastewater treatment plant would cost \$160K more to operate than going with Aqua Texas, a difference that would add up to over \$4Million. Albert Einstein is quoted as saying that "Everything should be made as simple as possible, but no simpler." This financial comparison is too simple for 3 reasons.

Reason 1 comes from not scrutinizing the numbers closely. As an example, the cost item for Lift System checks is attributed to the Plant, when indeed this is part of the Collection system and would be a cost under either option. Additionally, the calculations for sludge disposal reveal that Inframark was using a volume rate of around 50 thousand gallons per day in their cost estimates, compared to the City estimate of 28 thousand gallons per day in Year 1, rising to 50 thousand in Year 30. Similarly, Mr. Coonan stated that the \$20 thousand dollars in Capital reserves was to accumulate \$200K to replace all Membranes at Year 10. But with the plant expected to run at less than half capacity from years 1 through 10, wouldn't that be cut in half? Likewise, the electricity rates estimated by Mr. Coonan of \$30,394 with the note that it is "up significantly due to UltraViolet disinfection and additional pumps" is not scaled for a plant that is only running at a third of capacity in Year 1. Adjusting for these cost items brings the plan operating cost in Year 1 down by \$37,757.

Reason 2 that this comparison is inaccurate is that it is comparing apples to oranges. While the City option envisions a future for Blue Hole Regional Park as a green oasis even during years of extreme drought, due to consistent access to 30-50 thousand gallons per day of irrigation water, the Aqua Texas option leaves Blue Hole high and dry, with no costs allocated to providing irrigation. This must be added back in for an apples-to-apples comparison. One option would be to try to truck in Type1 wastewater from Aqua Texas and deliver to a tank in the park, at 5-10 truck loads per day. Since we don't want the soccer kids getting sick, this option would likely mean we need to add back in the \$30,815 quoted in the Mayor's August presentation for lab testing to ensure the Type1 is safe for human contact, with samples taken at the sprinklers. As it turns out, buying water at wholesale rate is most likely cheaper than the trucking and testing regimen. Using the average wholesale water rate for the greater Austin area of \$4.10 per thousand gallons, the equivalent cost of irrigation for Year1 is \$41,902.

Combining the 2 numbers above reveals that the Year1 operating cost difference, rather than \$160K, is actually more like \$80K. Contrast this year1 difference with the \$1.3Million drop in city fund balances during fiscal years 2018 and 2019 to accomplish this change of course.

Reason3 that this comparison is inaccurate is that it ignores the future. There is some question whether the currently quoted Aqua Texas rates for years 1-5 will stand because it defines a wastewater composition that is residential vs. the city customer mix includes large business customers and

restaurants. But even taking this introductory 5-year rate, funded in part by \$300K in cash up front, at face value, Year 6 is an interesting inflection point because this is when Aqua Texas gets to raise rates. In the past few years, Aqua Texas has documented offers to the city to provide wholesale service at rates varying between \$11.72 and \$13.96 per thousand gallons. Even projecting below the range of past offers and using a rate of \$10, the Aqua Texas fees grow dramatically so that the City option is projected to be \$15K cheaper than the Aqua Texas plus wholesale water option. Finally, from Years 6 through 30 the costs will increase under both options but with a modest 1% added to Aqua Texas fee growth to provide profit growth for their shareholders. Based on this projection, the City option would be \$178K cheaper than the Aqua Texas plus Wholesale Water option in Year 30.

In summary, in an apples-to-apples comparison I believe the City Option would have significantly lower annual Operating and Maintenance expenses over 30 years than the Aqua Texas option. Thank you.

Appendix A. Baseline from Mayor's August 14 presentation

Estimated O&M	City Option	City/Aqua Option	Variance
Collection System	19,500	19,500	
Treatment Plant	214,249		
Aqua Treatment Fees		52,776	
Total	233,749	72,276	\$161,473

Appendix B. Updated cost comparisons for Years 1, 6 and 30

Updated Year 1

Estimated O&M	City Option	City/Aqua Option	Variance
Collection System	21,060	21,060	
Treatment Plant	176,492		
Aqua Treatment Fees		52,776	
Blue Hole Irrigation	0	41,902	
Total	197,552	115,738	\$81,814

Updated Year 6

Estimated O&M	City Option	City/Aqua Option	Variance
Collection System	23,252	23,252	
Treatment Plant	195,891		
Aqua Treatment Fees		145,511	
Blue Hole Irrigation	0	65,925	
Total	219,143	234,688	-\$15,545

Updated Year 30

Estimated O&M	City Option	City/Aqua Option	Variance
Collection System	35,947	35,947	
Treatment Plant	299,455		
Aqua Treatment Fees		345,565	
Blue Hole Irrigation	0	132,878	
Total	335,402	514,390	-\$178,988

Appendix C. Baseline Year1 cost details

Total	Plant	Collection system	Comment
30815	30815		New Lab Cost, includes an addition 4 trips per week to the lab
1560	1560		Additional lift system checks, 1 per week @ 30 minutes
10,500		10,500	Approximate 15000 foot sewer line Asset Management, 5 year plan, 20% per year
26,000	26,000		Bi-weekly sludge disposal (26 runs) Bi-weekly liquid haul at 1%, 7000 gallons, \$1K/load
12,480	12,480		52 additional weekends at 2 hours per day (travel and labor)
33,000	33,000		corrective maintenance, supplies, alarms, all Work Orders
60,000	60,000		Existing Cost
174355	163855	10500	Total Inframark
30394	30394	5000	Electricity - Up significantly due to UV disinfection and additional pumps
20000	20000	4000	Capital Reserves - Membranes, pumps, etc
224749	214249	19500	Total

Appendix D. Corrected Year1 and Year 6 Cost details

Corrected Year 1

	Plant	Collection syst	Comment
30815	30815		New Lab Cost, includes an addition 4 trips per week to the lab
1560		1560	Additional lift system checks, 1 per week @ 30 minutes
10,500		10,500	Approximate 15000 foot sewer line Asset Management, 5 year plan, 20% per year
15,000	15,000		Bi-weekly sludge disposal (26 runs) Bi-weekly liquid haul at 1%, 7000 gallons, \$1K/load
12,480	12,480		52 additional weekends at 2 hours per day (travel and labor)
33,000	33,000		corrective maintenance, supplies, alarms, all Work Orders
60,000	60,000		Existing Cost

163355 151295 12060 Total

	15197	5000	Electricity - Up significantly due to UV disinfection and additional pumps
	10,000	4000	Capital Reserves - Membranes, pumps, etc.
	176492	21060	Total

Corrected Year 6

	Plant	Collection syst	Comment
30815	30815		New Lab Cost, includes an addition 4 trips per week to the lab
1560		1560	Additional lift system checks, 1 per week @ 30 minutes
10,500		10,500	Approximate 15000 foot sewer line Asset Management, 5 year plan, 20% per year
26,000	26,000		Bi-weekly sludge disposal (26 runs) Bi-weekly liquid haul at 1%, 7000 gallons, \$1K/load
12,480	12,480		52 additional weekends at 2 hours per day (travel and labor)
33,000	33,000		corrective maintenance, supplies, alarms, all Work Orders
60,000	60,000		Existing Cost

174355 162295 12060 Total

	20262.67	5000	Electricity - Up significantly due to UV disinfection and additional pumps
	13,333	4000	Capital Reserves - Membranes, pumps, etc.
	195891	21060	Total

Appendix E: Projected Aqua Texas Rates

Aqua Texas has documented offers to the city over the past few years to provide wholesale service at rates varying between \$11.72 and \$13.96 per thousand gallons. Estimate \$10 per 1000 gallons wholesale rate in Year 6, which is still well below past offers, growing by 3% annually thereafter

Year 1

\$52,781 cost per year

Year 6

\$10 per 1000 gallons

39866 gallons per day

\$145,511 Cost per year

Year 30

\$19 per 1000 gallons

49413 gallons per day

\$345,565 Cost per year

Appendix F: Projected Irrigation Water costs

Wimberley Water retail rates are significantly higher, but using the average Austin metro area Wholesale rate of \$4.10, growing by 2% annually. Volumes match wastewater volumes in order to provide apples-to-apples cost comparison.

Year1	Year6	Year 30	Column1
28	39.9	50 thousand gallons per day	
\$4.10	\$4.53	\$7.28 volume charge per 1000 gallons	
\$115	\$181	\$364 per day	
\$41,902	\$65,925	\$132,878 per year	

Note that an alternate model for Type1 reuse could be pursued, but it appears at first look to be more expensive. This would involve 5-10 truckloads per day delivered to a tank placed at Blue Hole Park in addition to an estimated \$30,815 annually for testing the type1 effluent to ensure it is safe for human contact.

08 January 2019

Wimberley City Council – TWDB Public Hearing testimony

My name is Richard Duggan. With my family, I reside in the 78676 zip code at 300 Canyon Oaks Drive, but not w/in the City of Wimberley limits. However, as a real estate developer, licensed architect, builder of 2 sewage treatment plants, former member of the Island of Lanai Water Board, and 20-year member of the board of a local non-profit which is in the City limits, I am a stakeholder with standing.

I am speaking tonight to oppose the transfer of the Texas Water Development Board loan from the City of Wimberley to Aqua Texas.

As is widely known, the intent of the proposed (and in fact already commenced) sewage treatment plant is to clean up pollution in Cypress Creek in the downtown area. In addition to accomplishing the primary task, the other benefits of the city-constructed plant include:

- control over how the system is operated and used and how sewer customers are served;
- recycled Type 1 water for Blue Hole Park irrigation;
- a low-interest, \$5.5 million loan from the TWDB;
- \$245,343 in loan forgiveness from TWDB because of the environmental qualities of the original plan;
- two grants of \$1 million each to help pay for the system; and
- no bond or tax as the system is to be primarily paid for by connected users who would repay the loan over 30 years.

By all accounts it is a stream-safe plant despite unfounded alternative truths which have been circulated.

Local, municipal control is a far better outcome instead of a management and fee collection by company named Aqua America, which is in business to satisfy its shareholders and account for a profit and has interests and customers as far reaching as Illinois, Indiana, New Jersey, North Carolina, Ohio, Pennsylvania, and Virginia, in addition to Texas

Further, it seems incomprehensible that the associated assets and monetary benefits of a city-owned facility would be squandered by the City's elected officials. Losing the grants, the loan forgiveness, sunk construction and settlement costs, and the TWDB low-interest loan is perniciously perplexing and should be reconsidered.

The TWDB loan, originally granted for the city-owned, "One Water" wastewater system, should not be used to give our water treatment future to Aqua Texas. It seems a folly beyond imagination.

Thank you

Respectfully
Richard Duggan
300 Canyon Oaks Dr
Wimberley TX 78676

REGARDING THE SUITABILITY OF AQUA TEXAS AS A CORPORATE PARTNER

My name is Robert Tinstman. I am a Woodcreek resident. I was employed by the Texas Commission on Environmental Quality and its predecessor water agencies for 21 years.

My comments and questions tonight have to do with whether Aqua Texas is a suitable partner for the City of Wimberley. The point I want to make is that Aqua Texas, when it comes to obeying the state's pollution control laws, is a repeat and chronic offender, and is not fit company for a place as environmentally—conscious as Wimberley Valley.

Aqua Texas cannot manage the raw sewage of Woodcreek. For at least the past nine years, Woodcreek's collection system has been regularly and illegally discharging thousands of gallons of raw sewage into our neighborhood. They have now been fined twice by TCEQ for these unpermitted raw waste discharges. I'm providing copies of the 2 enforcement orders here tonight. ***Please do not add to that raw waste burden.***

Aqua does not even have its own maintenance crews. They call out their sub-contractors only after a problem arises. They do NO PREVENTIVE MAINTENANCE. This is not the kind of corporate partner that Wimberley wants.

Let me ask you -- Has the City of Wimberley done even the most minimum of 'due diligence'? Have you ever contacted Aqua's other customers to find out their experiences with them?

Have you contacted Spring Hill Estates in Denton County? Or B&W Gathering in Burnet County, or Village Trace in Brazoria County? Or even the Cities of Kyle or Woodcreek here in Hays County? All these wastewater systems are operated by Aqua Utilities and have been the subjects of administrative penalties by TCEQ. Have you ever contacted them to find out if Aqua Texas is a dependable corporate partner? I think we all know the answer to that question.

The City's draft agreement with Aqua has its own pitfalls. Aqua establishes a 50 mg/L limitation on the oil and grease it will accept, and then says that the City's failure to meet those limits would trigger corrective action by the City on its dischargers. 50 mg/L is a level that would be characterized as weak, residential strength wastewater. It is a level that the City's commercial users such as restaurants will surely violate, and then face Aqua's penalties. The City has a pre-treatment program in name only. With influent limitations of 50 mg/L, the City will have to hire staff to enforce its pre-treatment ordinance, an undocumented cost the City is not telling you about.

The agreement with Aqua shows a \$300,000 wholesale service connection fee. Up until the agreement was released, the City described this payment as a necessary fee to be used to expand and upgrade Aqua's plant. Now the agreement says Aqua will pay for the expansion and upgrade "free of charge". Who do they think they are kidding? And why would the City pay this exorbitant amount to convert to Type 1 effluent when the effluent re-use plan to bring the treated water back to the park has been expressly abandoned? This is nothing more than a poorly disguised attempt to take city funds and donate them directly to the bottom line of a private utility.

Please reverse course! Build the city its own treatment plant. Invest in Wimberley's future, not that of a private utility!

Presented by Robert Tinstman, bob_tinstman@yahoo.com, tel. 512.468.4068

January 8, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102956448

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-0858-MWD-E

At its FEB 27 2013 agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility with an associated collection system ("System") located approximately 1,200 feet south southeast of the intersection of Farm-to-Market Road 2325 and Jacob's Well Road, approximately four miles north of Wimberley in Hays County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on February 2, 2012, TCEQ staff documented the following unauthorized discharges from the System:

UNAUTHORIZED DISCHARGE TABLE			
Date	Locations	Amount Discharged (gallons)	Description
September 20, 2010	20 Woodcreek Dr.	50	Unauthorized discharge from the wastewater tap.
September 26, 2010	Wimberley High School Lift Station	200	Unauthorized discharge from the lift station and into the parking lot. Float wires on the wirebox corroded and disconnected.
October 24, 2010	30 Champion Circle	50	Unauthorized discharge from a broken tap.
November 21, 2010	2300 block of FM 2323 (Main and Cross Country)	7,500	Unauthorized discharge from a leak in the line.
January 23, 2011	Camp Young Judaea property	7,500	Unauthorized discharge because of a 36 inch split in the six inch force main.
March 13, 2011	unknown	50	Unauthorized discharge because of an eight inch hole in the collection main.
March 13, 2011	Camp Young Judaea property	8,000	Unauthorized discharge because of a split in six inch transfer main.
May 30, 2011	Ranch View Lift Station	300	Unauthorized discharge because of a short in pump 1 & 2 controls and high grease level preventing alarm float from signaling high level.
June 13, 2011	Hole # 10 of the golf course	500	Unauthorized discharge from leak in the line.

UNAUTHORIZED DISCHARGE TABLE cont.			
June 18, 2011	Field near Cypress Point	20,000	Unauthorized discharge from leak in the line.
August 18, 2011	Camp Young Judaea property	3,000	Unauthorized discharge from force main rupture; suspected ground shift as a result of hot, dry weather.
August 23, 2011	Camp Young Judaea property	3,000	Unauthorized discharge from a six inch sewer transfer line that split.
November 27, 2011	Camp Young Judaea property	7,500	Unauthorized discharge from a six inch broken line.
November 28, 2011	312 Shady Bluff	350	Unauthorized discharge from a failure of the lift station pump.
January 8, 2012	Pleasant Valley Lift Station	100	Unauthorized discharge because of a short in the pump control panel.
January 20, 2012	3 cleanouts located at 20 Deer Ridge	50	Unauthorized discharge from a line blockage.

4. During an investigation conducted on February 2, 2012, TCEQ staff documented the following from a review of the effluent reports:

EFFLUENT VIOLATION TABLE				
Months	TSS Daily Average Conc.	TSS Single Grab Conc.	BOD ₅ Daily Avg. Conc.	BOD ₅ Single Grab Conc.
	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 20 mg/L	Limit = 65 mg/L
January 2011	91.25	236	27.25	c
February 2011	55.75	97	33.5	c
March 2011	136.4	387	40.2	89
May 2011	44.5	152	40.4	89
June 2011	49.6	92	74.8	117
July 2011	c	69	42	95

TSS = total suspended solids

mg/L = milligrams per liter

BOD₅ = 5-day biochemical oxygen demand

avg. = average

Conc. = concentration

c = compliant

5. During an investigation conducted on February 2, 2012, TCEQ staff documented that the annual soil samples were not collected and analyzed for the monitoring period due September 2011.
6. The Respondent received notice of the violations on April 4, 2012.

7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the System:

CORRECTIVE ACTION TABLE		
Date	Locations	Description of Corrective Action
September 20, 2010	20 Woodcreek Dr.	The area was disinfected with calcium hypochlorite ("HTH"). A new tap saddle and brass nipple was installed.
September 26, 2010	Winberley High School Lift Station	Vacuumed standing water in the parking lot. Wires on the wireblock were reconnected.
October 24, 2010	30 Champion Circle	The area was disinfected with HTH. The tap was replaced and the service box was adjusted to take pressure off the line.
November 21, 2010	2300 block of FM 2323 (Main and Cross Country)	The area was sprayed with a bleach solution and the leak was repaired.
January 23, 2011	Camp Young Judaea property	Cleaned-up standing water with vacuum truck and sprayed disinfectant on affected area.
March 13, 2011	unknown	The standing wastewater was treated with HTH and the pipe was repaired.
March 13, 2011	Camp Young Judaea property	Vacuumed the standing water and treated affected area with HTH. Collection line was dug up, repaired, and bedded with sand.
May 30, 2011	Ranch View Lift Station	The affected area was cleaned with HTH. Controls repaired and cleaning frequency of lift station increased to twice a week.
June 13, 2011	Hole # 10 of the golf course	Vacuumed the spilled wastewater, followed by chlorine topical disinfection of the affected area. The leak was repaired.
June 18, 2011	Field near Cypress Point	Vacuumed the spilled wastewater, followed by chlorine topical disinfection of the affected area. The leak was repaired.
August 18, 2011	Camp Young Judaea property	Vacuumed the spilled wastewater, followed by chlorine topical disinfection of the affected area. The leak was repaired.

CORRECTIVE ACTION TABLE cont.		
August 23, 2011	Camp Young Judaea property	HTH was used to disinfect all affected areas. The split section was removed, replaced, and sand bedded.
November 27, 2011	Camp Young Judaea property	Vacuumed the spilled wastewater, followed by chlorine topical disinfection of the affected area. The leak was repaired.
November 28, 2011	312 Shady Bluff	The area was disinfected with granular chlorine and the lift station pump was repaired.
January 8, 2012	Pleasant Valley Lift Station	Vacuumed the spilled wastewater, followed by chlorine topical disinfection of the affected area. The pump was repaired.
January 20, 2012	3 cleanouts located at 20 Deer Ridge	The affected area was disinfected with a solution of bleach and water. The line was jetted and cleaned with a vector truck.

8. The Executive Director recognizes that by February 2, 2012, the Respondent returned to compliance with the permitted effluent limits after making repairs to the clarifier basin.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0013989001, Permit Conditions No. 2.g.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Permit No. WQ0013989001, Effluent Limitations and Monitoring Requirements No. IV. A.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to obtain and analyze soil samples from the root zones of the land application site, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(d) and TCEQ Permit No. WQ0013989001, Monitoring Requirements No. 1 and Special Provisions No. 9.

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Twenty-One Thousand Eighty-Nine Dollars (\$21,089) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Twenty-One Thousand Eighty-Nine Dollar (\$21,089) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-One Thousand Eighty-Nine Dollars (\$21,089) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2012-0858-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that monitoring requirements are properly accomplished, including the sampling and analysis of irrigated soil, in accordance with TCEQ Permit No. WQ0013989001, Special Provisions No. 9; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

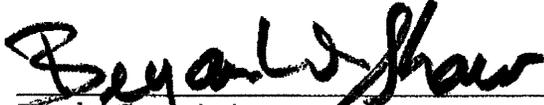
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



For the Commission



For the Executive Director

1/18/13

Date

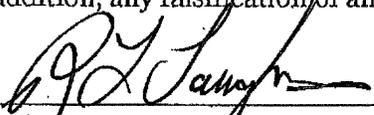
I, the undersigned, have read and understand the attached Agreed Order in the matter of Aqua Utilities, Inc. I am authorized to agree to the attached Agreed Order on behalf of Aqua Utilities, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Aqua Utilities, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

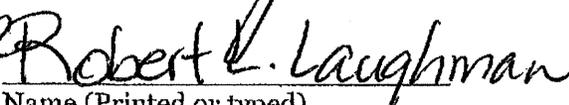
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8-1-2012

Date



Name (Printed or typed)
Authorized Representative of
Aqua Utilities, Inc.

President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 6, 2013

CERTIFIED MAIL

Robert Laughman, President
Steve Blackhurst, Compliance Manager
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723-2476

RE: Aqua Utilities, Inc.
TCEQ Docket No. 2012-0858-MWD-E; Permit No. WQ0013989001
Agreed Order Assessing Administrative Penalties and Requiring Certain Action

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Enforcement Coordinator or the Staff Attorney. If there are questions pertaining to the mailing of the order, then please contact Leslie Gann of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3319.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

BCB/lg

Enclosure

cc: JR Cao, Enforcement Coordinator, TCEQ Enforcement Division

2017 ORDER

13 pages of 45 pg. order

Executive Summary – Enforcement Matter – Case No. 52851
Aqua Utilities, Inc.
RN101518926, RN102956448, RN102094240, and RN102674751
Docket No. 2017-0520-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Spring Hill Estates, southeast corner of U. S. Highway 380 and Farm-to-Market ("FM") Road 156, west of Denton, Denton County

B & W Gathering wastewater treatment plant ("WWTP"), north of Higherest Drive between Lakecrest Drive and Moss Downs Drive, Burnet County

Woodcreek WWTP, 2611 FM Road 2325, approximately 1,200 feet south-southeast of the intersection of FM Road 2325 and Jacob's Well Road, approximately four miles north of Wimberley, Hays County

Village Trace, approximately 2,300 feet south of County Road 128 and approximately 2,500 feet east of County Road 143, Alvin, Brazoria County

Type of Operation:

Water treatment facility and wastewater treatment plants

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 8, 2017

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,500

Amount Deferred for Expedited Settlement: \$6,899

Total Paid to General Revenue: \$27,601

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 52851
Aqua Utilities, Inc.
RN101518926, RN102956448, RN102094240, and RN102674751
Docket No. 2017-0520-MWD-E

Investigation Information

Complaint Date(s): July 25, 2016

Complaint Information: Alleged unauthorized discharge occurred at the same location where unauthorized discharges occurred in the past for the Woodcreek WWTP

Date(s) of Investigation: October 27, 2015

Date(s) of NOE(s): June 30, 2016

Violation Information

Spring Hill Estates:

1. Failed to obtain authorization for the discharge of wastewater into or adjacent to any water in the state. Specifically, the Respondent discharged filter backwash water from the Facility into an adjacent ditch without authorization. [TEX. WATER CODE § 26.121(d)].

B & W Gathering WWTP:

2. Failed to comply with permitted effluent limitations. Specifically, the Respondent exceeded the total suspended solids daily average concentration limit of 5 milligrams per liter ("mg/L") for the monitoring periods ending March 31, 2016 and April 30, 2016. The reported values were 8.63 mg/L and 15.0 mg/L, respectively [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011332001, Interim Effluent Limitations and Monitoring Requirements No. 1].

Woodcreek WWTP:

3. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, 12 unauthorized discharges of wastewater occurred since January 30, 2015 [TEX. WATER CODE § 26.121(a)(1) and TPDES Permit No. WQ0013989001, Permit Conditions No. 2.g].

4. Failed to properly operate and maintain the Facility. Specifically, the Supervisory Control and Data Acquisition ("SCADA") system did not function during the July 15, 2016 discharge event and a telemetry system was not in operation at the time of the September 2, 2016 investigation [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(e)(5) and TPDES Permit No. WQ0013989001, Operational Requirements No. 1].

Village Trace:

5. Failed to comply with permitted effluent limitations for Ammonia Nitrogen, Flow, and Chlorine [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012822001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

**Executive Summary – Enforcement Matter – Case No. 52851
Aqua Utilities, Inc.
RN101518926, RN102956448, RN102094240, and RN102674751
Docket No. 2017-0520-MWD-E**

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By August 12, 2016, installed a new sand separator tank to capture the filter backwash at the Spring Hill Estates water treatment facility.
- b. By October 25, 2016, installed a new SCADA system and activated the telemetry system at the Woodcreek WWTP.
- c. Completed corrective measures, including disinfection and repair or replacement of equipment following the 12 unauthorized discharges from the Woodcreek WWTP:

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease all unauthorized discharges of wastewater from the Woodcreek WWTP.
- b. Within 30 days, develop and improve operations and/or maintenance practices to prevent the recurrence of wastewater discharges from the Woodcreek WWTP facility.
- c. Within 90 days, submit written certification of compliance with the effluent limitations of TPDES Permit Nos. WQ0011332001 and WQ0012822001, including specific corrective actions that were implemented at the Facilities to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
- d. Within 120 days, submit written certification to demonstrate compliance with a and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Robert Laughman, President, Aqua Utilities, Inc., 1106 Clayton Lane, Suite 400 W, Austin, Texas 78723

Respondent's Attorney: N/A

Aqua Utilities, Inc.
Unauthorized Discharge Violation Table
Woodcreek WWTP
2017-0520-MWD-E
Case No. 52851

Month/Year Start/End Dates	Gallons discharged	Description
January 30, 2015 January 30, 2015	Unknown amount	Electrical failure at Pro Lane Lift Station
February 11, 2015 February 11, 2015	1,000 gallons	Line break at Ranchview Lift Station
March 31, 2015 March 31, 2015	3,000 gallons	Line break on Doolittle Drive
May 3, 2015 May 3, 2015	200 gallons	Line break at 10 Woodglen
September 4, 2015 September 4, 2015	200 gallons	Pump failure at Brookshire Lift Station
October 30, 2015 October 30, 2015	40,000 gallons	Power outage due to flooding at the Pro Lane Lift Station
November 19, 2015 November 19, 2015	300 gallons	Line break 300 feet east of Farm-to-Market Road 2325
November 22, 2015 November 22, 2015	2,000 gallons	Pump failure at the Pro Lane Lift Station
December 31, 2015 December 31, 2015	3,000 gallons	Line break at Pro Lane Lift Station
January 20, 2016 January 20, 2016	16,000 gallons	Line break at Camp Young Judea property
February 8, 2016 February 8, 2016	1,000 gallons	Pump failure at Emergency Lane Lift Station
July 15, 2016 July 15, 2016	500 gallons	Pump failure at High School Lift Station at Carney Lane and Farm-to-Market Road 2325

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AQUA UTILITIES, INC.
RN102674751, RN101518926,
RN102956448, AND
RN102094240

§
§
§
§
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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2017-0520-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aqua Utilities, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a water treatment facility located on the southeast corner of United States Highway 380 and Farm-to-Market Road 156, west of Denton, Denton County, Texas (Spring Hill Estates) and three wastewater treatment facilities: B & W Gathering Wastewater Treatment Plant ("WWTP"), located north of Higherest Drive between Lakecrest Drive and Moss Downs Drive in Burnet County, Texas; Woodcreek WWTP, located at 2611 Farm-to-Market Road 2325, approximately 1,200 feet south-southeast of the intersection of Farm-to-Market Road 2325 and Jacob's Well Road, approximately four miles north of Wimberley in Hays County, Texas; and Village Trace, located approximately 2,300 feet south of County Road 128 and approximately 2,500 feet east of County Road 143 in Alvin, Brazoria County, Texas (collectively referred to as the "Facilities").
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$34,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,601 of the penalty and \$6,899 is deferred contingent upon the Respondent's timely

and satisfactory compliance with all terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facilities:
 - a. By August 12, 2016, installed a new sand separator tank to capture the filter backwash at the Spring Hill Estates water treatment facility.
 - b. By October 25, 2016, installed a new Supervisory Control and Data Acquisition ("SCADA") system and activated the telemetry system at the Woodcreek WWTP.
 - c. Completed the following corrective measures at the Woodcreek WWTP as described in the following table:

Start/End Date	Gallons discharged	Corrective Action
January 30, 2015 January 30, 2015	Unknown amount at the Pro Lane Lift Station	Removed pooling with vacuum truck and sprayed the damp area with liquid bleach and 65% granulated hypochlorite
February 11, 2015 February 11, 2015	1,000 gallons at the Ranchview Lift Station	Repaired the main line with upgraded parts
March 31, 2015 March 31, 2015	3,000 gallons on Doolittle Drive	Replaced the pipe section and covered the affected area with sand and gravel

May 3, 2015 May 3, 2015	200 gallons at 10 Woodglen	Collection main line repaired and gravel bedding replaced
September 4, 2015 September 4, 2015	200 gallons at the Brookshire Lift Station	Lift pump contactor was replaced and the affected area was treated with granular chlorine
October 30, 2015 October 30, 2015	40,000 gallons at the Pro Lane Lift Station	A wastewater transport service was utilized to pump and haul wastewater during the power outage
November 19, 2015 November 19, 2015	300 gallons 300 feet east of Farm-to-Market Road 2325	Damaged pipe was excavated and repaired with a pipe clamp, rebedded, and covered. The affected area was treated with granular chlorine
November 22, 2015 November 22, 2015	2,000 gallons at the Pro Lane Lift Station	Affected area was treated with hypochlorite. Lift pump 2 set up for repair and wire connectors were replaced on lift pump 1.
December 31, 2015 December 31, 2015	3,000 gallons at the Pro Lane Lift Station	Affected areas were treated with hypochlorite. Split main replaced and bedded with gravel
January 20, 2016 January 20, 2016	16,000 gallons at the Camp Young Judea property	Excavated and repaired the split in the 6" force main, removed the large rock that caused the break, and rebedded the exposed trench line with sand
February 8, 2016 February 8, 2016	1,000 gallons at the Emergency Lane Lift Station	Affected area was sprayed with a bleach and water solution. Lower lift pump was insulated and upgraded lift pumps were ordered
July 15, 2016 July 15, 2016	500 gallons at High School Lift Station at Carney Lane and Farm-to-Market Road 2325	Affected area was vacuumed. HOA switch was returned to auto

II. ALLEGATIONS

1. During a record review of the Spring Hills Estates water treatment facility conducted on June 21, 2016, it was documented that the Respondent failed to obtain authorization for the discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(d). Specifically, the Respondent discharged filter backwash water from the Facility into an adjacent ditch without authorization.
2. During a record review of the B & W Gathering WWTP conducted on September 20, 2016, it was documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011332001, Interim Effluent Limitations and Monitoring Requirements No. 1. Specifically, the Respondent exceeded the total suspended solids daily average concentration limit of 5 milligrams per liter ("mg/L") for the monitoring periods ending

March 31, 2016 and April 30, 2016. The reported values were 8.63 mg/L and 15.0 mg/L, respectively.

3. During investigations conducted on August 22, 2016 and September 2, 2016 of the Woodcreek WWTP, an investigator documented that the Respondent:
 - a. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and TPDES Permit No. WQ0013989001, Permit Conditions No. 2.g. Specifically, 12 unauthorized discharges of wastewater occurred since January 30, 2015, as shown in the table below:

Start/End Date	Gallons discharged	Description
January 30, 2015 January 30, 2015	Unknown amount	Electrical failure at Pro Lane Lift Station
February 11, 2015 February 11, 2015	1,000 gallons	Line break at Ranchview Lift Station
March 31, 2015 March 31, 2015	3,000 gallons	Line break on Doolittle Drive
May 3, 2015 May 3, 2015	200 gallons	Line break at 10 Woodglen
September 4, 2015 September 4, 2015	200 gallons	Pump failure at Brookshire Lift Station
October 30, 2015 October 30, 2015	40,000 gallons	Power outage due to flooding at the Pro Lane Lift Station
November 19, 2015 November 19, 2015	300 gallons	Line break 300 feet east of Farm-to-Market Road 2325
November 22, 2015 November 22, 2015	2,000 gallons	Pump failure at the Pro Lane Lift Station
December 31, 2015 December 31, 2015	3,000 gallons	Line break at Pro Lane Lift Station
January 20, 2016 January 20, 2016	16,000 gallons	Line break at Camp Young Judea property
February 8, 2016 February 8, 2016	1,000 gallons	Pump failure at Emergency Lane Lift Station

July 15, 2016 July 15, 2016	500 gallons	Pump failure at High School Lift Station at Carney Lane and Farm-to-Market Road 2325
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- b. Failed to properly operate and maintain the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(c)(5) and TPDES Permit No. WQ0013989001, Operational Requirements No. 1. Specifically, the SCADA system did not function during the July 15, 2016 discharge event and a telemetry system was not in operation at the time of the September 2, 2016 investigation.
4. During a record review of Village Trace conducted on October 28, 2016, it was documented that the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012822001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as shown in the table below.

Effluent Violation Table					
Monitoring Period	Permitted Effluent Limits				
	Ammonia Nitrogen Daily Avg. Limit = 2 mg/L	Ammonia Nitrogen Daily Avg. Limit = 0.58 lbs/day	Ammonia Nitrogen Single Grab Limit = 15 mg/L	Flow Daily Avg. Limit = 0.035 MGD	Minimum Chlorine Residual Limit = ≥ 1.0 mg/L
November 2015	c	c	c	0.0411	c
January 2016	c	c	c	0.0466	c
April 2016	c	c	c	0.0428	c
May 2016	c	c	c	0.0435	c
June 2016	4.22	0.72	17.74	c	0.2
July 2016	5.24	0.65	c	c	c

Avg. = average
mg/L = milligrams per liter

lbs/day = pounds per day
c = compliant
MGD = million gallons per day

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2017-0520-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease all unauthorized discharges of wastewater from the Woodcreek WWTP.
 - b. Within 30 days after the effective date of this Order, develop and improve operations and/or maintenance practices to prevent the recurrence of wastewater discharges from the Woodcreek WWTP facility.
 - c. Within 90 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit Nos. WQ0011332001 and WQ0012822001, including specific corrective actions that were implemented at the Facilities to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
 - d. Within 120 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.
 - e. The written certifications of compliance required by Ordering Provisions Nos. 2.c and 2.d shall include detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance, shall be signed by the Respondent, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Water Section Manger
Houston Regional Office
5425 Polk Street, Suite H
Houston, Texas 77023-1452

and:

Water Section Manager
Waco Regional Office
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Pamela

8/13/18

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

ROBERT LAUGHMAN

PRESIDENT

Name (Printed or typed)

Title

Authorized Representative of
Aqua Utilities, Inc.

If mailing address has changed, please check this box and provide the new address below:

AB
CG
GS
BCR
RBR



**Jan 8, 2019 Water Development Board Hearing
Wimberley Community Center**

My name is Stephanie Nestlerode. I live in Rolling Oaks and represent 7th Generation Labs. I worked for state and federal agencies that regulate hospital expenditures for seven years. For eleven years I wrote certificates of need for hospitals to obtain permissions from regulators. Regulators serve the public interest by making sure that public funds are spent wisely. As a taxpayer, I want to thank the Texas Water Development Board for doing your due diligence to determine which scope of work is sustainable enough to repay your loan.

Your 2017 State Water Plan reflects your unique responsibilities. You focus like a laser on 5,500 water management strategies. Your plan states "If strategies are not implemented, approximately one-third of Texas' population would have less than half the municipal water supplies they will require during a drought of record in 2070. If not implemented, you estimate annual economic losses would be about \$73 billion by 2020. Not implementing your water management strategies would deal devastating consequences to The Wimberley Valley.

Let's compare the two scopes of work. The original scope includes water reuse for our beloved Blue Hole, an economic engine for the Valley. The revised scope has no reuse and provides no water to the Blue Hole. The original scope was financially sound, on budget and on schedule when shut down. The new scope needs to be fully vetted financially over a 30 year period by an independent firm.

You approved Wimberley's original scope because City Council and the mayor took your Plan seriously and focused on water reuse. The revised scope does not include any of your water management strategies, it simply puts pressure on the aquifer and opens the door to development in Wimberley's ETJ. If you approve the revised scope, you will be sending a powerful signal to other communities that your water management strategies are only a suggestion, rather than an urgent call to action to preserve our way of life and the economy we depend upon.

Your Plan notes, "an unreliable water supply disrupts activity in homes, schools and government and endangers public health and safety." Aqua Texas has proven itself to be an unreliable water supplier in Woodcreek. For all these reasons, we encourage you to reject the revised scope.

January 8, 2019

Mr. Jeff Walker
Executive Administrator
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

Re: City of Wimberley Change of Request for Waste Water Treatment Project

Dear Mr. Walker:

My name is Steve Klepfer. I am a former Mayor, Councilman, and Planning and Zoning Commissioner of the City of Wimberley. I am a board member of Friends of Blue Hole and was the Mayor when Blue Hole Regional Park land was acquired.

My family ancestors have lived in the Wimberley valley for over 125 years. We have owned and operated a Wimberley business for almost forty years.

It is irrational to suggest that the highly vetted treatment plan developed by Wimberley citizens over twenty years and accepted by the TWDB be abandoned to eliminate the very small risk of discharging water into the Blanco River while requesting you approve a raw sewage pipe under the creek. And, contrary to what you have just been shown it is not a cheaper plan.

I want to express three reasons why you should deny the City's change-of-scope request to stop construction of the city-owned treatment plant and why contracting with Aqua Texas for waste water treatment is a bad idea. All three of my concerns are part of stated goals of the TWDB in your public mandate.

First, there are serious environmental concerns and problems to both Cypress Creek and the Trinity Aquifer with the proposed change. The risk posed by boring and then embedding raw sewage pipes under Cypress Creek in Blue Hole Regional Park is serious. Also there is substantial and poorly understood risk to this historic swimming hole by boring at this sensitive geologic location.

Second, water conservation is a prominent part of the current plan. Users have economic incentives to use less water. Aqua Texas has no such incentive. The current plan moves Wimberley toward less aquifer pumping at a time of tremendous population growth.

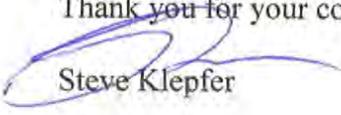
Third, beneficial reuse is one of the most important requirements of the current approved plan. Waste water will be treated to contact recreation levels with one of the highest standards in the State, will reduce aquifer pumping and sustainably operate the park. Mayor Jagger has publically written that there will be no recycled water for the park.

It is unconscionable to suggest a change from the approved plan—that would provide Type 1 enhanced water to the park—to a plan that requires boring under Cypress Creek—with the risks incumbent in that bore—and piping of raw sewage under the creek. I believe if you were to approve such a change, Blue Hole Park's reputation as an environmental and recreational jewel will be irreparably harmed.

In closing I would also add my outrage that the City has rejected \$2.5M in grant funding for the project—especially when the City declined an offer of \$250,000 to pipe the Type 1 enhanced effluent away from the park—if ever needed—insuring there could *never* be a discharge of that reclaimed water.

Please tell the City to accept the grants and move forward with the current approved plan immediately. Deny any change of scope.

Thank you for your consideration,



Steve Klepfer

PO Box 708
Wimberley, TX 78676
512-970-9464
oldmillstore@austin.rr.com

Comments to the City of Wimberley, Public Hearing on Proposed Central Wastewater Project Modifications, January 8, 2019

Mayor and Members of Council. Thank you for holding this public hearing on the proposed modifications to the central wastewater project. My name is Steve Thurber and I reside at 400 Madrone Trail, Wimberley, TX.

I am opposed to the proposed change of scope on several grounds, including financial, environmental and contracting with Aqua Texas, or any other private wastewater provider.

The citizens of Wimberley were told the reasons for the proposed change of scope were financial issues and effluent discharge issues.

First, I would like to address the discharge issue. I was the mayor during the city's permitting process with the Texas Commission on Environmental Quality (TCEQ). As part of that process, several groups protested the city's permit application on the grounds of discharge and water quality. A settlement was achieved after a tough and thoughtful mediation process whereby, in part, the city agreed to implement several measures to reduce the chance of a discharge to almost none. (It is important to remember that any discharge would be of water of the quality that exceeds TCEQ's type 1, safe for human contact, standards along with other restrictions on discharge.) I have attached a copy of an op ed I wrote for the Wimberley View in March 2017 titled "Let's Talk Discharge" for inclusion into the record. Due to time constraints I will not read it here.

The newly elected council has told us they do not want the risks associated with **ANY** potential discharge of effluent into Deer Creek but are willing to accept the risks associated with boring under Cypress Creek and installing a pipeline carrying **RAW SEWAGE** under the creek. Think about that. Boring the creek to carry raw sewage to the other side is unconscionable and sets a terrible precedent. What do you think the response would be if the same idea was proposed to bore under Barton Springs, Comal Springs, the San Marcos River? You are right, there would be outrage. So, I ask why does this newly elected council feel it is okay to bore under **OUR** creek?

Now let's talk about the finances. We have been told the proposed change of scope is less expensive than continuing with the original plan. As we have all seen, that is not the case. In addition, the proposed plan loses the Economic Development Administration grant of \$1M, The Way Family Foundation grant of \$1M, and the Texas Water Development Board green debt forgiveness grant of \$245K. In addition, the mayor and mayor pro tempore declined out of hand an offer by Friends of Blue Hole to fundraise an additional \$250K to fund alternatives to assure a no discharge solution. That's a total of about \$2.5M in grants (free money) given up under this change of scope.

As I have said many times in the past, the city has TCEQ's gold standard permit in hand. It has a completely engineered, funded, affordable, environmentally responsible plan approved by many city councils, TWDB, TCEQ, professional bond counsel, professional financial analysts, professional rate analysts, the city engineer and many stakeholder groups. I say again, let's stop this change of scope and move forward together. Remember, even the mayor acknowledges most of our citizens do not want this Aqua Texas option.

Steve Thurber 
thurbercpa@sthurber.com
1/8/2019

LET'S TALK DISCHARGE

As you all know, city council is considering multiple options for the processing and disposal of effluent from the proposed wastewater plant. One of those options is the city owned option which provides that the city own, operate and dispose of the effluent produced by the plant. Other options provide for privatizing the operations.

According to several city council members, the biggest problem with the city owned option is the permit allows for the discharge of type 1 (non-toxic, safe for human contact) effluent, up to a maximum of 75,000 gallons per day into Deer Creek which eventually flows into the Blanco River. The permit also allows for the reuse of the effluent to irrigate Blue Hole Regional Park and return to the downtown area for irrigation and other non-potable uses. Through the efforts of several city councils, downstream property owners, and other stakeholder groups, a legally enforceable agreement has been reached whereby the city among other things 1) can only discharge as a last resort, i.e. when the park is too wet to accept additional water and the storage tank (500,000 gal) is full, 2) provide a 500,000 gallon storage tank (approximately 14 days production at plant start-up) and, 3) provide installation of plumbing to allow for hauling of excess effluent by truck. In other words, **discharge is very very unlikely.**

Another argument by these council members is while this council and previous councils would not authorize a discharge, there is no guarantee that future councils would feel the same. Think about that. One, if any council chooses to discharge when not a "last resort," it would be in violation of the agreement which would subject the city to legal action. Two, I dare say if anyone wishing to discharge decided to run for office in Wimberley, the chance of them getting more than a handful of votes is nil.

There is not much talk about the fact that raw sewage going into the Aqua Texas treatment plant is **DISCHARGED** as type 2 effluent (toxic and not suitable for human contact) onto golf courses where it re-enters the aquifer upstream from Jacobs Well, Cypress Creek, Blue Hole Park and Wimberley. We should not add to that contamination

One last thought. City engineers, using historical rainfall data, have estimated that discharge due to wet conditions would be less than 5 times a year when plant is at full capacity. Yes, that's 5 times too many which is why there is the provision to haul the excess to prevent the discharge. But, just say it happens. Under those conditions, the volume of run-off going into the river would 1) dilute the discharge to such a degree that it would be negligible and 2) the quality of the discharge would be much better than the quality of the run-off that the discharge would actually be improving the water quality.

So when someone tells you the city plans to discharge, remember the above. They are not only being disingenuous but are also using it to scare you.

Steve Thurber
3/22/2017

TESTIMONY

TEXAS WATER DEVELOPMENT BOARD PUBLIC HEARING

TUESDAY, JANUARY 8, 2019 5:30

Susan Nenney
Executive Director, Friends of Blue Hole
P.O. Box 1601
Wimberley, TX 78676
512.289.8166
snenney@gmail.com
info@friendsofbluehole.org

Good evening. My comments are directed to the Texas Water Development Board and address environmental concerns.

Mayor and City Council,

My name is Susan Nenney. I am the Executive Director of Friends of Blue Hole. This nonprofit organization was founded in 2005 at the request of the City of Wimberley to be a partner in the development, restoration and preservation of Blue Hole Regional Park. We continue in that mission.

Our #1 concern is water for the park! The City's amended plan eliminates recycled Type I water for Blue Hole Park, on which decades of planning has been based. Use of aquifer water is unacceptable here. In our view, any sewage system scheme that fails to provide recycled water dooms the park to an incomplete master plan and ultimately will degrade this award-winning local treasure.

Our second concern: The City's amended project runs a raw sewage pipe line under Cypress Creek within the park. Fortunately, the Water Development Board required the City to submit a Wildlife Habitat Review Request (PWD 1059) to Texas Parks and Wildlife.

Steve Coonan of Alan Plummer Associates submitted the completed form to TPWD on behalf of the City. (Completed form attached.)

The city's comments to TPWD are thus:

"Pastureland." "Pasture". "Maintained grassland and cultivated pasture." That's the repeated answer to numerous questions about a drilling location and its impact. Although the exact location for the drill remains uncertain, it appears to be in a near-creek, erosion control, minimal disturbance zone.

When asked about endangered species, Mr. Coonan failed to mention the documented nearby presence of the rare chatterbox orchid and the endangered Golden Cheeked Warbler.

He also says, "**directional drilling will eliminate surface disruption.**" No mention of the hundreds of feet of pipe that will run below the braided creek, disrupting its soft, saturated soils. No mention of the fragile springs, karst features and possible fault areas below ground.

We have heard no acknowledgement of the additional pipeline trenching through the upper forest that will create irreparable damage.

Blue Hole Park has been under active restoration for almost 9 years with the guidance of the Lady Bird Johnson Wildflower Center and the park's master plan.

The City's comments are inaccurate and minimize the risks to the park. They are disrespectful of the mission of both Texas Parks and Wildlife and the Texas Water Development Board. They demonstrate little in-depth understanding and no regard for the park's natural habitat, the thousands of volunteer hours devoted to its planning and restoration, or the love the community feels for this Texas icon that is the heart of Wimberley.

The park needs recycled water and protection of its fragile habitat. At the minimum, a full environmental review is in order.

More to the point, we ask that you help us return to our original plan.

Thank you.

Attachments - Completed Habitat Review Form TPWD, Photograph of Cypress Creek braided stream, possible location for bored line.



1.50 ✓ 11/29/18

WILDLIFE HABITAT ASSESSMENT PROGRAM

Review Requests

(Including Threatened and Endangered Species)

Name: Steve Coonan Date: 11/29/18
 Your Company: Alan Plummer Associates, Inc. Phone: (512) 452-9905
 Your Company Address: 6300 La Calma, Suite 400 Fax: (512) 452-2325
 City, State, Zip: Austin TX 78752 E-mail: scoonan@apalenv.com
 Project Title, Number and Site Location: Wimberley Wastewater System, Wimberley County(ies): Hays

1. **Scope of Project:**
 - (a) What regulations will this review help you to comply with? OR, if not regulatory, why is the review being requested? Who is the project sponsor?
TWDB requested follow-up consultation due to changes in a previously reviewed and approved project
 - (b) What and where is the project site? What activities will be conducted at the site? (Especially activity types, extent, boundaries, length & width, waterways, vegetation disturbance, and total acreage of site and acreage of the site that will be disturbed)
Modification to project will require a directional drill under Cypress Creek in Wimberley, TX
 - (c) If this request is for a site investigation or risk assessment, why is the site being investigated? If applicable, what contaminant pathways are being evaluated?
NIA
 - (d) Schedule of activities - Approximately when (which calendar months, how many years) will the project be active on the site?
The project is currently under construction. The modification is being sought as an amendment to a TWDB issued FONSI.
2. **Vegetation:** Species, dominant plants, structure and composition, vegetation layers, height of layers, natural vegetation community types.
Vegetation at the entry and exit pits is limited to maintained grassland and cultivated pasture.
3. **Other Natural Resources/Physical Features:**
 - (a) Soils, geology, watercourses, aquifers, flood zones, etc.
Rerouting a line under Cypress Creek using directional drilling to eliminate surface disruption
 - (b) Habitat, animals, animal assemblages, other sensitive features, etc.
Pastureland
4. **Existing Site Development:** Extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc.
Pastureland
5. **Historic Use/Function of Site:** Pasture, forest, urban, row crops, rangeland, wetland, etc. If the request is for a risk assessment, when was, or for how long, has the site been active, inactive? Are cultural resources present on the site or will the project cross or impact state or federal lands, local parklands?
Pasture
6. **Has a threatened and endangered species survey or assessment, wetland delineation, or other biological assessment already been performed?** (In general, TPWD recommends an on-site habitat assessment be performed.) Yes No
 (a) If yes, provide surveyor name, qualifications, methods or protocols, acreage surveyed, level of effort, weather conditions, time of day, and dates the survey was performed.



WILDLIFE HABITAT ASSESSMENT PROGRAM

Review Requests (Continued)

(Including Threatened and Endangered Species)

6. (b) If yes, please provide results and copy of survey/assessment report.

7. Could current on-site or adjacent habitat support rare species? Yes No
Specifically, explain why or why not.

Area to be disturbed is already disturbed

8. Provide a description of potential negative direct and indirect impacts from proposed project activities or former and current site activities, such as types of habitat and acreage to be degraded or lost, temporarily and permanently. Also, describe cumulative effects that could be anticipated from the project on the natural environment.

Only disruption not already planned and approved will be at the entry and exit pits.

9. Provide a description of planned beneficial mitigation and enhancements or restoration efforts. Be sure to note the avoidance, minimization, and compensatory mitigation measures planned to address the threat of negative impacts (e.g. which erosion control measures will be used, what will site restoration activities encompass, etc.).

Minimizing impacts by using directional drilling construction method.

10. Include copies of coordination with other agencies relevant to impacts or enhancements of natural resources for this project, or agency & contact name.

11. Clearly delineate exact location of site and its boundaries using an applicable USGS quad (most preferable) as the base layer or best map available. The topographic map citation should include the USGS quad name. The map must contain identifiable features and a scale that allows us to find your site and accurately pinpoint your site boundaries. When using internet maps, provide both a location map (zoomed out for highway reference) and a layout map (zoomed in for site features, boundaries, and neighboring street reference)

12. Originals or color-copy photographs of site and surrounding area with captions or narratives.

13. Aerial photographs with pertinent features labeled. Aerials should show the year photograph was taken.

Send completed form to:

Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744-3291
(512) 389-4571 (Phone) (512) 389-4599 (Fax)

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

Cypress Creek braided streams, south of Blue Hole swimming area. Possible proposed pipeline crossing.



January 8, 2019

Mayor, City Council, thank you for this chance to speak.

My name is Susan Zimmerman.

My comments relate to the proposed project changes. When I refer to the council, I mean the 4 council members who support the Change of Scope to switch from the city-owned wastewater system to giving the wastewater contract to Aqua Texas.

At the Thursday, January 3rd City Council meeting – just 5 days before this hearing – the council voted 4-1 for two agenda items related to this Change of Scope.

On one item, council voted to pay \$200,000 to end its contract with Black Castle.

On the other, council voted to accept a letter telling the TCEQ the City would not renew the permit for the original wastewater treatment plant. This plant was part of the plan for which the TWDB loaned the city \$5.5 million.

The city got the loan in part because it planned to reuse water at Blue Hole Park, which fit with part of TWDB's environmental mission. The water for Blue Hole is gone from the Change of Scope.

I believe these votes were premature and I question the timing, only 5 days before this TWDB-required Public Hearing.

The City has been negotiating with Black Castle to end the contract since August 2018. Why settle just 5 days before this Public Hearing?

The second vote really got me wondering what this council is doing.

It has until July 2019 to tell TCEQ whether it will renew the permit. The council member who wrote the letter said the reason for voting on it now was, "...to get the letter written and have it ready to go whenever we're ready to send it... whether we send it tomorrow or in July makes no difference, we still want to have the letter ready to go..."

And, "We intend to go with Aqua Texas, have them treat our effluent and once that's all approved we won't need this permit anymore."

Another council member asked if the letter could be held until "if and when" the Aqua Texas plan is finalized. The council member who wrote the letter answered, "I'm not sure I'm in favor of that because I'm not sure when that's going to happen."

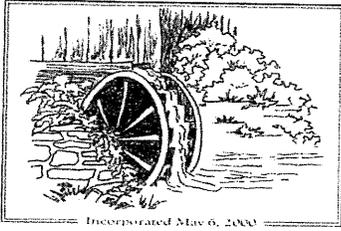
Why rush to finalize the letter if you're not sure when that's going to happen?

I hope TWDB will ask the council the following questions:

1. Do they have a plan to do something that somehow makes the TWDB loan unnecessary?
2. Or, do they think that with these votes, they have done away with any alternative to the Aqua Texas plan, and that will force the TWDB to approve the Change of Scope?

And please do not let the city use your loan to give the contract to Aqua Texas.

Susan Zimmerman
312 Canyon Oaks Dr.
Wimberley, TX
512-847-2006
susanz@moonmountaingroup.com



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, JANUARY 3, 2019 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** January 3, 2019 at 5:30 p.m.

2. **CALL OF ROLL** City Secretary

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens who have a direct stake in the business of the city, such as a landowner, resident, vendor or business owner on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.

6. **EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding the Black Castle contract.

7. **OPEN SESSION**

Discussion and possible action resulting from Executive Session.

8. **CONSENT AGENDA**

The following item/s may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Approval of minutes from the Regular City Council Meeting held December 6, 2018.
- B. Approval of September 2018 Financial Statements for the City of Wimberley.
- C. Approval of Resolution No. 01-2019, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.

9. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project and other City projects

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure. *(Place Three Council Member Allison Davis)*
- B. Discuss and consider possible action to approve Ordinance No. 2019-01, amending Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel of the City of Wimberley Code of Ordinances. *(Place Two Council Member Craig Fore)*
- C. Discuss and consider possible action to update the Texas Commission on Environmental Quality (TCEQ) on the City's desire to not renew TPDES Permit No. WQ0013321001. *(Place Two Council Member Craig Fore)*
- D. Discuss and consider possible action to approve the establishment of a Comprehensive Review Plan Committee. *(Place Four Council Member Gary Barchfeld)*
- E. Discuss and consider possible action to amend the City of Wimberley Purchasing Policy. *(Place Four Council Member Gary Barchfeld)*
- F. Discuss and consider possible action regarding the procedure to receive an update from the Wastewater Ad Hoc Advisory Committee. *(Place Four Council Member Gary Barchfeld)*
- G. Discuss and consider possible action to accept the resignation of Patricia Cantu Kelly from Place Five on the Wimberley City Council.
- H. Discuss and consider possible action to fill a vacancy for Place Five on the Wimberley City Council either by appointment or by special election until the next General Election in May 2019.

11. CITY COUNCIL REPORTS

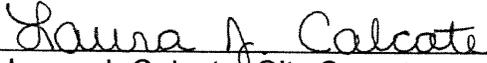
- A. Announcements
- B. Future agenda items

12. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

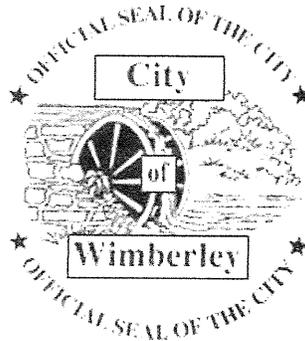
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, December 31, 2018, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



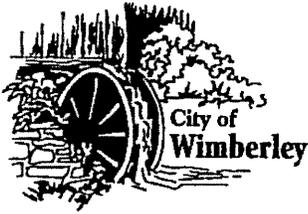
Laura J. Calcote, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.



ATTACHMENT(S)

- Draft TCEQ Letter



AGENDA ITEM: TCEQ Notification
SUBMITTED BY: Craig Fore, Council Member Place 2
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley currently holds TPDES Permit No. WQ0013321001 from the Texas Commission on Environmental Quality (TCEQ). This permit currently allows the City to operate and maintain the Blue Hole Wastewater Treatment Facility. The original permit was amended to allow for the discharge of effluent (treated wastewater) into Deer Creek, once the proposed Wastewater Treatment Plant was completed. The permit is set to expire on February 20, 2020. To renew this permit, the City will need to submit a Renewal Application 180 days before the permit expires (by the end of July 2019).

With the amendments to the Central Wimberley Wastewater Project which will have wastewater treated by a third party, and not the City, there will be no need to renew the permit. For consideration is a draft letter to inform the TCEQ that the City does not intend to renew TPDES Permit No. WQ0013321001. IF approved this letter would not have to be provided until July 2019.

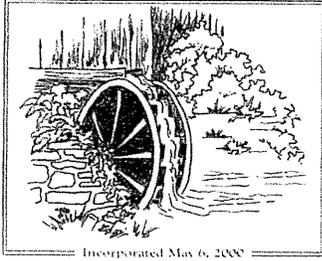
REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

Susan Jagers, Mayor Gary Barchfeld, Mayor Pro-tem
Council Members – Mike McCullough Craig Fore Allison Davis Patricia Cantu Kelly

2019

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

Re: TPDES PERMIT NO. WQ0013321001

The City of Wimberley holds TPDES Permit No. WQ0013321001, which authorized the City to treat and discharge wastes from our Blue Hole Wastewater Treatment facility, once the proposed new 75,000 GDP treatment plant was completed. Currently the City operates a 15,000 GDP treatment plant under TPDES Permit No. WQ0013321001 and utilizes a separate 210 permit to use the effluent produced for irrigation.

The City no longer plans to build the proposed new plant, but instead intends to utilize a third-party to treat its wastewater. Once our current project is completed, the existing treatment plant will no longer be needed, and TPDES Permit No. WQ0013321001, which allows for discharge, will no longer be required. The City does intend to utilize Type I Treated effluent to irrigate the Blue Hole Regional Park. We will be requesting a separate 210 authorization which will be tied to a permit held by the third party we are contracting with to treat our wastewater.

The permit is set to expire on February 2, 2020. Please let this letter serve as notification that the City does not intend to renew TPDES Permit No. WQ0013321001. Please let me know if there is any additional information the City needs to provide.

Sincerely,

Shawn Cox
City Administrator

Cc: TWDB

698 Hill Country Trail
Wimberley, TX 78676
January 8, 2019
512-842-2222
Suzanne.white@utexas.edu.

To the Texas Water Development Board,

I've been a Wimberley citizen since July 1994 - 24 1/2 years.

I am strongly opposed to the project changes and believe the original plan was much more advantageous to both the Wimberley citizens and the environment.

I do NOT want the proposed changes. I do NOT want the notorious Aqueduct to provide service. I do not want sewage piped under Cypress Creek. But I do want reused, recycled water for the park by Blue Hole as the original plan provided.

Once again, I am strongly opposed to the revisions proposed & believe the original plan was ever so much BETTER.

Most sincerely yours,
Augustine White,
Suzanne White.

My name is William Bowman. I worked as a Project Manager/Project Engineer for a Major Oil Company for 39 years with the last 20+ years in Major Projects-Construction. My job responsibilities included cost and schedule management on projects ranging from several million to over 100 million dollars.

After the June 2018, Town Hall meeting, I met with the Mayor to discuss **potential consequences if they failed to complete all "due diligence" prior to making the decision to cancel the Black Castle contract.** Sound project principles dictate that you do not make project scope changes, especially this late in a project, unless it is discovered that **"the project will not work as designed."** Making a scope change of this magnitude almost guarantees significant unintended consequences. For information: **If Black Castle had not been placed "on-hold" in late May, the Treatment Plant construction would now be complete.**

The Mayor cited **Project Cost Savings** to justify this scope change. Now that we are experiencing the unintended consequences, what have been the cost impacts?

At the August 14 Project Cost Workshop, the project cost for the City/AT option was presented as \$6.20 million dollars (Chart 1). The project cost for the City-Only option was presented as \$8.02 million dollars. This cost did not credit the \$2.243 million dollars in Grant Funds which made the actual cost of the project (debt to the City) at \$5.772 million dollars (Chart 2). So instead of there being a \$1.8 million dollar, cost comparison savings, there was a **\$430,000** higher cost for the City/AT option and that **did not** include any estimated funds to cover the Black Castle contract termination costs.

At the August 28 Special Council meeting, a vote was taken that approved contract termination negotiations with Black Castle. Realizing the project cost comparison logic error from the August 14th workshop, a Revised Project Cost Comparison chart was shown justifying their decision. The City/AT option project cost was now shown as \$5.21 million dollars with a project cost comparison savings of \$805,000 dollars (Chart 2). To get this \$1.0 million dollar, project cost estimate reduction, the Reclaimed Water Line to Blue Hole Park, (a primary justification for the project), was removed from the project scope (\$750,000) and \$207,000 dollars arbitrarily removed from the Contingency Fund. An estimate for Black Castle costs was still not included. Removing the Reclaimed Water Line resulted in the loss of the \$243,000 "Green Project" Loan Forgiveness Grant.

The Black Castle contract termination cost has now been settled for approximately \$550,000. This does not include significant other costs for plant site remediation, pipeline easement, additional legal fees, and additional engineering design. So, where does the project cost comparison stand today? Adding the Black Castle cost, the City/AT option, **with no Reclaimed Water,** is now higher (estimate \$100,000 to \$250,000 dollars) than the City-Only option and will increase due to the several items not yet resolved:

1. As of December 13th, there was **No approved** easement to route the raw sewage line to the AT connection point. Major engineering and schedule impact costs will result.
2. An Environmental Assessment has been required and to date not approved. This will add to project costs and schedule delays and may even eliminate the option to go under Cypress Creek.
3. Currently at risk of losing TWDB funding. Loss will increase the 30-year project interest cost by \$4,000,000 (possibly more) depending on interest rate obtained from new sources.

In summary, the funding surplus of \$363,886, originally presented at the Aug 14 workshop (Chart 4), will now be a funding deficit approaching **\$1 million dollars.** Most, if not all, of this deficit will have to be absorbed by the City's General Fund and combined with the City's \$640,000 Deficit Spending Budget, has placed the City in a serious cash-flow risk position. The deficit for the City-Only plan was **\$517,000.** Sound project principles have been replaced with "What ifs, assumptions, hand waving, and scrambling for answers." The citizens of Wimberley deserved much better than what we have received from this Mayor and City Council.

William Bowman
1/8/2019

(1/8/2019)

WWTP - Cost Comparison of City versus City/AT Options

	Available TWDB Funding	Project Cost (Debt to City)	Black Castle Termination	Reclaimed Water to Blue Hole Park	Equated Estimated Project Cost	Shortfall w/o Reclaimed Water Line	Funding Shortfall with Reclaimed Water Line
City	\$5,255,000 (1)	\$5,772,000 (3)	Not Applicable	Included	\$5,772,000	Not Applicable	(\$517,000)
City/AT	\$5,255,000 (2)	\$5,210,000 (4)	\$550,000 (5)	\$750,000	\$6,510,000 (6)	(\$505,000.00)	(\$1,255,000)

Notes:

- (1) Amount shown does not include "Green" Loan Relief Grant.
- (2) Amount shown reflects loss of EDA, Way and the "Green" Loan Forgiveness Grants - (\$2,243,005).
- (3) Amount shown is the project cost estimate (\$8.015 million minus EDA, Way, and "Green" Loan Relief Grants).
- (4) Amount shown does not include Reclaimed Water Line to Blue Hole Park or the cost for Black Castle contract termination.
- (5) Amount shown is direct cost only to terminate the Black Castle contract. Indirect costs such as continuing legal fees, environmental assessment, additional engineering, pipeline easement, site remediation, required for the scope change are not yet defined and associated costs estimated.
- (6) Amount shown may increase significantly as scope change details are finalized.
- (7) The City/AT option is \$738,000 more expensive (on an equated basis) than the City option and increasing.

\$738,000.00 (7)

William Bowman

City/Aqua - Project Cost

Collection System Treatment Plant	\$	3,616,230
Terminate Treatment Plant Contract Modifications to Collection System Engineering Design		TBD
Aqua Impact Fee (one time)		146,592
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole		60,000
		300,000
		750,000
Total Construction Costs	\$	4,872,822
Contingency Funds		479,521
Bond Reserve and Origination Fee		333,354
Subtotal	\$	5,685,697
Bond Counsel and Financial Advisor		68,950
Project Administration		175,000
Construction Administration		77,575
EDA Administration		25,000
Construction Interest (2 years)		170,847
Total Other	\$	517,372
Total Project Cost	\$	6,203,069

Source of Const. Cost - Contract, Engineer's Estimates, Aqua Offer. See Appx. 4 & 7

Project Cost Comparisons

	City Option	City / Aqua Option	Variance
Collection System Treatment Plant	\$ 3,616,230	\$ 3,616,230	
Terminate Treatment Plant Contract	3,068,900	TBD	TBD
Modifications to Collection System Engineering Design		146,592	
Aqua Impact Fee (one time)		60,000	
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole		300,000	
		750,000	
Total Construction Costs	\$ 6,685,130	\$ 4,872,822	\$ (1,812,308)
Contingency Funds	479,521	479,521	-
Bond Reserve and Origination Fee	333,354	333,354	-
Subtotal	\$ 7,498,005	\$ 5,685,697	\$ (1,812,308)
Bond Counsel and Financial Advisor	68,950	68,950	
Project Administration	175,000	175,000	
Construction Administration	77,575	77,575	
EDA Administration	25,000	25,000	
Construction Interest (2 years)	170,847	170,847	
Total Other	\$ 517,372	\$ 517,372	\$ -
Total Project Cost	\$ 8,015,377	\$ 6,203,069	\$ (1,812,308)
GRANT FUNDS	\$ 2,243,005	0	
PROJECT COST (DEBT) TO CITY	\$ 5,772,372	\$ 6,203,069	\$ 430,697
BLACK CASTLE SETTLEMENT	0	\$ 550,000	550,000
ACTUAL VARIANCE	-	-	\$ 980,097

City of Wimberley
Cost Comparison of Options

	City Option	City / Aqua Option	Variance
Collection System Treatment Plant	\$ 3,616,230	3,616,230	
Terminate Treatment Plant Contract Modifications to Collection System Engineering Design	3,068,900	TBD 146,592 25,000 300,000	(TBD)
Aqua Impact Fee (one time)			
Reclaimed Water Line, Storage Tank and Irrigation for Blue Hole			
Total Construction Costs	\$ 6,685,130	\$ 4,087,822	\$ (2,597,308)
Contingency Funds	7.2% 479,521	271,699	(207,822)
Bond Reserve and Origination Fee	333,354	333,354	-
Subtotal	\$ 7,498,005	\$ 4,692,875	\$ (2,805,130)
Bond Counsel and Financial Advisor	68,950	68,950	
Project Administration	175,000	175,000	
Construction Administration	77,575	77,575	
EDA Administration	25,000	25,000	
Construction Interest (2 years)	170,847	170,847	
Total Other	\$ 517,372	\$ 517,372	\$ -
Total Project Cost	\$ 8,015,377	\$ 5,210,247	\$ (2,805,130)
TWDB	\$ 5,498,005	\$ 5,498,005	
EDA	1,000,000	-	
Way Grant (needs amending)	1,000,000	-	
Subtotal - Loan and Grants	\$ 7,498,005	\$ 5,498,005	
Excess Funds (Additional Funding Needed)	\$ (517,372)	\$ 287,758	\$ 805,130

Note - Contingencies use same % of total construction costs, excluding Impact Fee and Termination Costs

ADDED CONTINGENCIES BACK-IN

LOSS OF "GREEN FOREGIVENESS" GRANT

INCLUDES RECLAIMED WATER LINE

ADD RECLAIMED WATER LINE

750,000

(1,463,069)

* 713,069

CONTINGENCY VARIANCE ABOVE

1463,069

- 207,822

\$ 1,255,247

* 713,069

- 207,822

\$ 505,247

City/Aqua Option Funding

	Sources	Comments	
Texas Water Development Board (TWDB) Revenue Bond	\$ 5,255,000 \$ 5,498,005	Loss of Loan Forgiveness Loan Funded October 2017 Final Approval for Change Pending	✓-
Economic Development Agency (EDA) Grant	\$ 0 1,000,000	Final Approval for Change Pending	✓-
Way Family Foundation Grant	- 5,255,000 6,498,005	Assumed Not Available	X
Subtotal			
City's Operating Reserves	68,950	Costs Being Paid from City's Operating Reserves	✓
Total Sources of Funds	\$ 6,566,955		
Total Project Cost	\$ 6,203,069		
Excess Sources of Funds	\$ 363,886		
		\$ 5,323,950 (879,119)	

Notes:

1. TWDB Funding reduced to \$525,000 due to loss of "Green Project" Loan Forgiveness
2. EDA Funding denied due to project Scope Change
3. Way Funding denied due to project Scope Change
4. Funding balance deficit of \$880,000

I first want to thank the Texas Water Development Board for giving Wimberley citizens the opportunity to comment on this sewer project. I have witnessed and been subjected to this mayor and some members of council's attempts to minimize or outright stifle public comment on this issue. Again, thank you TWDB.

Per the City of Wimberley "Sufficiency of Funds Letter", the City plans to use TWDB loan funds to pay \$300K in up front CIAC fees (or "Capacity Buy-In") to Aqua Texas, a for-profit corporation. Additionally, it shows \$345,072 of the amount paid to Black Castle is also to be part of the TWDB loan. My question is: Do City Attorneys believe that these 2 payments are a legal use of TWDB loan funds? If so, do TWDB attorneys agree?

A Comparison Based on Approved TCEQ Permits

Parameters from Approved TCEQ Permit	City of Wimberley	AquaTexas
Type of Permit	Permit to discharge into the water of the State	No discharge of pollutants in the water of the State is permitted
Permitted Average Daily Flow	75,000 gallons per day	250,000 gallons per day (PH1)
Available Storage	500,000 gallons	20,000,000 gallons
Available Days of Storage = Available Storage/ Permitted Average Daily Flow	6.67 days	80 days
Acres Designated for Irrigation in Existing Approved Permit	6 acres (Soccer Field)	143 acres
Additional Acres Available	Promise additional 18 via Settlement Agreement . Has not been identified	Total of 175 plus 200 additional available if needed. Has been identified
Is Soil regulated by TCEQ permit	No requirement for soil or testing soil – Soil not part of permit	Yes bi-annual soil testing required by permit

Public Hearing Emailed Statements

From: [Emily Carter](#)
To: [Dain Larsen](#); [Jeff Walker](#); [Kristin Miller](#)
Cc: [Laura Calcote](#); [Shawn Cox](#)
Subject: "Wimberley testimony"
Date: Monday, January 14, 2019 2:09:43 AM

Dear Sirs/Madams,

Thank you for the financial support that was offered to Wimberley on behalf of waterworks and sewer upgrades.

It horrifies me that our current city administration has abandoned the original plan and unfortunately, while I live in the zip code, I cannot vote for them. Perhaps my take as an impacted citizen will hold water (so to speak) with you?

I am retired from Texas Parks & Wildlife, from a career in environmental and historical preservation for which I am deeply grateful. It allowed me to serve the needs of Texans for healthy waterways, prairies, forests and coastal beaches – not to mention the white-tailed deer!

But in the beginning of my career, I worked for many federal, state and local agencies on a contract basis. Aside from actual field surveys and observations, my work included organizing public meetings for citizen input – one such was my part in a national effort. I worked with a team in ten Midwestern states to assess the public willingness to accept renewable forms of energy production: solar, wind, thermal, etc. That occurred 40-years ago, meaning I have one foot in the grave now!

As a Wimberley resident who pays AquaTexas for water/wastewater services, I am not impressed with the company. They are expensive as a start. My average monthly bill for a 1300 sq. ft., one person residence is \$140.

Given that Texas surface water originates from rivers within the state's boundaries (excepting the Red and Rio Grande), it is my opinion that Texans should manage the resource rather than pay an out-of-state corporation like AquaTexas to do it.

I do not trust AquaTexas to responsibly manage the water resource. In my neighborhood, upstream of Blue Hole Park, there is an ephemeral spring that pops up after a spell of prolonged rain has filled the underground cracks and spaces – it is burbling forth right now. Regardless of sophisticated technology for pipelines, Mother Nature has a way of throwing kinks in the mix. Do we know with certainty what kinds of voids and pools lie in the rock beneath Cypress Creek? Do we know how drilling a pipeline under the creek will impact ground water?

As for the current Mayor's management of public input, I find it amazingly inept.

Her handling of the Jan. 8th public meeting was so egregious, I believe the public meeting needs to be reopened with perhaps a professional meeting manager to supervise the proceedings.

The mayor's personal domination of the stage used time that could have been allocated for citizen

input. Further, it was not a true public meeting with all sides represented – rather than taking the speakers in order of their arrival – there was a selective choosing of who could speak.

The National Environmental Policy Act of 1970 made public input a matter of national policy. It was the first time in written history – yes since cuneiform writings more than 4000 years ago – that government agencies were required to hear directly from impacted publics about plans and decisions that would be paid with communal money (Carter, 1977, *The National Environmental Policy Act: a Review of Methods and Cases*). While it seems lost now as a major turning point in our democratic form of government, it was monumental and has served as a world leadership concept that has now been adopted by other governments around the globe.

Hearing from citizens in an orderly public meeting has become standard operating procedures for jurisdictions large and small. For a town like Wimberley one would hope citizen input on government decisions could be easy. However, when it is not easy, agencies like The Texas Water Development Board have regulatory powers to enable a kind of ‘straightening-out.’

Please do what you can to help us achieve actual, valid, reliable, citizen input on our water/wastewater plans.

Kind regards,

EMILY CARTER, Storyist

Wimberley Writers Werkshops | [Linked In](#) | 512-847-6008

8 Country Place Dr., Wimberley, TX 78676

Crafting language for the literary & dramatic arts

From: [Susan Myers](#)
To: [Shawn Cox](#)
Cc: dain.Larsen@twdb.texas.gov; clay.Schultz@twdb.texas.gov
Subject: Aqua Texas" land application
Date: Tuesday, January 15, 2019 4:48:05 PM

January 15, 2019

Dear Mr. Cox, Mr. Schultz and Mr. Larsen,

I am in agreement with the changes proposed by current City Council changing the plan for waste water to incorporate Aqua Texas' land application permit which does not allow any discharge of effluent into our creeks and rivers. Please keep our creeks and rivers clean for all of us to enjoy now and later.

Thank you,

Susan G. Myers
331 South River
Wimberley, Texas 78676

From: [Edward Foster](#)
To: [Shawn Cox](#)
Subject: aquatexas
Date: Friday, January 18, 2019 8:40:29 PM

Why do business with a company known for financial rape and for their damaged and antiquated infrastructure ?

Thanks

Ed Foster
Prying Eyes

From: [Juna Brown](#)
To: [Shawn Cox](#)
Subject: City Sewer
Date: Tuesday, January 15, 2019 5:40:52 PM

Dear Shawn Cox,

I am a 41 year citizen of Wimberley and I live within the city limits.

I wanted to express my support of the current change of scope for the City of Wimberley to send their sewage to Aqua Texas for processing. Sewage is their business and I do not support a city owned sewage system that would allow any effluent to be discharged into our waterways. This is the right thing to do for the whole Wimberley Valley and for the future of our community.

Thank you,
Juna Brown
631 Southriver

From: [Gary Callon](#)
To: [Shawn Cox](#)
Subject: City wastewater project
Date: Monday, January 7, 2019 10:45:46 AM

Shawn Cox,

I would like to thank you on your hard work on the wastewater project. I believe we are on the right path to providing wastewater removal at the most efficient and environmentally safe way. The Mayor and the City Council are working hard to that end. With the staff and your help we should succeed.

Thanks again,

Gary Callon

Sent from my iPad

From: [Suzanne Davis](#)
To: lay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](#)
Subject: comments for Texas Water Development Board hearing
Date: Tuesday, January 8, 2019 8:45:27 AM

January 8, 2018

Dear Texas Water Development Board

We regret we cannot attend the Texas Water Development Board meeting tonight. We are currently out of town and unable to present our views in person. Please consider the following comments as you make your decisions regarding wastewater plans for the town of Wimberley.

There are a few points that we feel are especially important regarding the issue of the wastewater plan. We believe it has been shown this last year, by the current council, that the original wastewater plan was ill conceived, and not well thought out regarding finances or environmental impact long term for our town. These two factors alone are reasons for supporting the current council's request to change the plan to be more fiscally responsible for our town and just as importantly addresses the issues of discharge into the Blanco.

On the financial front, it is apparent that there are insufficient number of users to pay for the system as originally designed. Both the initial cost of construction as well as the operating costs are too high for the limited number of users. The revised plan is much more affordable as well as more environmentally friendly.

We are homeowners just down river from the proposed discharge point should our town be forced to install a plant and on a personal level, the thought of having effluent discharged into the river is very disturbing. We realize the effluent is not the effluent of years gone by and will be cleaned to a higher level. We are not experts but we believe, based on readings, that no matter how clean the effluent is, it does not match the chemistry of the river it will be discharged into and can cause unforeseen issues in the future. It could take a few years before the problems would begin to show up. We understand that small amounts of effluent could possibly be absorbed into the river without issue but our belief, from experiences currently being played out all around the hill country, is that small amounts of discharge are temporary and more discharge is needed over time. The city of Blanco is an excellent example. It just seems to be the way it works in towns where the path of least resistance and least amount of creativity has been applied to solve its wastewater issues.

We do not believe this is the healthiest way forward for our the community of Wimberley, either financially or environmentally. New technology is needed to deal with human waste that does not have the potential to impact communities in a negative way.

I hope you will join us in having as your top priority keeping our rivers and streams running clean and also the priority of helping us be fiscally responsible to all the members of our community. We are asking the Texas Water Development Board to support creative solutions that does not tie the town of Wimberley to a solution that will bind us for the life of a plant. Allowing Wimberley to not get into a situation where we are tied to a sewage plant would allow for innovation as it comes available in the years to come. The alternative, allowing Aqua Texas to do for downtown what it is already doing for the city of Wimberley north of the creek leaves the city some freedom to explore other options as the technology becomes available.

We appreciate very much your time as you work toward helping us reach the best solution for our community

Sincerely

Suzanne & Edward Davis
3000 Flite Acres, Wimberley, Texas

From: [Andrew Hardin](#)
To: [Shawn Cox](#)
Subject: Comments on Wimberley Wastewater plan
Date: Wednesday, January 16, 2019 2:42:48 PM

Dear Texas Water Development Board-

I want to register my opposition to the “change of scope” of the Wimberley Wastewater project. I am opposed to pumping raw sewage under Cypress Creek to the city of Woodcreek to be processed by Aqua Texas. At the public hearing last Tuesday, January 8th, 5:30pm, 202 people attended, 95 people signed up to speak, but only 27 people got to speak. And the people that were allowed to speak were cherry-picked by City Council member Gary Barchfeld, who is an advocate of the Aqua Texas proposal. The public in attendance responded to pro-City Owned Plan with thunderous ovations, while comments from pro-Aqua Texas people received only a smattering of applause. The Mayor, Susan Jaggars took up 45 minutes of the allotted time with her own presentation, and that was largely indecipherable because of hard to see and difficult to hear information that was not previously available to be scrutinized by the public. The mayor also cut off the hearing at 7:40 to be followed by a so-called “Town Hall Meeting,” her first ever, and this only 5 days after cancelling the contract with Black Castle for the construction of the City-Owned wastewater system, with a \$200,000 penalty not including legal fees and the loss of several substantial grants. Previously, City Council meetings have been characterized by lack of public input and transparency, and also rule changing to facilitate her own agenda. There have been numerous “executive sessions,” many of which have been concerned with attempts to fire the City Administrator, who is apparently doing a fine job other than at times opposing the mayor on questionable actions. In fact, firing the City Administrator is on the agenda again tomorrow, Thursday, January 17th. I oppose the Aqua Texas plan because I think the City-Owned plan is better for the environment and it supports the Blue Hole Park, AND is supported by the majority of the community. I also oppose the way the hearing was handled and I oppose the way that the mayor and City Council have gone about cancelling the City-Owned wastewater treatment plan.

Thank you for your attention to this matter.

Andrew Hardin
Wimberley resident

From: [Randa Ryan](#)
To: jeff.walker@twdb.texas.gov
Cc: [Shawn Cox](#)
Subject: Concerns Regarding the City of Wimberley's
Date: Sunday, January 13, 2019 7:31:34 PM

Dear Mr. Walker,

I am writing to express my disappointment and frustration regarding the meeting held by the City of Wimberley to hear public commentary about the potential change of scope for the Wimberley Sewer system. I attended this meeting to hear the reflections and feedback of my fellow citizens.

Unfortunately this did not happen. It was a poorly run meeting that did not meet the criteria outlined in your guidelines for citizen feedback regarding these matters.

- The mayor took almost a full hour of the meeting talking and showing over 20 slides that most people could not read, and that were not released in a timely manner before the meeting for citizens to read and study. She also did not speak clearly or loudly enough for most of the audience to hear.
- Many citizens signed up to speak and arrived early to be sure there was time for their input. This did not happen. Instead of going in order the speakers were hand-picked by the Mayor ProTem, Gary Barchfeld.
- I understand there were over 95 people signed up to speak with only 27 actually getting the opportunity to do so.

As a longtime Wimberley resident and owner of several businesses on the Wimberley Square for almost forty years, I am against the change in scope for the Wimberley Sewer System for the following reasons:

- The previously approved plan was created over a twenty year period involving many experts, citizens, and previous councilmembers and mayors. It is a well vetted plan that is the best fit for our city, and it has already been approved by the Water Development Board.
- Contrary to what the mayor continues to says, an objective look at the currently approved city plan versus the confusing change of scope idea clearly shows that the change of scope plan is significantly more expensive.
- It is inconceivable to even be talking about boring a hole through a large fragile geological area and laying a raw sewage pipe under our beloved Blue Hole Park and adding insult to injury by not providing water to the park, both outcomes of the new plan.

Please know that the majority of the citizens of Wimberley have been grossly misled by the current city council members and mayor. We do not support this change of scope and are completely exhausted with this ridiculous attempt to destroy years of work, planning and support to protect our waterways and maintain our environmentally sensitive area.

Thank you for your support,

Randa Ryan, Ph.D.

From: dlunow@aol.com
To: jeff.walker@TWDB.texas.gov; Dain.Larsen@twdb.texas.gov; Kristin.miller@twdb.texas.gov; [Shawn Cox](#); [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#)
Subject: conditions in Wimberley
Date: Tuesday, January 15, 2019 8:52:02 AM

We are not natives. However, we got to Wimberley as soon as we could.

We are now horrified by the whole MESS with the sewer and the waste water treatment plant!

We know you are new in your job. But, we would like to tell you how we feel about this "MESS"

We were at the meeting on January 8 and appalled that people who had signed up to speak were just cut off. Especially since the Mayor went over her time. The mayors speech (using the microphone) was mostly impossible to understand and hear. Individuals could have, and should have, been called to speak in order of sign up! Not selected by the Council Member Barchfeld and Mayor Jagers.

My husband and I want the TWDB to know our concerns and we want you as City Administrator to be aware of our concerns.

First, we believe that abrupt and rushed canceling of the in-process Black Castle construction was not just costly but absolutely premature and therefore irresponsible. We were satisfied with the city-owned system, approved after years in the planning by all previous councils - and voted in the affirmative by Wimberley citizens was a good water system!

It included responsible reuse of treated water that had been treated to the highest standards with protection and maintenance of Wimberley's Blue Hole. AND NOW WIMBELRY has lost the generous grants that were offered!

Our major concern is that the waste water will NOT be to the highest standard thus is not usable! WE MUST HELP the environment!

WE DO NOT WANT AQUA -TEX in our solution to our Waste problem! They have a very bad record and will not treat to the highest quality. When they are able to do that, they have an open check as to what to charge their customers.

They will have us over a barrel like they now do Kyle and Woodcreek.

We do not think that the current mayor and council have made themselves readily available to explain their position on this.

You and the council need to be aware that the population of WIMBELREY and US expect full transparency!

This change is very expensive and VERY UNNECESSARY!

Diane & Jerry Lunow
585 County Road 1492
Wimberley, TX

From: [Stephanie Nestlerode](#)
To: [Shawn Cox](#)
Subject: copy of my Jan. 8 comments
Date: Sunday, January 13, 2019 8:34:01 PM
Attachments: [board copy speech.docx](#)

THANKS!

Stephanie Nestlerode, MSW

Chief Synthesizer
7th Generation Labs
Creating the Space to Learn what Matters
www.7thgenerationlabs.com
512.925.1360



www.7thgenerationlabs.com
512.925.1360

**Jan 8, 2019 Water Development Board Hearing
Wimberley Community Center**

My name is Stephanie Nestlerode. I live in Rolling Oaks and represent 7th Generation Labs. I worked for state and federal agencies that regulate hospital expenditures for seven years. For eleven years I wrote certificates of need for hospitals to obtain permissions from regulators. Regulators serve the public interest by making sure that public funds are spent wisely. As a taxpayer, I want to thank the Texas Water Development Board for doing your due diligence to determine which scope of work is sustainable enough to repay your loan.

Your 2017 State Water Plan reflects your unique responsibilities. You focus like a laser on 5,500 water management strategies. Your plan states "If strategies are not implemented, approximately one-third of Texas' population would have less than half the municipal water supplies they will require during a drought of record in 2070. If not implemented, you estimate annual economic losses would be about \$73 billion by 2020. Not implementing your water management strategies would deal devastating consequences to The Wimberley Valley.

Let's compare the two scopes of work. The original scope includes water reuse for our beloved Blue Hole, an economic engine for the Valley. The revised scope has no reuse and provides no water to the Blue Hole. The original scope was financially sound, on budget and on schedule when shut down. The new scope needs to be fully vetted financially over a 30 year period by an independent firm.

You approved Wimberley's original scope because City Council and the mayor took your Plan seriously and focused on water reuse. The revised scope does not include any of your water management strategies, it simply puts pressure on the aquifer and opens the door to development in Wimberley's ETJ. If you approve the revised scope, you will be sending a powerful signal to other communities that your water management strategies are only a suggestion, rather than an urgent call to action to preserve our way of life and the economy we depend upon.

Your Plan notes, "an unreliable water supply disrupts activity in homes, schools and government and endangers public health and safety." Aqua Texas has proven itself to be an unreliable water supplier in Woodcreek. For all these reasons, we encourage you to reject the revised scope.

From: [Dean, Dylan](#)
To: [Shawn Cox](#)
Subject: Dylan Dean Approval of City Council Changes to Aqua Texas
Date: Tuesday, January 15, 2019 8:49:27 PM

Good Evening, Shawn Cox

As a resident and active voter of Wimberley Texas, I Dylan Dean agree with the current proposed Aqua Texas land application permit change set by Wimberley City Council. Change specifically stating, "Does **NOT** allow any discharge of effluent into drainage basin leading into our creeks and rivers." Please register my standing on this issue.

Correspondent,

Dylan A. Dean

20249 Hilltop Drive, Wimberley, TX 78676

Undergraduate Electrical Engineering

Texas State - San Marcos

Dean_6@txstate.edu

Wimberley Resident for 23 years

Registered to Vote 2 years

From: [Place4](#)
To: [Shawn Cox](#)
Cc: tom.wenneson@mitel.com
Subject: FW: My Comments for last night
Date: Thursday, January 10, 2019 4:35:48 PM

Shawn,

Will you please see that Mr. Wanneson's comments listed below, get forwarded to the Texas Water Development Board as part of the Public Hearing.

Gary Barchfeld

From: Tom Wenneson <tom.wenneson@mitel.com>
Sent: Wednesday, January 09, 2019 5:14 AM
To: Place4 <Place4@cityofwimberley.com>
Subject: My Comments for last night

Gary,

Due to the size of the audience and the selection method used to choose speakers, I did not get a chance to make my statement.

Can you get my comments forwarded to whomever was collecting them for TWDB? If not, can you find out who I should be communicating with?

They are below.

Thank you,
Tom
**

Members of the board and the extended Wimberley Community, thank you for the chance to speak today.

My name is Tom Wenneson and I live at 275 Wimberley Hills, within the city limits, but not serviced by the proposed sewer.

In this ongoing debate, I support any decision that delivers a cost effective solution to the city and does not allow, even under extreme situations, discharge into Cypress Creek or the Blanco.

Based on information presented to date, I support the proposed changes to the city's plans.

I oppose any decision that benefits only a few residents while potentially saddling the city with long term costs, any decision that could end up raising utility rates to those downtown residents to such a level that they end up going out of business, or any decision that could lead to an increase in

property taxes in order to allow the city to meet its obligations to all residents in addition to a sewage plant.

Once built, you cannot unbuild a city owned plant. You can, however, construct a service contract with a company such as Aqua Texas that allows for the concerns others have expressed and allows the city an exit for poor performance.

The loss of grants and extra funds bothers me not at all. In my experience, if you need huge incentives to buy something you cannot afford, you probably cannot afford whatever it is.

I have no issue with for profit businesses. 99% of those attending here tonight who own a 401K or IRA rely on such businesses to generate investment returns. Those returns are not created by magic.

I care not at all about extra water for Blue Hole. We live in a hot dry part of the country. Native vegetation here does not require a lot of water. We should not be fighting about how to get extra water to the park.

The park's hydration, the loans and grants, the for-profit business complaints – these are all just a tail wagging the dog.

Thank you.

TOM WENNESON
Sales Enablement Systems Integration Manager
Tom.Wenneson@Mitel.com
+1 (408) 962-2539 Tel/Fax

NOTE: This e-mail (including any attachments) is for the sole use of the intended recipient(s) and may contain information that is confidential and/or protected by legal privilege. Any unauthorized review, use, copy, disclosure or distribution of this e-mail is strictly prohibited. If you are not the intended recipient, please notify Mitel immediately and destroy all copies of this e-mail. Mitel does not accept any liability for breach of security, error or virus that may result from the transmission of this message.

From: [Robert Tinstman](#)
To: [Shawn Cox](#)
Subject: Fw: request for supplemental hearing - City of Wimberley
Date: Friday, January 11, 2019 8:14:14 AM

For your records. I meant to copy you initially. Thanks Shawn

----- Forwarded Message -----

From: Robert Tinstman <bob_tinstman@yahoo.com>
To: Dain Larsen <dain.larsen@twdb.texas.gov>
Sent: Thursday, January 10, 2019, 4:05:27 PM CST
Subject: request for supplemental hearing - City of Wimberley

Dear Mr. Larsen,

I was one of twenty-seven speakers at last night's hearing in Wimberley. You will be receiving my written comments shortly I presume.

I'm writing to protest the adequacy of the hearing. Ninety-five (95) people signed up to speak but only 27 we allowed to. That's a 28% satisfaction of our need to express ourselves to you and the Council.

We respectfully request a 'do-over' at which time Wimberley's citizens can give proper voice to their legitimate anger and disagreement with the Council's plan for no treatment plant.

Thank you for your attention to this matter.

Respectfully,

Robert Tinstman

From: [Rick Duggan](#)
To: [Shawn Cox](#)
Subject: FW: WIMBERLEY - TWDB HEARING
Date: Friday, January 11, 2019 9:48:10 AM
Attachments: [TWDB LETTER - 2019.01.10.docx](#)
[WIMBERLEY - TWDB TESTIMONY - 2019.01.08.docx](#)

Shawn –

For the record, below and attached are what was sent to TWDB

Rick Duggan

R.W. Duggan III
Director of Design & Construction
Schlosser Development
405 N. Lamar Blvd.
Suite 200
Austin TX 78703
512.474.7774 – office
512.461.6358 - cell

From: Rick Duggan <rwduggan@sdcaustin.com>
Sent: Thursday, January 10, 2019 4:14 PM
To: 'dain.larsen@twdb.texas.gov' <dain.larsen@twdb.texas.gov>; 'Jeff.walker@twdb.texas.gov' <Jeff.walker@twdb.texas.gov>
Subject: RE: WIMBERLEY - TWDB HEARING

Dain -

Attached is a follow-up letter to my written testimony.

Thanks for your attention.

Rick Duggan

R.W. Duggan III
Director of Design & Construction
Schlosser Development
405 N. Lamar Blvd.
Suite 200
Austin TX 78703
512.474.7774 – office
512.461.6358 - cell

From: Rick Duggan <rwuggan@sdcaustin.com>

Sent: Tuesday, January 8, 2019 4:14 PM

To: 'dain.larsen@twdb.texas.gov' <dain.larsen@twdb.texas.gov>; 'Jeff.walker@twdb.texas.gov' <Jeff.walker@twdb.texas.gov>

Subject: WIMBERLEY - TWDB HEARING

Attached is the testimony I intend to present this evening at the Public Hearing in Wimberley.

Please advise if you have any questions.

Thanks

R.W. Duggan III
Director of Design & Construction
Schlosser Development
405 N. Lamar Blvd.
Suite 200
Austin TX 78703
512.474.7774 – office
512.461.6358 - cell

10 January 2019

Dain –

As a follow-up to my previous email to you, I wanted to report what I perceived happened at the TWDB public hearing regarding the sewage treatment issue on Tuesday night in Wimberley. My observations and comments:

- As noted in my written testimony (attached), I am a real estate developer and have appeared in front of numerous boards, commissions, and councils in approx. 7 states across the country. The method in which the public hearing was conducted on 01/08/19 did not comport with the rules on any of the hearings at which I've spoken nor with what I understand were your instructions to Shawn Cox of the City of Wimberley:
 - From Shawn Cox on 12/03/2018: In the past, commenters have been limited. For example in the past **we have limited comments to be equal among pros & cons** and stopped comments once the balance was exhausted
 - From you on 12/03/2018 – The public hearing needs to be sufficient for executive administrator to determine that **any public controversy has been adequately addressed**. Your team reached out to us for suggestions on the advertisement notice, which is suggestive of a good faith effort. I reviewed it along with several other staff members. We added a few sentences that makes explicit why the hearing is required and what documents, at minimum, should be provided to inform the public about the recent proposal.
 - From you on 12/04/2018 – **Speakers should not be limited to a set number of pro and con opinions**. One way to manage the public response is to set time limits for each speaker. In order to encourage public participation, you may want to hold more than one meeting if more speakers are anticipated than one hearing could reasonably accommodate.
- Despite the City's statement/request and your very clear response, the speakers were severely limited and apparently hand-picked under the guise of randomly being selected. Per the attached sign-in sheets, the speakers were not selected according to a clear pattern. Of note is that the former Mayor, Steve Thurber (page 1, #2) was not selected as a speaker until someone much further down the selected list gave their time to him. This speaker selection method did not comply with your written directions.
- Of the 202 people who signed in, 95 people circled "YES" to speak and only 27 were allowed. Generally, the split seemed to be about 2 against for every 1 in favor of the Modified Plan. More than 70% of the speakers who wished to present were denied the opportunity. When a second hearing was requested, the Mayor stated that all those who did not get an opportunity to speak could submit their testimony in writing. (Note that I was speaker number 18 on page 5.) The "balanced" limitation and sufficiency of time to allow the public voice to be heard were both contrary to your instructions.

- Almost laughably, the Mayor allowed 2 additional people to speak after her imposed deadline, because there was so much clapping and applause following those who spoke against the Modified Plan. It was abundantly clear to all at the hearing that the number of people against the Modified Plan far out-weighed those who were in favor of it.
- The Mayor presented a 24-page power point which took at least 45 minutes to wade through and was not available until minutes before the hearing. It is singularly one-sided in its presentation of the facts and figures:
 - https://www.cityofwimberley.com/vertical/Sites/%7B140989A8-309D-4E90-A37A-F257BF123B26%7D/uploads/Public_Hearing_Presentation_-_Final.pdf
 - It was inaccurate in its estimation of City maintenance costs, the Way Grant, the anticipated rate structure, the safety and frequency of discharges, the possibility of routing discharges to an Aqua Texas line, and other elements.

Considering the circumstances surrounding this hearing, the public comment which you requested and required was lacking and deficient. It seems not only fair, but also prudent to require at least one additional hearing to be conducted for the TWDB to get distinct, unprejudiced, and straightforward public input.

Please direct the City of Wimberley to proceed accordingly.

Respectfully

Richard Duggan
300 Canyon Oaks Dr
Wimberley TX 78676

08 January 2019

Wimberley City Council – TWDB Public Hearing testimony

My name is Richard Duggan. With my family, I reside in the 78676 zip code at 300 Canyon Oaks Drive, but not w/in the City of Wimberley limits. However, as a real estate developer, licensed architect, builder of 2 sewage treatment plants, former member of the Island of Lanai Water Board, and 20-year member of the board of a local non-profit which is in the City limits, I am a stakeholder with standing.

I am speaking tonight to oppose the transfer of the Texas Water Development Board loan from the City of Wimberley to Aqua Texas.

As is widely known, the intent of the proposed (and in fact already commenced) sewage treatment plant is to clean up pollution in Cypress Creek in the downtown area. In addition to accomplishing the primary task, the other benefits of the city-constructed plant include:

- control over how the system is operated and used and how sewer customers are served;
- recycled Type 1 water for Blue Hole Park irrigation;
- a low-interest, \$5.5 million loan from the TWDB;
- \$245,343 in loan forgiveness from TWDB because of the environmental qualities of the original plan;
- two grants of \$1 million each to help pay for the system; and
- no bond or tax as the system is to be primarily paid for by connected users who would repay the loan over 30 years.

By all accounts it is a stream-safe plant despite unfounded alternative truths which have been circulated.

Local, municipal control is a far better outcome instead of a management and fee collection by company named Aqua America, which is in business to satisfy its shareholders and account for a profit and has interests and customers as far reaching as Illinois, Indiana, New Jersey, North Carolina, Ohio, Pennsylvania, and Virginia, in addition to Texas

Further, it seems incomprehensible that the associated assets and monetary benefits of a city-owned facility would be squandered by the City's elected officials. Losing the grants, the loan forgiveness, sunk construction and settlement costs, and the TWDB low-interest loan is perniciously perplexing and should be reconsidered.

The TWDB loan, originally granted for the city-owned, "One Water" wastewater system, should not be used to give our water treatment future to Aqua Texas. It seems a folly beyond imagination.

Thank you

Respectfully
Richard Duggan
300 Canyon Oaks Dr
Wimberley TX 78676

From: [Laura Calcote](#)
To: [Shawn Cox](#)
Subject: FW: Wimberley testimony
Date: Friday, January 25, 2019 5:43:04 PM

This one was not sent to you.

Laura Calcote, MPA, TRMC
City Secretary
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com

Please consider the environment before printing this e-mail.

-----Original Message-----

From: Nicholas J Marinos <3gfeathers@gmail.com>
Sent: Friday, January 18, 2019 11:14 PM
To: jeff.walker@twdb.texas.gov
Cc: Laura Calcote <lcalcote@cityofwimberley.com>
Subject: Wimberley testimony

Dear Mr. Walker,

I have lived in the Wimberley valley since 1976 and have seen many changes over the years. Some were good and some were bad. Aqua Texas ranks second only to Electro Purification on the list of evils to enter the valley.

Currently, I live in Woodcreek North and Aqua Texas is our sewer and water provider. I don't know how they obtained the service contract but they seem to be locked in for perpetuity and their service is horrible with chronic outages due to broken mains and a history of sewage leaks. Our water bill averages \$150/mo for a family of four and it's not the water that is the primary expense. It's everything else in the bill. For example, we took a ten day vacation and our bill was reduced by five dollars. Twenty five percent less water and sewer usage resulted in a three percent reduction in cost. Profit driven corporate greed is what Wimberley can expect from Aqua Texas; just on a much larger scale.

The Wimberley Valley is too great a treasure to all who live here to succumb to the unregulated growth that Aqua Texas promotes. Blue Hole will suffer without the irrigation from a city owned water treatment plant and the risk of negative environmental impacts from Aqua Texas and their penchant for sewage leaks is too high...just ask Kyle, TX.

The newly elected mayor and council members campaigned on promises to maintain the agreed upon original city plan for sewage and I don't understand their decision to change to Aqua Texas but I am totally against their decision.

Please do not provide the loan to fund the plan for Aqua Texas.

Sincerely,

Nicholas J. Marinos

12 Arrow Point Cir

Wimberley, TX 78676

From: [Laura Calcote](#)
To: [Shawn Cox](#)
Subject: FW: Wimberley Testimony
Date: Friday, January 25, 2019 5:39:23 PM
Attachments: [image003.png](#)

Or this one.

Laura Calcote, MPA, TRMC
City Secretary
City of Wimberley
221 Stillwater
P.O. Box 2027 (Mailing Address)
Wimberley, TX 78676
Office: (512) 847-0025
Fax: (512) 847-0422
Website: cityofwimberley.com



 Please consider the environment before printing this e-mail.

From: Bruce Grether <bgrether@austin.rr.com>
Sent: Monday, January 14, 2019 5:22 PM
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: Shawn Cox <Scox@cityofwimberley.com>; Laura Calcote <lcalcote@cityofwimberley.com>; communication@oag.texas.gov
Subject: Wimberley Testimony

January 14, 2019

To the Texas Water Development Board,
Attn. Executive Administrator Jeff Walker,
and Team 5 Manager Dain Larsen:

Many people consider our small City of Wimberley to be the last unspoiled gem of the Texas Hill Country. Most of us who live here cherish the beautiful natural setting and our pristine waterways. Our old downtown has antique septic systems which have been leaking into nearby Cypress Creek. But for many years we carefully researched and designed, vetted, got permits and full funding for construction of our own locally-controlled wastewater recycling

plant.

About a year ago this project was finally underway, construction started and if all had gone as planned the plant would probably be finished and in operation now. However, last May, a new Mayor named Susan Jagers was elected and a group of her allies took seats on the City Council after they stated during the campaign that they would not interfere with construction of Wimberley's Wastewater Treatment Plant. They knew that the option to put Aqua Texas in charge of this situation was highly unpopular. In the previous election cycle two candidates who openly promoted the AT option were soundly defeated.

Mayor Jagers herself has stated that the majority of local citizens prefer to construct our own plant, and yet since her election she has constantly promoted the interests of the AT corporation. She and her allies finally cancelled the City's contract with a construction company that had already created a bare soil base for the plant, which has now cost Wimberley at least \$½ million. The project was 20% completed. Her moves towards AT also deprived Wimberley of \$2 million in grants from the EDA and the local Way Family Foundation.

Now the Mayor and her allies have put forth a plan to drill a pipeline 10 feet under Cypress Creek, near our famous Blue Hole Swimming Hole, through the fragile and unpredictable limestone karst bedrock in order to connect with existing Aqua Texas services on the other side of the creek. Raw sewage would be pumped through the pipe at high pressure, and within moments, any leak would prove disastrous. The Mayor's determination to push the interests of this outside corporation, Aqua Texas, which has a terrible environmental and service record state-wide, thwarts the will of our citizens and also appears to be bankrupting our City government. If this proceeds, everyone will lose except for AT.

It is a complicated situation, but put as simply as possible, I ask you NOT to consider re-directing the TWDB's loan of \$5 million+ granted to the City for our WWTP to pay for the questionable, unpopular option of going with Aqua Texas.

Most of us here in Wimberley hope we can still reapply for the loans, re-negotiate the grants and proceed with construction of our own WWTP. If our civic government can survive the disastrous and unpopular maneuverings of the

Mayor and her allies, that win-win situation may still be possible.

When the Mayor asked the TWDB to change the scope of the project and fund it anyway, the TWDB wisely asked that citizens be allowed to comment. During the two hours allowed for citizen comment, the Mayor usurped the first 45 minutes for a Power Point presentation of her own. Only 17 of the 95 people who signed up to speak were allowed to speak. Also, a councilman clearly cherry-picked names from the list to increase the number of pro-AT speakers allowed to speak, and to increase the illusion of support for this change of scope.

Please turn down the Mayor's request for a change of scope, and help Wimberley get back on track to local control of our precious water resources.

My original statement for that meeting on January 8th, which I was not allowed to deliver at the meeting, is included below.

Sincerely,
Bruce P. Grether
Wimberley resident for 23 years

Cc: Shawn Cox, City Administrator, City Secretary Laura Calcote, and Ken Paxton, Attorney General of Texas

* * *

REMARKS TO TWDB MEETING, WIMBERLEY COMMUNITY CENTER,
JANUARY 8TH2019

Let me thank the Texas Water Development Board for insisting that citizen voices be heard at this time.

In Wimberley we face a crucial turning point. A distinct majority of citizens who participate in recent local events is strongly opposed to the City's plan to shift to Aqua Texas as provider for wastewater treatment for our old downtown.

If the many years of hard work, careful planning, vetting, and fully-funded plans for a City owned water treatment and recycling plant had not been cancelled by officials elected last May, most likely our brand-new plant would be finished today and be ready to begin operations now. That plan is the most environmentally responsible and advanced such plant ever approved in Texas. It would irrigate playing fields at Blue Hole Park and recycle water for flushing toilets downtown.

For somewhat mysterious reasons, that plan was recently cancelled in favor of the highly unpopular outside corporation Aqua Texas, a shift not only beset with problems to implement, but highly unpopular with local citizens.

For many local citizens, to protect the purity of our waterways is extremely important. Due to a proposed shift of direction on this issue from the City government, Cypress Creek near the Ranch Road 12 Bridge downtown continues to be polluted from leaky old septic systems into the indefinite future, and frankly, the water stinks.

Wimberley's economy relies on visitors drawn to our quaint, relaxed community, the pristine waterways, cypress trees and forests. Our Blue Hole Regional Park is a Texan gem that is in reality priceless, and also a major part of our economic engine. Now, with the City's cancellation of the Black Castle contract to construct our own plant, at least ½ a million dollars of our money has been spent to construct a huge, bare dirt pad without root systems, a landscape scar susceptible to erosion near the highway on the edge of Blue Hole Park. Plus, there's no guarantee of irrigation for the Park.

Current City officials have discouraged citizen input by limiting time for comments, and once insisted on an equal number of pro and con statements, which resulted in 17 people not being able to complain about the shift to Aqua Texas. This administration operates largely in secret. We've had to make numerous Open Records Requests to find out what they are saying and doing.

I ask the TWDB Board *notto* approve a "change of scope" to accommodate the shift to Aqua Texas, so we can proceed with construction of our own plant.

We proud citizens of Wimberley wish to regain control of our City and its future.

Thank you for your attention.

Bruce P. Grether

Wimberley resident for 23 years

From: [Michael or Christine Rambo](#)
To: [Shawn Cox](#)
Subject: Fw: Wimberley testimony
Date: Thursday, January 10, 2019 1:26:45 PM

----- Forwarded Message -----

From: Michael or Christine Rambo <mcrambo2@yahoo.com>
To: "jeff.walker@twdb.texas.gov" <jeff.walker@twdb.texas.gov>; "dain.larsen@twdb.texas.gov" <dain.larsen@twdb.texas.gov>
Sent: Thursday, January 10, 2019 1:21 PM
Subject: Wimberley testimony

Wimberley TWDB Public Hearing 01/08/2019

Dain Larsen
Jeff Walker

I have attended many of the City Council Meetings and Town Hall Meetings since the election of our present city government. The Public Hearing in Wimberley concerning the change in scope was another appalling example of how the majority of council members and mayor are attempting to show they have support for a change in plan. The Mayor and council has stopped a project in progress. The Mayor's reason for stopping the project is because she personally knows more and has better decision making abilities than environmental scientist, financial institutions, water specialist, city planners and the many individuals who have dedicated a lot of time and expertise in implementing the city owned plan and she made this claim several times during her presentation at the Public Meeting. In reviewing the handout given at the beginning of the meeting, it became apparent that there is no basis to claim that the new plan would be more environmentally friendly or less expensive. The cost appears similar for both plans when you consider the funding lost when the plan changed. The thought that the changed plan would be more environmentally sensitive seems to be something the council made up themselves without consulting any reputable experts or providing any documentation to prove this to be the case.

Before approval of the loan, please have the Mayor provide the citizens of Wimberley an unbiased financial accounting of both plans. I would also like city council to show documentation that the change of scope is a better environmental option.

The present Mayor and certain City Council members have stopped a project that was widely supported in Wimberley, and are rushing to get their new plan implemented. The majority of the people in Wimberley have been shut out of any involvement in how the new plan was conceived. I do not think that the change in scope is beneficial to anyone but Aqua Texas.

Michael Rambo

From: [Place2](#)
To: [Shawn Cox](#)
Subject: Fwd: Comments submitted for Special City Council Meeting 1/8/2019
Date: Thursday, January 10, 2019 2:27:07 PM
Attachments: [Debby Spears.doc](#)
[ATT00001.htm](#)
[Beth Mitchell.doc](#)
[ATT00002.htm](#)
[Bill Mitchell Doc.doc](#)
[ATT00003.htm](#)

See attached. Thanks

Craig Fore,
Wimberley City Council Place 2

Begin forwarded message:

From: Debby S <dahspears@gmail.com>
Date: January 10, 2019 at 1:14:16 PM CST
To: Mayor <mayor@cityofwimberley.com>, "place1@cityofwimberley.com"
<place1@cityofwimberley.com>, "place2@cityofwimberley.com"
<place2@cityofwimberley.com>, "place3@cityofwimberley.com"
<place3@cityofwimberley.com>, "place4@cityofwimberley.com"
<place4@cityofwimberley.com>, "place5@cityofwimberley.com"
<place5@cityofwimberley.com>
Subject: Comments submitted for Special City Council Meeting 1/8/2019

SPECIAL CITY COUNCIL MEETING Comments
WIMBERLEY COMMUNITY CENTER – JOHNSON HALL
14068 RANCH ROAD 12, WIMBERLEY, TEXAS 78676
TUESDAY, JANUARY 8, 2019 – 5:30 P.M.

I am submitting my comments and two neighbor comments that were given to me via email for they are out of town and not able to submit.

Respectfully, Debra Hill Spears, a Wimberley City Resident and voter
428 Flite Acres Rd, Wimberley, TX 78676

Debby Spears, 428 Flite Acres Rd, Wimberley, TX 78676

January 8, 2019

My name is Debby Spears. I live inside the City of Wimberley and am a property owner who resides full time at 428 Flite Acres Road on the Blanco River which is located less than a mile downstream of the proposed Wastewater Treatment Plant in Blue Hole Park. **I wholly support the City of Wimberley's proposed change to have the wastewater treated by AquaTexas under a wholesale agreement and eliminate the expensive treatment plant in Blue Hole Park.** This proposed change is both financially and environmentally superior to the existing plan.

On the financial side the rates based on wholesale treatment by AquaTexas will be significantly reduced. **The yearly operation and maintenance** of a treatment plant at Blue Hole would also be very expensive. This is a bad investment for the City of Wimberley and residents and I do not think we can afford to get into the wastewater treatment business for only 100 plus customers.

Environmentally AquaTexas has a land application type permit which is unlike the plant in Blue Hole that allows discharge into the Blanco River. I oppose the discharge permit and have seen what happens to hill country rivers and streams located downstream of a discharge permit when the water is impacted by nutrient pollution and becomes filled with algae. I want to continue to enjoy the exceptional water quality which is the reason I purchased my property.

Lastly, as many, I want an end to the divisiveness over the wastewater project in the Wimberley Valley. Please vote for the changed plan and let's get this done and over with once and for all. The last thing we need now is to end up with a collection system that goes nowhere.

I do want to thank each of the City Council members and Mayor for your public service and for your consideration of this request.

Debby Spears

Beth Mitchell

January 8, 2019

RE: City of Wimberley Proposed Change in Wastewater Project

My name is Beth Mitchell. I am the co-owner of the Wimberley Wine Shoppe which will be served by this project. My husband and I are property owners who reside full time at 2300 Flite Acres Road on the Blanco River which is located approximately 2 miles downstream of proposed Wastewater Treatment Plant in Blue Hole Park.

We wholly support the City of Wimberley's proposed change to have the wastewater treated by AquaTexas under a wholesale agreement and eliminate the expensive treatment plant in Blue Hole Park. This proposed change is both financially and environmentally superior to the existing plan.

Financially this option reduces the proposed rates that my business will pay. The yearly operation and maintenance of a treatment plant at Blue Hole would also be very expensive and it is my understanding that the design life of this plant is only 20-30 years. This is a bad investment and we cannot afford to get into the wastewater treatment business for 100 plus customers.

Environmentally AquaTexas has a land application type permit and unlike the plant in Blue Hole cannot discharge into the Blanco River. We opposed the discharge permit and have seen what has happens to hill country rivers and streams located downstream of a discharge permit when the water is impacted by nutrient pollution and becomes filled with algae. We want to continue to enjoy the exceptional water quality which is the reason we purchased our property. It is wise to eliminate the plant we cannot afford and not to create an unnecessary demand for treated effluent in our pristine Blue Hole Park.

Lastly I want an end to the divisiveness over the wastewater project in the Wimberley Valley. Please vote for the changed plan and let's get this done and over with once and for all. The last thing we need now is to end up with a collection system that goes nowhere.

Thank you for your public service and for your consideration of this request.

Sincerely,

Beth Mitchell

2300 Flite Acres Road

Wimberley, Texas 78676

Done

Aqua Utilities.doc



William H. (Bill) Mitchell
2300 Flite Acres Rd.
Wimberley, Texas 78676

January 8, 2019

To: Texas Water Development Board
City of Wimberley

Subject: Aqua Utilities Inc. Service

To whom it may concern,

As a Wimberley resident & river front property owner I urge the city to move forward with the current Aqua Utilities Inc. sewer option based upon the following:

- City of Wimberley cannot afford to be in the sewer treatment business
- Aqua Utilities Inc. is an established, experienced sewage treatment provider
- Provides for zero discharge into Cypress Creek & the Blanco River, anything less is unacceptable
- Results in no tax to City of Wimberley residents (I recall the promises of no tax made at the time of Wimberly incorporation)
- Gets the eyesore of a restroom trailer off the square
- Offers the advantage of Type 1 reclaimed effluent

Sincerely

Bill Mitchell

From: [Merle L. Moden](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Fwd: January 8, 2019 Wimberley City Council Public Hearing Regarding Its Wastewater Project
Date: Saturday, January 12, 2019 5:41:51 PM

FYI

----- Forwarded Message -----

Subject: January 8, 2019 Wimberley City Council Public Hearing Regarding Its Wastewater Project

Date: Fri, 11 Jan 2019 14:24:32 -0600

From: Merle L. Moden <merle1960jj@gmail.com>

To: kristin.miller@twdb.com

CC: dain.larsen@twdb.com

Ms. Miller:

I am not a resident of the City of Wimberley, as I live in the Wimberley Valley a few miles from this city. I have owned land here for over 33 years and have been a resident for over 21 years. I write to protest the actions of the Wimberley City Council in the above-referenced public hearing. I did not attend this public hearing.

I sat in the galleries of both the Senate and House of Representatives of the Texas Legislature when both the Texas Open Meetings Act and Texas Open Records Act (now Public Information Act) were debated and passed into law. I have an abiding interest in assuring that governmental bodies abide by these laws and the principles under which they were adopted. In the instant case it is apparent that the Wimberley City Council did not conduct a fair public hearing in accordance with the spirit and language of the Texas Open Meetings Act.

Based upon knowledge and belief, the Wimberley City Council violated the Open Meetings Act in posting a false agenda and conducting the public hearing in an unfair manner. First, the Wimberley Mayor used over 1/3 of the time posted (45 minutes/120 minutes = 37.5%) for the public hearing to advance her position regarding the wastewater project. This violates clearly an agenda posting that specifies a two-hour public hearing, that is, two hours to hear from the public -- not to hear the Wimberley Mayor repeat her well-known position on the matter. Second, the Wimberley Mayor presented 23 slides of information that were used to support the Wimberley Mayor's position on the wastewater project -- information that was not released to the citizens previous to this public hearing, nor provided to attendees in written form at the public hearing. Were the opponents of the Wimberley Mayor's position given an opportunity to present their slides of information? Third, 202 individuals signed-in at the public hearing of which 95 chose to speak. The time allotted for this public hearing was woefully inadequate, as only 27 individuals were allowed to speak -- less than 1/3 of those who wanted to speak (27/95 = 28.4%). Lastly, based upon anecdotal information, it appears that the 27 individuals allowed to speak, out of the 95 individuals who wanted to speak, were not chosen in a fair and even-handed manner.

The remedy for the Wimberley City Council's failure to conduct a fair hearing regarding its

wastewater project is another public hearing where sufficient time is allotted for all citizens who chose to speak are allowed to do so.

Thank you for your consideration.

--

Merle L. Moden/ 1111 Thompson Ranch Road/ Wimberley, TX 78676/ 512 847-1335

From: [Sandy Dunn](#)
To: [Shawn Cox](#)
Subject: Fwd: Letter in regard to special council meeting Tuesday January 8, 2019
Date: Friday, January 11, 2019 7:58:23 AM
Attachments: [Our comments to city council meeting on Aqua Texas 1-8-19.docx](#)

Begin forwarded message:

From: Sandy Dunn <sandydunn21@gmail.com>
Subject: Letter in regard to special council meeting Tuesday January 8, 2019
Date: January 10, 2019 at 6:23:43 PM CST
To: Mayor <mayor@cityofwimberley.com>, "place1@cityofwimberley.com"
<place1@cityofwimberley.com>, "place2@cityofwimberley.com"
<place2@cityofwimberley.com>, "place3@cityofwimberley.com"
<place3@cityofwimberley.com>, "place4@cityofwimberley.com"
<place4@cityofwimberley.com>, "place5@cityofwimberley.com"
<place5@cityofwimberley.com>

We are submitting our letter in favor of Aqua Texas as residents and voters in the city of Wimberley. Please see attached.

Respectfully,
John and Sandy Dunn
466 Flite Acres Road
Wimberley, Texas 78332

This letter is from Sandy and John Dunn. We live on the Blanco River about ¼ mile below the Ranch Road 12 bridge, and our love of the river was what led us to purchase this property some 15 years ago. It is also what brings us to give our stamp of approval to using Aqua Texas for our wastewater system.

As you can imagine, we have followed with great concern the debate in our community over the last several years concerning the proposed Blue Hole sewage treatment facility. We have tried to keep an open mind to both sides of the debate, and have reached our own personal conclusions based on the relative merits of each solution.

After studying both alternatives, for us it turned out to be a pretty simple decision to support Aqua Texas. Here's why:

First, no matter what else you may hear to the contrary, the Blue Hole Plant permit **does allows for a discharge of effluent** into our beautiful Blanco River under certain conditions, and the Aqua Texas solution does **not** allow for this action. This is the fundamental difference between the two choices, and it made our decision to support Aqua Texas pretty simple.

Second, the presence of an **expanded** Sewage Treatment Plant in our beautiful Blue Hole Park seems wrong in many ways, and again we believe that this argues strongly in favor of the Aqua Texas alternative.

I could also mention our concerns about the inherent inefficiencies of a small community like Wimberley getting into the sewage treatment business, and the potential for huge cost overruns as reasons for our support of Aqua Texas, and I believe these are very legitimate objections to the Blue Hole Plant.

But for us, keeping treated effluent out of the Blanco River, and preventing the placement of a large sewage plant in the middle of Blue Hole Park are compelling reasons to oppose the Blue Hole solution.

We respectfully request that the Council strongly support the proposed Aqua Texas solution as the proper direction for our Community. Thank you.

From: [Marty Dean](#)
To: [Shawn Cox](#); clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: In agreement with Aqua Texas change in Wimberley
Date: Tuesday, January 15, 2019 2:29:16 PM

Gentlemen, I am in agreement with the proposed changes put forth in the recent workshop by the current City Council changing the plan for our waste water solution to incorporate Aqua Texas' land application. I am opposed to any permit or effort that would potentially allow any discharge of effluent into our creeks or rivers.

I am a Wimberley resident and I am eligible to vote in Wimberley elections. I own property on the river and am a potential Ad Valorem taxpayer.

Martha Dean, 20249 Hilltop, Wimberley, TX 78676

From: [Tracey Dean](#)
To: [Shawn Cox](#); clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: In favor of proposed changes to include Aqua Texas
Date: Tuesday, January 15, 2019 1:26:45 PM

I am sending this email/letter to let you know I am in agreement with the proposed changes proposed by current City Council changing the plan for our waste water solution to incorporate Aqua Texas with their land application permit which does not allow any discharge of effluent into our creeks and rivers. I am adamantly opposed to any *potential* that would eventually allow any discharge into our creeks and rivers for any reason.

I live at 631 Southriver, Wimberley, TX 78676 and am eligible to vote in City elections. I own several properties on the Blanco River.

Thank you!

Tracey Dean

From: [Phillip Van Ostrand](#)
To: [Dain Larsen](#); [Clay Schultz](#)
Cc: [Shawn Cox](#)
Subject: In Re: City of Wimberley Clean Water State Revolving Fund Project 73653 Downtown Wastewater System
Date: Friday, January 11, 2019 3:43:27 PM

Please add these written comments to the record in addition to my brief remarks documented at the recent public meeting in Wimberley.

I support the revised scope for a number of simple reasons: It supports the environmental concerns of the downstream folks and is affordable and technically feasible. It does not please everyone - I know I don't like the financial impact - but it meets the original mission statement of getting wastewater off the square. The sewer isn't going to clean up Cypress Creek, but it will take a step toward better land use in the downtown area. At the present, it's not going to water the park, but it's not going to bleed the downtown property owners as well as the rest of the city's taxpayers dry.

The Wimberley project has been the subject of a great deal of discussion throughout its history, and in retrospect, the loan the water board loan probably should not have been closed. The public record shows a substantial amount of well-documented analysis that it was a fiscal disaster in the making that would have created a system that would not generate sufficient revenue to service the debt much less pay for operations and maintenance over the life of the system.

A large, well capitalize regional processor that already serviced a significant part of the City of Wimberley was available and willing to take on the fewer than 120 potential users in the downtown area. Now that the city has officially terminated its agreement to build a processing plant that processor has negotiated a wholesale arrangement to process the wastewater from the Wimberley Square and downtown areas it is time to move forward.

The scope change brings the project capital requirement down to a manageable level and controls the continuing O&M costs is not perfect by any stretch, but, as I stated earlier it does protect the downstream interests, is technically feasible and provides service as a cost that minimizes the financial impact on the users as well as diminishes the potential tax consequences for the rest of the community.

As a final point aligning the city's program with Aqua Texas provides a substantial capital cushion against future EPA and TCEQ tightening of wastewater rules.

The scope change is a step in the right direction and should be approved without delay.

If I may be of further service please contact me.

Regards,

Phil Van Ostrand
Van Ostrand & Associates

From: [Rebecca Minnick](#)
To: [Shawn Cox](#); dain.larsen@twdb.texas.gov
Cc: [Laura Calcote](#); kristin.miller@twdb.texas.gov
Subject: Jan. 8 Testimony for Wimberley Public Hearing
Date: Saturday, January 12, 2019 6:11:50 PM
Attachments: [Public Hearing Statement_RM.docx](#)
[Central Wimberley Wastewater Project Public Hearing Sign-In Sheet 01-09-19 \(redacted\).pdf](#)

Dear Mr. Cox and Mr. Larsen,

Attached are the comments I had planned to make at Wimberley's Public Hearing on the Waste Water Treatment Project this past Tuesday evening. I was not called on, despite having signed up to speak. I was a little unclear on how to submit these written comments - not sure if it was to the city administrator, or directly to the Texas Water Development Board. I am attempting to cover all bases with the distribution of this email.

My attached comments are all the more ironic, because I was planning to express gratitude that this mayor and council had finally agreed to a proper public hearing that included a Q&A component. There were over 200 attendees: 95 signed up to speak/ask questions/be heard and just 27 were allowed to. That left over 65 (me included) who didn't get to have their concerns addressed or even just expressed publicly on the record. In addition, rather than simply call on the list of commenters in their signup order, the mayor and her mayor pro-tem developed an elaborate "order" that looked rigged, whether it was or not.

I'm also attaching a copy of the sign-in sheet for the public hearing, annotated by Council Member Gary Barchfeld for your review. This is a public document.

The mayor has consistently found ways to subvert any real discussion on her change of scope and Tuesday night was no exception. Her posted agenda showed her "presentation," was going to be 15 minutes. It was 45 minutes of material we had all heard before that was already the source of numerous questions that have never directly been answered by her or this council. The lack of respect for the citizens of this community and the dismissive tone created by the mayor and the majority of this council continues.

The mayor knew that there would be many more questions that would be asked in the finite time she had scheduled. A public hearing is for citizens to voice their concerns and get some kind of response real-time and in the moment. To simply tell citizens to write it down and send it in is insulting and disingenuous. If written comments were fine, why even have the public hearing?

It's frustrating to Wimberley residents. This experience has certainly damaged - if not destroyed - our trust in this mayor and council. If the TWDB wants a clear picture of how the citizens of Wimberley feel about the mayor's plan, this public hearing doesn't check the box. I feel quite sure that the "cons" would outweigh the pros even more than this results of this show.

Respectfully,

Rebecca Minnick

2235 River Road
Wimberley, TX 78676
minnickreb4@gmail.com
281/923-7698

January 8, 2019.

Wimberley Mayor & Council-

My name is Rebecca Minnick and I live at 2235 River Road, inside the city limits. I also own additional property inside the city limits that will be on the proposed sewer system. I have served on the Wimberley Board of Adjustments and currently serve on the city's Planning & Zoning Commission.

Thank you for hosting this public hearing. I am looking forward to finally getting some answers from this council about my serious concerns on what the change of scope to the sewer system will mean to the city financially. I have several questions.

First, did the \$200,000 that was paid last Friday (Jan. 4) as a settlement to Black Castle Contractors for the council's cancellation of the city-owned plant come out of the city's fund balance or, was it paid from funds that the Texas Water Development Board has already dispersed to pay the contractor?

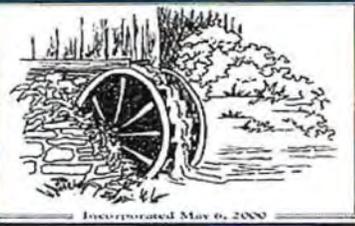
These funds, plus the money already paid to Black Castle (\$345,000+), total over half a million dollars. These are expenditures that provide nothing in return to the citizens of Wimberley. Additional costs to get out of this contract will include legal fees that have already been expended to negotiate the settlement and physical mitigation of the plant site.

Second, am I correct in assuming that the TWDB will want this money back? How will this be repaid? Will these additional funds continue to come from the TWDB loan to be paid over time? Or out of the city's fund balance? If not, how will they be paid?

On April 30, 2018, the city's fund balance was \$1.5 million. The amount paid to cancel the Black Castle Contract represents over one-third of the city's reserve funds – that's if the fund balance is still \$1.5 million. What is the fund balance now? If the reserve balance will be tapped to pay these cancellation fees, how does this council plan to replace those funds? How long will it take? What needed projects and services will be sacrificed?

These serious budget impact questions have not been discussed by council in an open, PUBLIC setting. The settlement agreement was quickly reached and voted on and the Black Castle check has already been disbursed. TWDB's decision on approving the change of scope on the existing loan has not been made. Why did you finalize this settlement before the financing question was answered? (This is apart from significant unresolved engineering issues like where exactly the pipe will run). As I said previously, I have serious concerns about the financial wisdom of proceeding before these questions are resolved. What if the TWDB does not approve the change in scope? Will this council go back to the previously approved plan? Or will you insist on the Aqua Texas option? And if you do, where will the city get the funds to pay back money already spent? Do you feel that you have thoroughly examined the consequences of spending over half a million dollars with zero to show for it? Have you proceeded in a fiscally conservative and responsible way?

Again, thank you for finally listening and directly responding to all voices in this community in a public setting. We all appreciate that and feel that it's a critical step in getting the full story of this change of scope. This is an important start to unifying this community and moving toward completing badly needed infrastructure improvements.

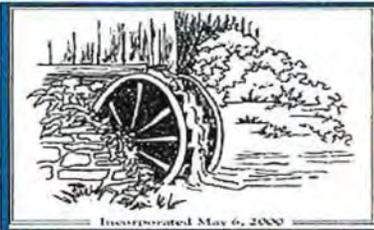


City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
1	ANDREW SANSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	STEVE THURBER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	John Espinoza		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	JOHN URBAN		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	Louis Parks		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Pam Mitchell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
7	Jenni Marino		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
8	LEEAN BOWER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
9	SUSAN NENNEY		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
4	Linda WEBB		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	Barbara HOPSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
12	Stephanie Nestlerode		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
13	Jan Green		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Scott Mitchell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5	THE VAN ORMAN		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
16	Linda Nichols		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> No
17	Linda Lang		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18	Christine Middleton		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
19	HEG SMITH		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
1	SUSAN ZIMMERMAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.



City of Wimberley
 Central Wimberley Wastewater Project
 Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
14 1	Gail Pigg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	STEVE KLEPFER		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3	Buck Backus		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
DO NOT 14	Nancy Stevens		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
5	Tommy Tolson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	RR & Cindy Rodriguez		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
7	JEAN SANDER		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
15 8	Al Sander		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> No
9	Andrew Weber		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
10	William Bowman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	Maridel Martinez		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
NO DO NOT 12	CARROLL WILSON		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	Casey Craig		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
14	BOB TIMSTMAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
15	BRUCE P. GRETHEK		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Did not 16	Phyllis Finnemore		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
17	Shiila Safer		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18	BERT RAY		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
19	Justic Ray		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
16 20	Cookie [unclear]		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.



City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

		Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
8	1	Sarah Dishman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	2	Tom Wanner		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	3	JOHN D. ESTEP, P.E.		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
9	4	Marla Fries		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
No comment	5	Letta Cole		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	6	Stanley Ashlock		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	7	Scott Jennifer Johnson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
10	8	Debby Spears		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	9	Beth Mitchell by Debby		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
-10	10	Sandy Dixon		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	11	Bill Mitchell		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11	12	RAOUL BELLEAU		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	13	DAN GAUTHIER		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	14	KELLY McFARLAND		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
12	15	Jupiter Schmeider		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
No comment	16	ROBERTA HOLLAND		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	17	CANDY Spitzer		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	18	Rayne Beer		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	19	BOB DOSSLER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
-20	20	HAM SHAWALTER		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No

PAGE 3

*Comments will be limited to 3 minutes.



City of Wimberley
 Central Wimberley Wastewater Project
 Public Hearing

Sign-In

	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	James Lancaster		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2	Sherry Lancaster		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3	Rebecca Minnick		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4	E.W. Byrns		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5	JAMIE PETTIT		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
6	Ywa Karlsson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7	Alison Harla		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
8	Bob Bullard		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
9	Michelle Cushman		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10	Christine Byrne <i>vide to John Kestepf</i>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
11	Chris Odde		<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
12	Mike Bachers		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
13	Clare Kagan		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
14	Ashley Gibson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
15	Merryl Gibson		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
16	Marilee Wood		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
17	Lynd Jackson		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
18	ANDREW HARWIN		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
19	Rodger Marion		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
20	Clarette Lowe <i>vide to Robert Tribisani</i>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

*Comments will be limited to 3 minutes.



City of Wimberley
 Central Wimberley Wastewater Project
 Public Hearing

Sign-In

11/18/20
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Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
Sue Anders		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
BOB MARINA		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Linda Hoppes		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Kay Anderson		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Linda Reed		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Bob Reed		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
SUSAN Thunberg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
Ganette B...low		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Jan Prueck		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Paul "		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Marianne Calvanese		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
BOB HAVE		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Ed Pope		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
TRACEY DEAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Randy Renter		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
Deborah Nelson		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Helen Bobie		<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
KENNETH DUGGAN		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
ERIK WOLZAM		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
SHEILA WOLZAM		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No

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City of Wimberley
 Central Wimberley Wastewater Project
 Public Hearing

Sign-In

No.	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Clay Ewing		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
2	James Byrne		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
3	Andrew Mahang		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
4	Dia McCall		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
5	Lois Mahoney		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
6	Deborah Koock		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
7	Greg/LINDA DOUGLAS		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
8	Clay Ewing		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
9	May B. O.		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
10	Jackie Martice		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
11	Jerry Rayboul		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
12	Mark O. H.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
13	Nick Bradshaw		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No
14	Buffalo Thunder ^{Frank} Del Toro		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
15	DAVID BAKER		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	No
16	Rebecca H. Denton		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No
17	Linda Douglas		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
18	William Hamilton		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
19	Leslie Weeks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	<input checked="" type="radio"/>
20	Karen Weeks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Yes	No

*Comments will be limited to 3 minutes.

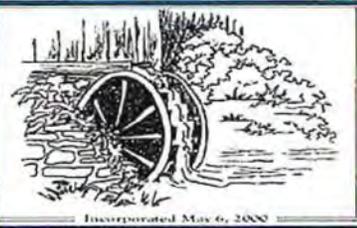


City of Wimberley
 Central Wimberley Wastewater Project
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Sign-In

Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
		Citizen	Business	Official	Yes	No
1 Kathy Ward		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2 Bill Kilmer		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3 Alex Perkowski		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
25 4 Jo Kathryn Quinn		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5 Deb Bradshaw		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6 Susan Raubrock		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7 Lee Ann Lincoln		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
8 Bryan Burke		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
9 David McGowan		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10 Ashley Waymouth		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
11 Thomas Wyzmiec		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
12 Claudia Perez		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
13 Armandelo Perez		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
14 BRIAN FERRAR		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
15 COLLINS, CORSEY		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
24 16 Dorothy Knight <small>Wald to street</small>		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
17 Scott Pugh		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
18 Nancy C. Russell		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
19 Hailo (Hano)		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
20 20 Chris Sheffield		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

*Comments will be limited to 3 minutes.



City of Wimberley
 Central Wimberley Wastewater Project
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Sign-In

		Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
No down	1	Lynn Probst		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
26	2	Alice Wightman		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	3	Kisselle Lopez		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	4	Cliff Raymond		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	5	Ken Raymond		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
27 last	6	Suzanne White		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	7	Gigi Benno		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	8	Mary Gilroy		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	9	Sherril Coker		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	10	Michael "		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	11	Sally Trapp		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
28	12	Dorothy Knight		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	13	Larry Culbert		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	14	Linda Culbert		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	15	PERRY BARNARD		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	16	Linda Kaye Rogor		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	17	BOB ELKINS		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	18	DAWN LAMOURREUX		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	19	FAY LAMOURREUX		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
	20	SHERYL DAVIS		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No

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City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
		Citizen	Business	Official	Yes	No
1 Duffne Kedus		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2 Catherine Sifton		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3 Paul Williams		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4 Sha Williams		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5 Heather Carter		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
6 DAVID BOEMAN		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7 Paige Wilks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
8 Jesse Wilks		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
9 SUZANNE McCORD		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
10 Laura Haygood		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
11 Marc Haygood		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
12 AWAY REISBERG		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
13 Faith Heftler		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
14 TOM BROWN		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
15 John Brown		<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
16 Brianne Willis		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
17 Dan Cheshire		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
18 Adia Cheshire		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
19 Matthew Buchanan		<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20 RACHYL Buchanan		<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

*Comments will be limited to 3 minutes.



Central Wimberley Wastewater Project Public Hearing

Sign-In

	Name	Address/Affiliation	Please Circle on of the Following			Like to Comment*	
1	Rebecca Reusberg		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2	Brook Langston		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
3	Randa Ryan		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
4	CYNTHIA MILLONZI		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5	Cynthia Marion		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6	Alexandra Thompson		<input type="radio"/> Citizen	<input type="radio"/> Business	<input checked="" type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
7	Rick Milliner		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
8	Will Tager		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
9	Judith Yost		<input checked="" type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
10	JEAN VERIATO		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
11	KATHLEEN MOONEY		<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
12	Traci Maxwell		<input type="radio"/> Citizen	<input checked="" type="radio"/> Business	<input checked="" type="radio"/> Official	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13	Linda Kaye Rogers		<input type="radio"/> Citizen	<input type="radio"/> Business	<input checked="" type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
14			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
15			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
16			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
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20			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.

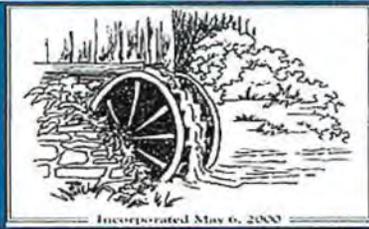


City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

1	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Joe Lang Sheffield		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	Lilita Olamo		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3	Peter Lingamfelter		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4	Allison Dasis		<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5	Kon & LaNell Taylor		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6	Mindy Webber		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
7			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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10			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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20			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Comments will be limited to 3 minutes.



City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

Name		Address/Affiliation	Please Circle one of the Following			Like to Comment*	
1	<i>Thomas Manes</i>	[REDACTED]	<input checked="" type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2		[REDACTED]	<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
3			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
4			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
5			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
6			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
7			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
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9			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
10			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
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14			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No
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20			<input type="radio"/> Citizen	<input type="radio"/> Business	<input type="radio"/> Official	<input type="radio"/> Yes	<input type="radio"/> No

*Comments will be limited to 3 minutes.



City of Wimberley
Central Wimberley Wastewater Project
Public Hearing

Sign-In

	Name	Address/Affiliation	Please Circle one of the Following			Like to Comment*	
			Citizen	Business	Official	Yes	No
1	Nick Dornak		Citizen	Business	Official	Yes	No
2	Progen Navarro		Citizen	Business	Official	Yes	No
3			Citizen	Business	Official	Yes	No
4			Citizen	Business	Official	Yes	No
5			Citizen	Business	Official	Yes	No
6			Citizen	Business	Official	Yes	No
7			Citizen	Business	Official	Yes	No
8			Citizen	Business	Official	Yes	No
9			Citizen	Business	Official	Yes	No
10			Citizen	Business	Official	Yes	No
11			Citizen	Business	Official	Yes	No
12			Citizen	Business	Official	Yes	No
13			Citizen	Business	Official	Yes	No
14			Citizen	Business	Official	Yes	No
15			Citizen	Business	Official	Yes	No
16			Citizen	Business	Official	Yes	No
17			Citizen	Business	Official	Yes	No
18			Citizen	Business	Official	Yes	No
19			Citizen	Business	Official	Yes	No
20			Citizen	Business	Official	Yes	No

*Comments will be limited to 3 minutes.

From: [Raylene Bell](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: January 8 Wimberley Testimony re: proposed Change of Scope
Date: Thursday, January 17, 2019 6:09:52 PM

Dear Mr Walker and Mr. Larsen,

I am a businesswoman and have lived in Wimberley since 1996.

Like many other citizens, I attended the January 8 public hearing required by TWDB regarding the current City Council's proposed Change of Scope for Wimberley's wastewater treatment project (WWTP). The hearing was very well attended (I estimate about 350 people, given the room's maximum capacity) but poorly run. From the outset of the hearing, it was abundantly clear the majority of Wimberley's citizens are angry with current Council's (with the exception of Dr. Davis) efforts to dismantle the well vetted and approved project TWDB helped to fund.

My only goal with this email is to register my opinion with your Board. I absolutely do *not* support the change of scope and strongly urge TWDB to avoid any action that would create an avenue for Aqua Texas to become Wimberley's wastewater provider.

Respectfully,

Raylene Bell

From: [Pam Showalter](mailto:Pam.Showalter@twdb.texas.gov)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov)
Subject: January 8 Wimberley Testimony regarding Wastewater Treatment Plant proposed Change of Scope
Date: Thursday, January 17, 2019 6:04:19 PM

Dear Mr. Walker and Mr. Larsen --

I am a retired Associate Professor of Geography at Texas State University where I taught Satellite Image Analysis and Natural Hazards, have lived in Wimberley since 1997, and have served the City as a member of the City's first Planning and Zoning Commission, on the Comprehensive Plan Committee, on the Board of Adjustment (as an Alternate), and as an elected Council Member. I vehemently oppose any action on the part of TWDB that would alter the current design, construction, and/or implementation of the fully vetted and approved Wimberley Wastewater Treatment Plant (WWTP).

I understand that the purpose of the August 8 public hearing was to help you determine whether or not to reauthorize the 2014 "no FOSI" for the WWTP, however, I must begin my remarks with three observations regarding the manner by which the public hearing was conducted.

- 1) After claiming at the outset that she'd only speak for 15 minutes, Susan Jagers spoke for about 47 minutes, cutting into time allocated for citizen input.
- 2) On the hearing's sign-up sheet, citizens could circle "Yes" or "No" regarding whether or not they wished to speak. When Council Member Gary Barchfeld started calling on citizens, Council Member Dr. Allison Davis protested that the names were not being called sequentially, a procedure normally followed to be fair to those who came earliest to sign up first. Barchfeld claimed he was using some sort of formula regarding whom he chose, but that claim subsequently proved false after citizens obtained copies of the sign-up sheets and determined the order of speakers appeared to have been manipulated to create the impression there were an equal number of citizens for and against the "change of scope" -- in reality, the preponderance of our citizens are against the change.
- 3) I circled "No" on the sign-up sheet regarding speaking, so was surprised to hear my name called to come to the microphone. When I went to the speaker's line I commented about this odd circumstance to the man in front of me who responded, "I circled 'No', too." Which forced me to ponder, how many other citizens who circled, "No" were invited to speak while those who circled, "Yes" and had prepared statements were ignored?

Doubtless, your Board has received numerous letters containing compelling data and arguments against placing Aqua Texas (AT) in charge of Wimberley's wastewater by your Board reauthorizing the 2014 "no FOSI" for the WWTP. My remarks will draw, instead, on my earlier experience working as a Financial Analyst for a Fortune 500 company. Rest assured AT's parent company, Aqua America, has been and is watching the "Wimberley problem" very closely. If your decision delivers Wimberley into AT's hands, your Board's "Wimberley problem" will not end with that decision, but instead will multiply. If I were AT, I'd work tirelessly to ensure you felt you had no choice but to place my company in charge of Wimberley's wastewater. Subsequently, my success in Wimberley would become a strategic template I'd use throughout the State, always presenting AT as your only viable, final option.

Such a situation will undermine your Board's efforts to help rural communities resolve their wastewater problems* and will open a Pandora's Box the State may find impossible to close. Please don't allow such a takeover to happen on your watch.

* For proof that AT/Aqua America wants to control not only Wimberley's future but the future of all Texas' rural towns, visit their website and examine their business model, which clearly states their intent.

Sincerely,

Dr. Pamela S. Showalter

From: [Jim Chiles](#)
To: Dain.larsen@twdb.texas.gov; Kristin.miller@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: January 8, 2019 - Wimberley Public Hearing
Date: Friday, January 18, 2019 12:14:22 PM

Dear Ms. Miller and Mr. Larsen,

I attended the public hearing on January 8, 2019 for the Wimberley Wastewater Project. From my understanding, this hearing was required by the TWDB so the board could hear comments both pro and con from Wimberley area residents concerning the direction the current city council is proceeding with for the downtown wastewater project.

Below is what I observed during this meeting:

- The meeting was well attended and based on what I heard over 200 people signed in. In fact, the number of attendees was higher than that because not everyone signed in including me.
- The mayor spoke for at least 45 minutes of the two hours allotted for the public hearing.
- A total of 95 people signed up to speak (some as early as 5:00pm) indicating that they wished to express their opinions on the subject.
- Only 27 in attendance were able to speak, after the mayor's extended presentation, and they were chosen selectively (not in the order they signed up) by a strong supporter of the Aqua Texas Plan.

The TWDB is now accepting written comments for 10 days following this meeting but why was there a public meeting in the first place if written comments are adequate? The TWDB needs to require the City of Wimberley to hold another public hearing, so that everyone who wished to speak on January 8th can.

In my opinion, the City of Wimberley is making a terrible mistake in canceling the city owned plan. If the Aqua Texas Plan is used, it will be more expensive in the long run and most likely lead to more discharge into the waterways from a pipe leaking under Cypress Creek or run off from the Quick Sand Golf Course watering.

Please do not approve their request to change course on this project.

Jim Chiles
Email : jtchiles@gmail.com
Cell: 281.216.3709

From: [Cookie Hagemeier](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#); cookiemon1@gmail.com
Subject: January 8.docxTWDB Public Hearing.docx
Date: Tuesday, January 15, 2019 11:53:57 AM
Attachments: [January 8.docxTWDB Public Hearing.docx](#)

Attached are my remarks spoken at the January 8, 2019, Public Hearing

January 8, 2019 ... Required Public Hearing/Texas Water Development Board

Hello, my name is Cookie Hagemeyer and I live in the Wimberley Valley. I speak in favor of the City-owned wastewater treatment plan and against the sell-out of this plan to Aqua Texas.

Years of research and planning has gone into the development of the best possible wastewater treatment solution for the Wimberley Valley. Citizen input was a very large part of the planning. Millions of dollars in funding was secured that included generous grants and loan forgiveness.

A newly elected city council has decided to forfeit these dollars in favor of giving a contract to Aqua Texas. The transaction already has cost the city hundreds of thousands in settlement charges for stopping the work in progress, as well as forfeiting the grants. Control of the plant by Aqua Texas would spell disaster for Wimberley in so many undesirable ways. Those of us who have experienced Aqua Texas in personal ways understand those difficulties on a small scale. The city would be the big loser if Aqua Texas is given control of this project.

I attended a meeting early on with the current council to learn that they have no plan to benefit the Wimberley Valley by turning over the sewer treatment plant to Aqua Texas. Their goal from the beginning, contrary to what they spoke before being elected, has been to delete the years of planning in favor of Aqua Texas.

A major benefit of the city-owned plan is to use the highest quality of recycled water on the sports fields at Blue Hole Park. The Aqua Texas plan would instead cross Cypress Creek with untreated sewage, putting the creek at risk for major disaster, thereby the Blanco River as well. The wastewater then, treated to a lesser degree, would be used for the benefit of watering a privately owned golf course.

I would ask the TWDB not to go forward with the loan that was secured for the city-owned wastewater development plan, if in fact, the city council does go forward with Aqua Texas. The Wimberley Valley did not vote for this council. The city of Wimberley electorate is a small number within the whole of the Wimberley Valley. Were the truth told before the election, the city of Wimberley would not have the current leadership of the city government. Thank you.

Cookie Hagemeyer 35 Persimmon Dr. Wimberley, TX 78676

From: [Claire Sharp](#)
To: [Shawn Cox](#)
Cc: [Mayor](#); Clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov; [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#)
Subject: Letter of Support for the Wimberley Wastewater Project and Aqua Texas
Date: Tuesday, January 15, 2019 2:15:06 PM

Good afternoon.

It is our understanding that letters of support are still being accepted concerning the Wimberley Wastewater Project and Aqua Texas. We are property owners on the Blanco River and within the Wimberley City Limits located at 402 CR 1492. We have owned the property for 20 years, but just recently completed construction of our home here. As such we would also be Ad Valorem Taxpayers should a tax be instituted.

Although we only recently moved to our residence, we have nonetheless been watching the politics and issues revolving around the wastewater project for over 2 decades. Of most concern to us is the fact that this project was never going to be funded by the actual users of the system (which appears to be roughly 100 households or businesses within the downtown area), and that it was underfunded from the beginning with the intent of making citizens ultimately pay for it through ad valorem taxes. The former Mayors and City Council members who were business owners in the downtown area clearly had an agenda to benefit themselves and their own interests, and not the interest of the citizens of Wimberley. As a small community, we did not have the expertise or funds to build or run a Wastewater plant, and yet the former City officials committed us to this anyway.

We applaud the efforts of the current City Council and Mayor to gain control over this wayward project, and to become more fiscally responsible relative to completing it. We believe that the Aqua Texas solution is the best option available to our city as they are experts relative to the running of wastewater plants, as well as having to meet stiffer state requirements relative to discharge into our waterways. Additionally, with their desire to work with our City officials, Wimberley citizens are assured that our overall interests will be considered, and that we will not be unduly taxed for a system that most of us will receive no benefit from. Lastly, Aqua Texas already has a track record of working with Woodcreek and the northern half of Wimberley, and currently services several large users including HEB, Ace Hardware, our Library and Community Center, and the Wimberley ISD schools. This should be an incentive to utilize them as they are already in our area.

Our concerns are many...lack of funds for a Wastewater project to be run by our City for only 100 users, the need for fiscal responsibility within our City, the potential of Ad Valorem taxes for which we receive no benefit, and the potential of discharge into our creeks and the Blanco River with a City-run plant. We believe that a partnership between the City of Wimberley and Aqua Texas provides an affordable non-discharge solution to the downtown sewage problem, and we support the change in direction proposed by our current City Council and Mayor.

We ask that the “powers that be” within the Texas Water Development Board and our City continue to move in this direction, and approve any measures needed to proceed.

Respectfully submitted,

Claire and Chris Sharp
402 County Road 1492, Wimberley, TX 78676

vcrsharp@gmail.com

From: judythompson@austin.rr.com
To: [Mayor](#); [Shawn Cox](#); Clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Cc: [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place4](#); [Place5](#); deborah.Koeck@concordia.edu; casey@caseycraig.com; inoz@verizon.net
Subject: Letter of Support
Date: Sunday, January 6, 2019 9:47:49 PM

Good Evening,

I am Judy Thompson and have been involved for many years with the Wimberley Wastewater Project. My husband and I lived within the downtown District, have since sold that house but still live within the City Boundaries, and will be an Ad Valorem Taxpayer at 831 South River located on the Blanco River.

We also have a condo in downtown Austin with many pipes and utilities strapped under bridges, safe common practice.

Having lived on Blue Heron, on Cypress Creek I have a good understanding of this underfunded project since inception with it's many twists and turns, by former Mayors and City Councilmen with a certain agenda in mind. For many years I have expressed my Opinion, at City Council meetings of the shortfall of funds, mainly the circular \$200,000 payment from the Blue Hole Park that we Taxpayers own? I have expressed for many years for TRUE Identification of the actual USERS (many of my personal friends), the small group that have never been told the real truth of what they would be paying.

I am sincerely grateful to this Current City Council and Mayor for finally financially being honest that we never have had the money to complete the Black Castle Plant (grants may have started it) and certainly never would have the money to operate and manage such a facility for years to come. We are only a Community of 2626 people (approximately 1589 taxpayers). Like many small communities certainly have no knowledge or funds to be in the Wastewater business.

Therefore - I think we are fortunate to have Aqua Texas nearby, that does service small communities. Aqua Texas certainly provides good service to most of our source of Sales Tax - Ace, HEB, plus our Schools, Community Center, Library etc. Although not perfect, saves us worry of discharge into our waterways and affords us a reasonable fee to possibly complete the Project that was started prematurely "certainly not shovel ready" by the previous City Council.

The Thompsons
512.557.3425

From: [Candace Bowman](mailto:Candace.Bowman@twdb.texas.gov)
To: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Dain Larsen@twdb.texas.gov](mailto:Dain.Larsen@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov); jeff.walker@twdb.texas.gov
Subject: Letter to the Texas Water Development Board - Wimberley Testimony
Date: Wednesday, January 16, 2019 5:06:18 PM

Texas Water Development Board
Wimberley Mayor and City Council
Shawn Cox, Wimberley City Administrator

Dear Sirs and Madams,

I am a former teacher who has been attending the Wimberley City Council meetings with the hope of seeing the current sad situation with the sewer solved. The City of Wimberley needs a good sewer system, but having water to help sustain our beautiful Blue Hole Park is also a very important need. In the months since the last election in May of 2018, the citizens of Wimberley have watched the new Mayor and Council call a halt to a project which was already in progress with Black Castle, one which would have provided the City with the opportunity to keep its CCN, take care of its own sewer system, and provide all the water ever needed for the soccer fields and landscaping of Blue Hole. Instead, the Mayor and Council have wasted hundreds of thousands of dollars by cancelling the system chosen by the citizens, and lost 2 million dollars in grants by putting into effect a plan which places the City of Wimberley in the grip of Aqua Texas, a company with a terrible reputation for environmental problems, including spills of raw sewage.

Having never spoken at a City Council meeting, I decided that I needed to do so 2 months ago. In my allotted 3 minutes, I stressed the request that they would please "Turn Around and Don't Drown" in the situation concerning the City's cancellation of a perfectly good plan. They were changing a plan which would meet all of our needs with one which is now going to cost millions of dollars because of lost grants, take away our water to be dumped on the golf course in Wood Creek, and would bind us to a company that is an anathema to most of the citizens of Wimberley.

Despite the pleas of many of us here in Wimberley, the Mayor and Council have proceeded with their plan with no concern for the will of the people of the town. We are now faced with a plan which carries raw sewage across Cypress Creek at a lovely spot in Blue Hole where the river bifurcates. The place where they were going to send it belongs to the Johnson family, who are now maintaining that they don't want it to go there, so there is really no defined place for it to go. They plan to use a single pipe for the crossing with no way to measure possible leaks or spillage. On top of that, they are planning to pay Aqua Texas \$300,000 to upgrade their plant to produce level 1 effluent, with no way to bring it back to use for the City of Wimberley or for Blue Hole Park. The document with Aqua Texas is a 25 year contract, so the City will be tied to them for many years ahead.

This is a terrible plan, and makes no sense to most of us. I am in favor of returning to the previous plan, and am in hopes that if we can turn this around, we can still obtain the funds from the TWDB for Wimberley. However, I do not think it is in our best interest for TWDB to support a connection of the sewer system to the Aqua Texas company, with their plan that will now put Blue Hole at risk. Thank you for your consideration of my letter and of all of those from the citizens of Wimberley. We appreciate the help you have offered us, and want it to be used in the ways that will best help the environment and the City of Wimberley.

Sincerely yours,
Candace Bowman

281-360-6620
220 Leach Lane, Wimberley, TX 78676

From: [Place1](#)
To: [Shawn Cox](#)
Cc: [Mayor](#); [Place4](#); [Place2](#)
Subject: Letter to TWDB
Date: Friday, January 18, 2019 4:05:39 PM
Attachments: [TWDB statement 1-18-2019.docx](#)

Shawn - Please place this in the compilation of letters to TWDB.

Thanks,
MCMc

To: Mr. Dan Larson

Mr. Clay Shultz

Texas Water Development Board

RE: **Wimberley Wastewater Project Change of Scope**

I am a sitting councilman, legal resident of Wimberley, and live on Blanco Riverfront property. I am totally in favor of the change of scope in the current under construction wastewater project. I was appointed to City Council in May, 2018. I had some reservations before entering office but began my term with an open mind. My goal was to search for the truthful facts and make a determination on that basis. I am a retired Petroleum Engineer and am well qualified to evaluate the issues before us. Following are my observations of the facts to date.

Environmental –

First of all, whoever decided it was wise to place a **75,000 gallon per day plant (GPD)** (with plans to expand it to **300,000 GPD**) in our pristine Regional Blue Hole Park needs to hang their head in shame. I am adamantly opposed to discharge of any sewer effluent into the creeks and rivers in our valley, and any chance of a plant upset which could cause raw sewerage spills in the park. Note that the proposed plant was to be **100 feet from the hike and bike path!!** The previously planned WWTP was awarded a discharge permit for excess effluent of 75,000 GPD. Proponents have argued that we would only discharge as a last resort. As I sit in my home on another wet and rainy day I can only wonder how saturated the soil on the **6 Acre soccer field complex** is at this time.

I looked back at the rainfall from Sept 1 to Dec 31, 2018. Wimberley had a total of 38.7 inches of rain over that 122 day period. Assuming a recommended max of 2" of irrigation per week, and an effluent volume of 30,000 GPD, the formerly proposed plant would have discharged over 2,000,000 gal after filling the 500,000 gal storage tank. What would happen if the plant volume increased to capacity of 75,000 GPD? We would have no outlet other than the Blanco River to discharge effluent. The change of scope

Financial –

Spending \$7.5 Million (Original Plan) on a wastewater system to service less than 100 connections makes no financial sense. The debt service and operating cost of this system would place a **monthly burden** on a typical residence (4,000 gal per month) of **\$198** if not subsidized by the city of Wimberley by Sales Tax revenue. The change of scope to deliver wastewater to Aqua Texas reduces capital cost and operating cost significantly for the residential customer. The Mayor's Economic Impact table shows the detailed results of these calculations. It makes no sense to operate a plant and collection system for **\$161,473 over** the cost of the Original Plan.

Public Support –

When you review the video and transcript of the Public Hearing conducted January 8th, please be aware that of the approximately **200** people in attendance, **99** are **not actual residents or business owners** inside the City Limits of Wimberley. These people are not exposed to any future financial burden should the original plan cause implementation of an Ad Valorem Tax to fund the other needs of the city

(administration, Roads, Parks, Public Safety, etc.). They simply do not like Aqua Texas. Be aware that a significant number of Wimberley citizens are in favor of this change of scope. For the most part they do not attend public meetings to yell, clap and cry out – they trust the judgement and decisions made by the current Mayor and City Council

Please look at the **FACTS** and make the logical decision to **approve** the change of scope for the betterment of the **citizens** and City of Wimberley and the pristine quality of the Blanco River and Blue Hole Park.

Sincerely,

Michael McCullough –*Wimberley City Councilman Place 1*

821 Southriver

Wimberley, TX 78676

From: [Michael Perdue](mailto:Michael.Perdue@twdb.texas.gov)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov); publicrecords@oag.texas.gov
Subject: No AquaTexas involvement in Wimberley Waste Water project.
Date: Wednesday, January 16, 2019 9:22:06 AM

Dear Texas Water Development Board Members,

My name is Michael Perdue and I am a citizen of Wimberley living at 300 Mesa Dr. inside the city limits.

I am writing to ask that you not fund any wastewater project other than the one which has been carefully and professionally developed by the previous city councils over the past several years. This plan has been fully vetted by professionals in all the relevant disciplines. The City's plan has acquired the necessary right of ways and the necessary permits required to design, build and implement an environmentally and fiscally responsible treatment and disposal system.

Four members of the current city council after campaigning publicly to continue to develop the City owned plan, reneged on their campaign promises. Certainly, many citizens voted for those four people based on their commitment to the City's plan. This belies their contention that they were elected to find an alternative to the City's plan.

This new council ignored the years of planning to move straight to working on a deal with AquaTexas. The new mayor has presented a "plan" to move to AquaTexas which she contends will save the City money and be more environment friendly. Only a cursory review of that plan will show that it is filled with unfounded assumptions such as commitments from AquaTexas and the TWDB continuing to fund their loan (I don't believe that you have made that commitment). In addition, there are no provisions for purchasing new permits , new right of ways or paying for new environmental studies. I can't imagine how one can discard decades of planning and in a few months propose a reasonable plan that ignores most of that earlier planning.

Finally, their main "goal" is to prevent any discharge of waste water. Of course, AquaTexas is known for having system failures that result in leaking of raw sewage. The City plan acknowledges that in a few decades, the currently proposed holding tanks may not hold all the waste water in special cases, so the plan calls for this overflow to be trucked to alternative sites. This waste water probably could be sold for irrigation purposes since it is planned to be Type 1.

This council has not acted in an honorable fashion nor in the best interests of our City. Therefore, I'm requesting that you direct the council to reinstate the original City plan as a condition of any further funding. Most of my neighbors and I look to you for leadership in directing this council to act in the best interests of the City.

Thank you for your time and consideration of this very important matter.

Cc: Shawn Cox, Laura Calcote, Ken Paxton

Michael Perdue
300 Mesa Dr.
Wimberley, TX 78676
512-658-5386
driftwoodcamera@gmail.com

From: [Ben Kiowski](#)
To: [Shawn Cox](#); clay.Shultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: No Effluent Support!
Date: Tuesday, January 15, 2019 7:38:31 PM

Greetings,

I am a long time Wimberley resident asking TWDB to support a no discharge plan for Wimberley. I am advocating for the change in scope allowing the City to route their sewage to Aqua Texas for processing. I affirm the effort of all Wimberley officials and residents supporting the goal of no discharge of effluent of any kind into our waterways. It is reasonable to bore under Cypress Creek as it is a common practice proven to work well in environmentally sensitive areas. Thank you for supporting this change.

Regards,

Ben Kiowski
512.557.8968

From: texashomesandland@yahoo.com
To: kristin.miller@twdb.texas.gov; jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#); [Mayor](#); [Shawn Cox](#)
Subject: OPPOSED - Wimberley Wastewater Change-of-Scope
Date: Friday, January 11, 2019 6:07:23 PM

Texas Water Development Board
Wimberley Mayor & City Council
Shawn Cox, Wimberley City Administrator

Dear Sirs/Madams:

It was my understanding, the TWDB required the City of Wimberley to hold a public hearing “to determine that any public controversy has been adequately addressed” (reference email dated 12/3/2018, Dain Larson to Shawn Cox). Such meeting was scheduled/held on January 8, 2019, 5:30pm, at the Wimberley Community Center.

However, on January 3, 2019 (five days prior), the Wimberley City Council voted to terminate the contract with Black Castle (the contractor for the City’s wastewater treatment plant). I’m quite confused as to the actual importance of the January 8th Public Meeting since the contract to construct the wastewater plant had already been cancelled. Such premature actions continue to fully show the Mayor and her majority council’s blatant disregard of public input and opinion into the proposed change-of-scope for the Wimberley Wastewater Project.

The presentation information for the public meeting of January 8th was only made available to the public via the City website about 1-hr prior to the meeting. Over 200 people were present with only 60 hardcopy handouts. Due to the inferior video/audio at the Community Center, it was very difficult to grasp the information being presented. Again, the purpose of the meeting was to provide open/transparent info to the public. Out of respect and consideration of the audience, the presentation material should have been made available at least 48-hrs in advance. If the goal was honest, public conversation and beneficial/pointed Q&A, I’m sure it would have been.

The Mayor’s public deception began with her campaign ie, “Simple Unbiased Facts – Aqua Texas Is Not Part of the Production”. And, the Mayor continues to be dismissive of public opinion to this day.

Council has changed the scope of our engineered, vetted, permitted, and funded wastewater plant with no executed contract from the alternate provider (Aqua Texas). They have cancelled the contract to construct the treatment plant with no assurance TWDB funding will be approved for the project change-of-scope. The Mayor and majority of Council continue their financial recklessness and disregard for public process and public opinion.

The new scope transports *raw sewage* to Aqua Texas by putting a pipe directly under the Cypress Creek near Blue Hole. The majority of Wimberley citizens are vehemently opposed to this new plan.

I urge you to reconsider your funding to any Wimberley wastewater plan that includes Aqua Texas as

a treatment solution. Aqua Texas is not a desired partner in the wastewater plan that the majority of Wimberley citizens want, need, or deserve!!

Thank you in advance for your consideration and assistance.

Linda Webb
Wimberley City Resident



The image shows a screenshot of a campaign website for Susan Jaggers for Mayor. The header features the text "Susan Jaggers for Mayor" in a white serif font over a background of a waving American flag. Below the header is a dark blue navigation bar with social media icons for Facebook, Instagram, and Twitter. The main content area has a dark grey background and is titled "Simple Unbiased Facts!". It contains a numbered list of five points:

1. Our Wimberley Council passed a majority vote (3 to 2) to install a sewage collection system and to own and operate a water treatment facility.
2. Ground breaking for the plant has begun.
3. Logistics for the collection system is unfolding.
4. Aqua Texas is not part of the production.
5. As your Mayor I will always support the Council's decision and will not impede the progress to meet our agreed upon objective while at the same time minimizing the disruption and costs to our community.

From: [Matthew Buchanan](#)
To: kristin.miller@twdb.com; dain.larsen@twdb.com; [Shawn Cox](#)
Subject: Please deny Wimberley Change of Scope Request
Date: Friday, January 11, 2019 8:58:24 AM

Dear Ms. Miller and Mr. Larsen,

I am writing to ask that you reject the change of scope requested by Mayor Susan Jagers and Mayor Pro Tem Gary Barchfeld of Wimberley. As you have no doubt witnessed, the vast majority of the citizens of Wimberley are not in favor of a move to Aqua Texas but would rather return course to the previously vetted city-owned waste water treatment plant. Aqua Texas has proven time and again to be a poor partner across our state both in terms of environmental record as well as general business practice.

It is also unfortunate that Mayor Jagers and Mayor Pro Tem Barchfeld continued their behavior of bad governance at the TWDB required town hall earlier this week. The mayor filibustered the first 45 minutes of what was supposed to be an open, public Q&A and then Mr. Barchfeld continued the disenfranchisement of citizens by arbitrarily selecting speakers. At the time he claimed, in front of the entire audience, that he was selecting speakers numbered 1-5-10-15 but when one looks at the official sign-in sheets you can see that was not at all the case. In fact, one could easily make the case that he was selecting "pro-AT" speakers at a grossly disproportionate rate making it appear that somehow the town is more evenly divided. The abundance of mistruths and dishonesty that have come from Mayor Jagers and Mr. Barchfeld make it hard to trust any of the numbers or data that they put forth in support of their change of scope request, therefore I as that you wholly reject their plan and ask that they return course to the city option.

Other points of contention that I have both with the meeting as well as the requested change in scope:

Mayor Jagers claimed to have an updated rate study done by the professionals at Rafellis, meanwhile they have not billed the city for any work since 2017.

The mayor presented 23 slides of information that was not released in time for any sort of professional or citizen review.

Written comments are still being accepted for 10 days, but if written comments were all that were required, why have the hearing?

Since a large percentage of people who wanted to speak but were not allowed to, I would like to formally request another public hearing to be conducted in a proper way, following the guidelines TWDB laid out.

The change of scope does not provide reclaimed water to Blue Hole Regional Park which was an extremely important factor in the TWBD granting the funds to the city in the first place.

Boring under or near the springs of Blue Hole brings great risk to a vital economic engine of our town. Drilling through those karst formations could bring unknown changes to flow rates in one of the most important natural springs in our region.

In closing, there is too much "fuzzy math" put forth to justify this change of scope and the overwhelming majority of Wimberley citizens are passionate about returning to the previously funded, vetted and approved city-owned WWTP. Please do not approve this reckless and hasty change to Aqua Texas.

Sincerely,

Matthew Buchanan
Owner - The Leaning Pear
Wimberley, TX

From: [Donn Lamoureux](#)
To: [Shawn Cox](#)
Cc: [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#); [Laura Calcote](#); [Dain.Larsen@twdb.texas.gov](#); [jeff.walker@twdb.texas.gov](#)
Subject: PLEASE FORWARD TO TWDB
Date: Friday, January 11, 2019 7:16:03 AM

To: Mr. Jeff Walker
Via: City of Wimberley

Dear Mr. Walker,

My name is Donn Lamoureux, I am a 30 year citizen of Wimberley and a 19 year resident of the City. My residence is within the impacted area of the waste water system, 444 Blue Heron Run. This is my second email directed to TWDB and is being forwarded to you via City of Wimberley. I am copying multiple parties to ensure its inclusion in the package of emails collected by the City.

My wife and I have been involved in Waste Water discussions since the very beginning. Our house is located on Cypress Creek at the convergence with the Blanco River. Every molecule of pollution that enters Cypress Creek flows by our house every day. It was a great relief when the City signed off on the City owned waste water system last year. Clean water at last! It was equally shocking when the current city council negated the contracts and committed themselves to Aqua Texas, regardless of resident sentiment or consequences. Are you aware that several years ago, we, the impacted residents, were offered several options regarding waste water solutions? We literally voted in favor of a City owned system. That vote obviously means nothing to this council and mayor.

Current council betrayed their voters when they conspired in secret to support an AT system, while denying it during their campaign. The campaigned on transparency, fiscal responsibility, and clean water. The obviously lied about their commitment to transparency, just look at their record. They lied about fiscal responsibility, look at what they have done to our City reserves and misleading schedule of waste water revenues. They lied about clean water, they are now supporting running raw sewerage under our creek every day vs. treating our waste and using it productively to water Blue Hole.

The manner in which they conducted the public hearing is evidence that this council and mayor are duplicitous and "opaque". The mayor's hijacking of our time to speak combined with Barchfield's selective assignment of speakers speaks to the legitimacy and objectivity of this council's actions. Their so called plan is half baked, unverified, un-vetted, un-engineered, has no financing, deprives Blue Hole of precious water, does not recycle our water, and serves their thirst for power, and not the people of Wimberley. I seriously wonder if this council and Mayor would be so cavalier with out future if they were required to connect to an AT system. No, none of them live in the impacted area.

For the reasons stated above, I request that a second hearing be required, that the hearing be observed first hand by a representative of TWDB, and that TWDB deny the City's alternative waste water option. Additionally I request that, since this council's actions have already delayed implementation of our waste water system, that TWDB delay any final decision regarding financing until we elect our new council in May. The chaos created by this council and mayor will surely be rectified in our next election, and any subsequent process would be professional, efficient, and serve the people.

Sincerely and gratefully,

Donn Lamoureux

444 Blue Heron Run
Wimberley, TX 78676

From: [Leslie Howe](mailto:Leslie.Howe@twdb.texas.gov)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov)
Subject: PLEASE GIVE WIMBERLEY THEIR PREVIOUSLY PROPOSED WASTEWATER TREATMENT PLANT THAT WILL PROTECT OUR RESOURCES INCLUDING BLUE HOLE, A NATIONAL TREASURE!!
Date: Wednesday, January 16, 2019 10:05:37 PM

I oppose putting Aqua Texas in charge of our downtown wastewater situation, and favor construction of our City-owned system as long planned. The current City Council has used unscrupulous tactics including but not limited to violations of protocol at City Council meetings to distort the issues, squash legitimate public comment in support of anything other than the Aqua Texas plan, and most likely has acted covertly and illegally - one can only assume that they have some undisclosed economic interest in having Aqua Texas 'win'. In contrast, the City-owned system was planned and created with open public comment and input, and is undoubtedly the 'high road' and better overall for our town, our parks, our waterways, and our economy. Why would we, as citizens of this beautiful small town that we live in and love, want to turn over the fate of our waterways and our City to an out-of-state, for-profit company which obviously does NOT have 'our' best interests as their agenda, only their own!!! Please help us save our cherished little part of Texas. Sincerely, Leslie M. Howe

--

[Leslie M. Howe, Attorney](mailto:Leslie.Howe@twdb.texas.gov)
[PO Box 1568](mailto:Leslie.Howe@twdb.texas.gov)
[Wimberley TX 78676](mailto:Leslie.Howe@twdb.texas.gov)
[\(512\) 847-9361/ cell \(512\) 422-2706](mailto:Leslie.Howe@twdb.texas.gov)
[fax 847-5780](mailto:Leslie.Howe@twdb.texas.gov)

Legally Green: Please consider the environment before printing this email.

This e-mail and any files transmitted with it may contain confidential information, be protected by applicable laws, which may be legally privileged, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not the intended recipient you must not copy, distribute, disclose or use this e-mail or the information contained in it for any purpose other than to notify us. If you have received this message in error, please notify the sender immediately, and delete this e-mail from your system.

From: [Rob Campbell](#)
To: [Shawn Cox](#); clay.schultz@twdb.texas.gov; dain.larsen@twdb.texas.gov
Subject: Protect Wimberley's Clean Water
Date: Wednesday, January 16, 2019 8:33:36 AM

Dear Sirs~

As a Wimberley citizen of nearly 31 years I am writing regarding the long and ongoing issues of the Wimberley sewer.

I look to TWDB to support a no discharge plan for Wimberley. I am aware and accept the change in scope for the City of Wimberley to route their sewage to Aqua Texas for processing.

Not only is this plan more affordable and equitable than the previous City-owned plant plan, it recognizes Wimberley's goal to be a City where there is no-discharge of effluent of any kind into our waterways. This plan benefits our neighbors in the Wimberley Valley with Aqua Texas upgrading their system to Type I and providing Type I reuse to entities within the area.

I recognize that a bore under Cypress Creek would be necessary to achieve this goal and know that we can achieve a system that has environmental protections in place. Thank you for being long standing partners with Wimberley and supporting this change to achieve the reasonable and futuristic goals for our town.

Rob Campbell

From: [ANDY REISBERG](#)
To: kristin.miller@twdb.com
Cc: dain.larsen@twdb.com; [Shawn Cox](#)
Subject: Public Hearing - Jan 8th - Wimberley
Date: Tuesday, January 15, 2019 10:59:49 AM
Attachments: [Hearing_protest.pdf](#)

RE: Jan 8th Wimberley Public Hearing – Waste Water Treatment Plan

Dear Ms. Miller,

I urge you to require the City to have at least one more public hearing on the sewer plan before making a final decision about funding the change of scope. The hearing held on January 8th was inadequate due to several issues:

1. There was not enough time allotted for citizen comments. 95 people signed up to speak for the two-hour hearing. Only a small percentage of citizens (27 of 95 who signed to speak) were allowed to speak because of the time constraints the Mayor imposed on the agenda.
2. Those 27 citizens who actually took the microphone were hand-picked by the Mayor pro tem, Gary Barchfeld. I believe this resulted in an inequitable mix of speakers; those in favor of the proposed change of scope versus the proponents of the original city-owned sewer plan.
3. Mayor Jaggars spent 45 minutes of the two-hour hearing with her pro Aqua Texas power point presentation. The Mayor's presentation contained detailed budgetary information that was only made available to the public, online, one hour before the hearing. There was no time to analyze the numbers that she presented on screen. Furthermore, her presentation was not legible if you were sitting in the back of the auditorium.

In less than six months since taking office Mayor Jaggars has undermined 15+ years of research and vetting by multiple former Mayors and City Councils who crafted the original, "official" sewer plan. She has turned her back on the experience of engineers, hydrologists, geologists, environmental proponents and prominent Wimberley business leaders who are in favor of the original plan. I am worried that her proposal for an Aqua Texas partnership is still incomplete (after five months of ramrodding her agenda) with budgetary omissions, unidentified costs, and no apparent contingency plan if your original loan is disallowed for a modified contract with Aqua Texas.

I join the many citizens of Wimberley in opposition to a partnership with Aqua Texas and urge you to deny the entire loan unless we return to the original plan. Our original plan was a Green Initiative; processing Type 1 *Enhanced* water designed for reuse by our Blue Hole Park, and minimal risk to our natural resources. As you have gathered by now Aqua Texas is unpopular here. It is evident in the numerous lawsuits and complaints from other Texas communities that they are negligent in their day to day operations and not good stewards of the environment by discharging Type 2 water.

Finally, I urge the Board to conduct thorough research on the impact of drilling under Cypress Creek as proposed by Aqua Texas. We do not have a complete understanding of the risks involved with geological events out of our control, and we have no confidence that the Mayor and Council will pursue such research.

Respectfully,

Andy Reisberg, resident

2225 River Road

Wimberley, Texas

cc: Dain Larsen, TWDB, Shawn Cox, City Administrator

Dear Ms. Miller,

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I join the many citizens of Wimberley in opposition to a partnership with Aqua Texas and urge you to deny the entire loan unless we return to the original plan. Our original plan was a Green Initiative; processing Type 1 *Enhanced* water designed for reuse by our Blue Hole Park, and minimal risk to our natural resources. As you have gathered by now Aqua Texas is unpopular here. It is evident in the numerous lawsuits and complaints from other Texas communities that they are negligent in their day to day operations and not good stewards of the environment by discharging Type 2 water.

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Respectfully,
Andy Reisberg, resident
2225 River Road
Wimberley, Texas

cc: Dain Larsen, TWDB, Shawn Cox, City Administrator

From: [Mary and Chuck Gilroy](#)
To: [Shawn Cox](#); [Laura Calcote](#); jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov
Subject: Public Hearing on Change of Scope for Wimberley wastewater project
Date: Friday, January 18, 2019 5:55:03 PM

To whom it may concern,

My name is Mary Gilroy. My husband and I live at 300 Buffalo Speedway, Driftwood, TX 78619, a neighborhood in the Wimberley Valley known as Rolling Oaks. I have lived in the Wimberley area since 1977.

I worked as an environmental scientist at the LCRA and City of Austin for over 20 years, and am well versed in the need for protection of our fragile aquatic resources, including Cypress Creek and the Blanco River. Because of this, **I am completely opposed to the Wimberley City Council's change in scope** from a City-owned and operated utility to one that pipes the untreated effluent to the Aqua Texas (AT) plant miles away.

Aqua Texas has a frightening record of violations with other wastewater plants they have operated, including the one in Woodcreek Phase II near Jacob's Well. This shows either a complete lack of concern for environmental protection, or a high level of incompetence in operating a wastewater plant.

Additionally, the drilling under Cypress Creek in Blue Hole Park required to connect to AT's system is of grave concern, as no one supporting the proposal indicated any grasp of potential risks to the aquifer either during construction (what would be done if a void was encountered?) or during operation. The original plan had a higher quality of effluent that would be re-used on site. Also, accepting a lower quality effluent that would be trucked back to Blue Hole from AT's plant makes no sense, either environmentally or financially.

I ask that you deny the Change of Scope, and encourage the Council to re-consider its rash decision to ignore the high level of environmental protection built into the original plan.

I also ask that you **request that the Council hold an additional public hearing on this subject.**

As a public servant, I was on the 'receiving end' of many public hearings, and often stayed late into the night to complete the process. **I have never seen one that was held with such a blatant disregard for protocol and disrespect for speakers.** Beginning at 6 pm, the mayor spoke for over 45 minutes, and then said there would only be 45 minutes for speakers. Only 26 people were given time to talk, out of 95 who signed up. Sadly, the mayor then used much of that limited time to respond and rebut many of the speakers' comments. I have never been at a public hearing with such a limited time for public comments, or one where rebuttal by officials occurred.

More egregious was the order in which speakers were called. Individuals signed up as they arrived at the meeting, but then were called seemingly in random order- or possibly to provide the appearance of 'balance' in the speakers' messages. I know of two specific examples: one person was second on the list of speakers, but was not ever called to speak, and only got the opportunity (as speaker 24) after someone else ceded their time to him. Another person was on the first page of speakers, but was never called to speak.

I truly appreciate what the Texas Water Development Board has done in the past to assist the City with its wastewater challenges, and hope you take our concerns into consideration as you make your decision on the proposed Change of Scope.

Thank you so much for your time,

Mary Gilroy

cmgilroy@gmail.com

512-422-9648

From: [Bert Ray](#)
To: jeff.walker@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Public Hearing
Date: Thursday, January 10, 2019 12:20:01 PM
Attachments: [PUBLIC HEARING JAN 8, 2019 version 2.docx](#)

Mr. Walker

You're probably getting a million complaints about Tuesday's Public Hearing on our wastewater issues, so I won't bore you by repeating the specifics. I'll just ask you to include my wife and me in your list of attendees who were very dismayed by the way the Mayor and Council conducted it.

Neither of us were chosen to speak, so I'm attaching a copy of what I intended to say.

Please require the original plan to be implemented.

Many thanks for your patience,

Bert Ray
Property owner in the sewer district

TO THE TEXAS WATER DEVELOPMENT BOARD
January 8, 2019

The city of Wimberley has a treasure. It's called a Comprehensive Plan. It was drafted in 2002, when the City was first incorporated, and there have been two updates since then. All were written or revised by citizen committees, using input from public meetings, and detailed public surveys by Texas State University.

All three of those plans said that the City should own and operate its own sewer treatment facility, using the highest-quality treatment techniques, and utilizing the reclaimed water to protect the aquifer and the environment.

Also, in 2005, a 26-member committee of local residents worked with planners from The Lady Bird Johnson Wildflower Center to develop a master plan for Blue Hole Park. That plan, clearly shows a wastewater treatment plant located in the park, to provide environment-friendly irrigation, no longer depleting the aquifer.

So, as you can see, the people of Wimberley have long desired and supported a city-owned wastewater treatment plant which would honor Nature and the environment. Recently, such a plant was designed, financed and bid, and construction was underway last spring.

Suddenly however, the City Council halted its construction--- declaring that the City should send its sewage to Aqua Texas. That means that Blue Hole will continue to be irrigated with water from the aquiferSo

Is there any way we can use Aqua and still honor the original desires of our citizens? What would it take to get Blue Hole back to exactly the same environmental responsibility that the abandoned plan would have provided?

Aqua says it will (someday) provide highly treated wastewater free to the City (but available only at their plant, which is 4 miles from Blue Hole). However, their contract with the City contains no dates or guarantees for this plant upgrade, and based on Aqua's past history, that day is a long way off, if ever.

Even if that day comes, in order to irrigate the 12 acres of Blue Hole soccer fields, playfields, and landscaping per the original plan, we'd need to either pay for five 6,000 gallon tank truck deliveries every day, or install a \$2,000,000 pipe from Aqua's plant to Blue Hole.

Also, since the cancelled treatment plant included the spray lines for Blue Hole's irrigation, we'd have to include another \$300,000 for that installation.

Also, we should not forget:

- We've given up over 2 million dollars in grants and loan forgiveness.
- We'd be spending half a million dollars in piping and fees just to send our sewage to Aqua.
- We've already thrown over half a million dollars out the window by cancelling the planned treatment plant.

Respectfully, I urge the Texas Water Development Board to honor our citizen's wishes and tell our City Council to go back to the original plan.

Thank you for your patience,

Bert Ray
Property owner in the sewer district
115 Sky Ranch Circle
Wimberley TX 78676
512-847-6167
bertray@verizon.net

From: lilamccall@aol.com
To: todd.chenoweth@twdb.texas.gov; dain.larsen@twdb.texas.gov; clay.schultz@twdb.texas.gov; alexis.lorich@twdb.texas.gov; jeff.walker@twdb.texas.gov
Cc: ashley.piel@twdb.texas.gov; jennifer.white@twdb.texas.gov; steven.schar@tceq.texas.gov; Mayor; [Place3](#); [Place4](#); [Place1](#); [Place2](#); [Shawn Cox](#)
Subject: Public meeting held for TWDB 1-8-19 Wimberley Texas
Date: Thursday, January 10, 2019 9:59:43 PM

-----**To members of TWDB,**

I attended the Jan.8, 2019, Public Hearing on Proposed Central Wimberley Wastewater Project Modifications and strongly SUPPORT the modifications that were approved by the City Council vote over 4 months ago. First the NO DISCHARGED option prevents sewer plant discharge or leakage into Cypress Creek and Blanco River lowering potential environmental impacts. Second the modifications significantly REDUCES ECONOMIC IMPACT BURDENS on small business and shop owners by significantly lowering sewer plant operating costs and eliminating City liability for sewer plant spills and smells that would appear in our tourist areas.

I left the meeting before my time to speak therefore facts I wanted for the record could not be entered. AS Todd Chenoweth knows I have fought this loan (called the circle of deception)from the beginning. Common sense tells any thinking person that 100 users cannot afford a loan of \$5 million-to-\$8 million. Reason for the deception was to clear up pollution in Cypress Creek. Nice idea but impossible as I tried to tell Dain and group.....Wimberley has Bats under Cypress Creek bridge, Buzzards roosting in trees over Creek and the greatest pollution of all is caused by TEXDOT. As soon as they widen #12 they put in the storm sewers. There is an outlet on each side of the Cypress Creek bridge and have been there for 2 years. If TWDB were experienced (staff,field personal)with their new program and good stewards of taxpayer money TWDB would take TEXDOT and their activities into consideration. Wimberley is NOT an isolated case. And the same should be done for a community when TWDB goes to "review" and give the "go-ahead" for the project to begin. TWDB did come and give our past mayor and council the go-ahead....however had anyone cared to look the collection site had PEC wires going above. Common sense should have told every one that this was not a "shovel ready project." The City has spent the last 8 and 1/2 months purchasing a new site and still the interest keeps piling up which puts the City's financial's at risk. Additionally TWDB is put in the position of being most wasteful of time and money and being accused of dragging their feet on proposed solutions. Same with the Black Castle contract.....I had an engineer (ret)check their work. At no time was I told Black Castle had done \$300,000.00 worth of work.

I should say something of my background. (Todd Chenoweth knows)In my past life I was President of a Development Co.(private)that partnered with another Development Co. (public) We developed approximately 3,000 acres.....including having 3 MUD's to service the development. We master planned around many pipelines...some abandon, most active. I understand now we have some 26 pipelines in the area. Some on the developed property also crossings next door etc. In the area is Greens Bayou....several cross over the Bayou. If there are any lines with a "sleeve" i am not aware of them. There are alert systems all over. All this new technology has made that possible. It would be the same with Wimberley boring under Cypress Creekyou could have an alert system without a sleeve....as well as alert on a sleeve. I guess you could have an alert system on as many sleeves as money could buy.

As Ben Franklin said "we are all born ignorant but we must work hard to remain stupid". I am always amazed how my community refuses to listen and learn but then they set themselves up as a welfare state early in their existence. The City has little to be proud of. Their tract record speaks to "NO TAXES" there is no road fund, or flood fund etc. The best things about our community are from the private sector. The private sector has experience to accomplish many things and TWDB could certainly use their help....if nothing else help staff members gain experience. We understands since TWDB has awarded Blanco City \$5 million for their plant we can expect discharge in the Blanco River to head for Wimberley. Amazing!!!! And still TWDB delays a

decision as to Wimberley's request for change in scope. At approximately \$700.00 a day I ask TWDB take a look at what is being done by continuing to postpone the decision. Financially crippling Wimberley and making them your first failure of the program (fiscally) will keep TWDB in the public eye. A small loss by TWDB standards but significantly important to Wimberely. Again I ask you to stop your delay and support Wimberleys request for change in scope.

*Lila McCall
2500 River Road
Wimberley Texas*

From: bluewillow@austin.rr.com
To: [Shawn Cox](#)
Cc: [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#)
Subject: Ratepayer Wastewater System Opinion From Blue Willow
Date: Tuesday, January 8, 2019 3:22:43 PM

Shawn,

We would like to take a moment to send our opinion on the issue that the city is currently facing with the wastewater system and the option for using Aqua Texas to process the wastewater being collected via the new collection system just completed in the downtown district. At this time, it is our opinion that the city has significantly suffered through a wastewater battle that was needlessly imposed on it by various leaders over the years. It is now time to get this put to bed and stop the constant turmoil over this half completed project with a current collection system leading to nowhere. There are some new business owners that have either purchased or are under lease commitments that are hinging their business openings on this wastewater system being completed. In these situations, every day that passes is money lost for these business owners while they are kept in unnecessary limbo. While we are not looking forward to the added expense all of this will create on all of us to connect to the system and the addition of monthly wastewater bills, we ask that the burden of the limbo be lifted from all of us in the affected area and follow a solution that will be in the best interest of the city, the businesses and citizens in the affected area and the citizens of Wimberley as a whole. We ask that the city pay close attention to its fiduciary responsibility to the people (citizens and businesses) it is beholden to. We ask for the current and future financial status of the city be factored into this decision and not put the city into a debt that it will struggle or fail to repay. We ask the city consider all risks of liability that will come with regards to the processing and effluent discharge of the collected wastewater and whether it is best to retain this liability or allow Aqua Texas to assume the responsibility from any liability beyond the city owned collection system. We ask that the environmental impact possibilities be carefully weighed for any possibilities for processing and discharge. We ask for careful consideration to be paid to the affect the cost for processing will have financially on those who will be within the rate district. Those in the affected area will already be bearing a great financial imposition as it is with the cost to connect to collection system, further exorbitant monthly rates will have a tremendous impact on top of the collection connection burden.

There is no perfect answer to this dilemma, but we feel there is one option that is better than the other when looking at all of the criteria we have listed above that we have asked for the city to consider when making this decision. We believe moving forward with connecting to the Aqua Texas system and allowing them to process the waste for a minimum of 5 years with a fair rate (per the information provided in past council meetings by the mayor) would be the most beneficial based on time frame for everyone, reduction of immediate costs, reduction of legal liability for the city, and environmental impact in regards to discharge. There is no decision that will be appealing to all, but we eagerly await a final decision, as well as completion of this project, and pray for an end to what has become a nightmare for this small town that will be in the best interest for the town as a whole.

Thank you,

Angie &
Kita Nettles
Blue Willow
Wimberley, Texas
512.847.0001

From: [Nick Bradshaw](#)
To: [Deb Bradshaw](#)
Cc: dain.larsen@twdb.texas.gov; jeff.walker@twdb.texas.gov; [Laura Calcote](#); [Shawn Cox](#)
Subject: Re: We support the properly analyzed city-owned sewage system.
Date: Friday, January 18, 2019 7:43:40 AM

TWDB,

Please count us among the majority of Wimberley residents who oppose the Council's plan to give control of our water resources to Aqua Texas.

We support the policy recommendations of CARD (Citizens Alliance for Responsible Development) and believe the city-owned sewer system offers the best plan to serve the people of Wimberley, protect the aquifer and to provide irrigation for the Blue Hole.

Please do not support the Aqua Texas plan.

Deborah Bradshaw

Nick Bradshaw

[605 Deer Lake Road, Wimberley](#)

This message will be send from both of our email accounts.

Sent from my iPhone

--

Nick

From: lilamccall@aol.com
To: jpkirkland68@gmail.com; [Shawn Cox](mailto:Shawn.Cox); clay.Schultz@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Subject: Re: Wimberley Wastewater Change of Scope Hearing to be held January 8, 2019
Date: Monday, January 7, 2019 11:16:40 AM

-----Pam, This is wonderful! Please consider putting in the paper. AS you know we intended to try and "help" TWDB thru the legislature with some of its policies as they are not yet experienced enough (with this new program) to help a customer..... thereby unnecessarily costing the taxpayer time and money.

Have a wonderful New Year.
Lila M.

-----Original Message-----

From: The Kirklands <jpkirkland68@gmail.com>
To: scox <scox@cityofwimberley.com>; clay.Schultz <clay.Schultz@twdb.texas.gov>; Dain.Larsen <Dain.Larsen@twdb.texas.gov>
Sent: Sun, Jan 6, 2019 9:24 pm
Subject: Wimberley Wastewater Change of Scope Hearing to be held January 8, 2019

Administrator Cox, Mr. Schultz and Mr. Larsen of the TWDB,

We are writing in support of the "change in scope" of the Wimberley Wastewater Project. As members of the Paradise Hills/Paradise Valley "residents only" river park we have always objected to ANY permit allowing discharge into the Blanco River immediately upriver of our beautiful river park or at any place into the pristine Blanco. We are also city residents who would pay any eventual Ad Valorem tax if our city coffers are drained by sewer costs preventing the city from funding roads and other city services. Indirectly, we would be paying for a wastewater system we would have zero benefit from.

In the past we have written to express our grave concerns regarding the project funding, the actual number of users providing revenue to pay the loan, and the city subsidy using city funds funneled through Blue Hole Park to be returned as revenue in order to help pay for the loan. We also have great concern regarding actions taken by the former council outside of public view and with questionable self serving purpose.

We do not believe our city can afford the \$200,000 annual loan subsidy AND the annual proposed plant maintenance/operation cost of \$214,249.

Aqua Texas is offering to provide Wimberley wholesale wastewater service at a reasonable cost to users, allowing us to keep the city's CCN, thereby allowing the city to be in control of our future through comprehensive plan regulation along with planning and zoning. The idea that we would give this power to Aqua Texas by being their wholesale customer is absurd. Using Aqua Texas also protects the Blanco River by cancelling the discharge permit and, furthermore, the effluent created will be treated to Type 1 and be available to the city.

The current elected City Council has researched the effects of the city owned wastewater system as planned and determined a previously available option using Aqua Texas as a wholesale provider was infinitely more financially feasible. The Council then took the difficult actions necessary to protect the financial future of Wimberley, as well as Wimberley's creeks and rivers, and its residents. We support their efforts to cancel the Black Castle contract. We support the CHANGE IN SCOPE and ask that you vote in favor of granting Wimberley the necessary permissions to move forward without further delay. Thank you.

Jim and Pam Kirkland
Paradise Hills, Wimberley

From: [Carl and Brooke](#)
To: [Shawn Cox](#)
Subject: Re: Wimberley Wastewater Project
Date: Tuesday, January 8, 2019 2:52:17 PM

As good stewards of our environment, we support our council's goal of no discharge into the Blanco River and no sewer plant at Blue Hole Park!

From: Carl and Brooke
Sent: Tuesday, January 8, 2019 2:11 PM
To: scox@cityofwimberley.com
Subject: Wimberley Wastewater Project

Dear Mr. Cox,

We are tax paying full time residents, property owners and small business owners in the City of Wimberley. We appreciate the hard work you are doing for our community and wanted to let you know where we stand on the Wimberley Wastewater Project.

We are 100% in support of the Aqua Texas sewer system plan versus the Blue Hole city sewer plan for too many reasons to list them all here.

After years of exhaustive diligent research without any biased affiliations, the facts are clearly indisputable from all angles. When considering the significant impact both short and long term for future generations, Aqua Texas is by far the most ethical, financial and environmental direction to go.

We truly 'dodged a bullet' and it's time to do the right thing once and for all without anymore delays for our community, neighbors and business owners by going with Aqua Texas.

Sincerely Yours,

Carl & Brooke Lamb
660 Las Colinas Dr.
Wimberley, TX 78676

From: [Travis Brown](#)
To: [Shawn Cox](#); clay.schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Support for Change of Scope
Date: Tuesday, January 15, 2019 3:16:01 PM

To whom it may concern,

As a Wimberley citizen of 29 years I am writing regarding the long and ongoing issues of the Wimberley sewer effected by what the outcome my be. I look to TWDB to support a no discharge plan for Wimberley. I am aware of the totality of curcumstace and accept the change in scope for the City of Wimberley to route their sewage to Aqua Texas for processing. Not only is this plan more affordable and equitable than the previous City-owned plant plan, it recognizes Wimberley's goal to be a City where there is no-discharge of effluent of any kind into our waterways. It will also benefit our neighbors in the Wimberley Valley with Aqua Texas upgrading their system to Type I and providing Type I reuse to entities within the area. I recognize that a bore under Cypress Creek would be necessary to achieve this goal and know that we can achieve a system that has environmental protections in place. Thank you for being long standing partners with Wimberley and supporting this change to achieve long term planning goals for our town.

Travis Brown
250 Cesar Hollow
Wimberley, TX 78676

512-912-6164

From: [Jen Zinkgraf](#)
To: [Shawn Cox](#); Clay.Schultz@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Subject: Support the current Wimberley City Council
Date: Wednesday, January 16, 2019 11:22:46 AM

To Whom it May Concern,

We are 10+ year property owners at 306 Summit Loop in Wimberley, Texas. We are and have been permanent Wimberley residents and eligible voters since 2008 when we moved "back home" to raise our children.

We are in support of the changes being proposed by the current Wimberley City Council for a waste water solution that includes Aqua Texas. We believe the Aqua Texas plan, that does not allow for any discharge of effluent into our creeks and rivers, is not only the most environmentally friendly plan, but also the most economical for Wimberley.

Thank you,
Bill and Jennifer Zinkgraf

From: [Gary Barchfeld](#)
To: [Shawn Cox](#)
Cc: clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Support Wimberley's Change of Direction to Aqua Texas
Date: Friday, January 18, 2019 9:48:34 PM

Greetings,

I am a resident of the City of Wimberley, a Wimberley City Councilman and a property owner on the Blanco River. My property is just a few hundred yards from the City's old proposed wastewater discharge point.

I am in favor of the Change in Scope for the Wimberley Sewer System to go to with the Regional Provider Aqua Texas. The change to Aqua Texas is fiscally and environmentally more sound than the Previous City Discharge Plan. With the new Change in Scope, the City maintains its control by retaining its CCN. The City will save about \$161,000 per year and will not have to be in the sewage processing business. The City will be an Aqua Texas wholesale customer paying \$52,776 per year. That makes the cost to the users and the city much less than the previously proposed City Discharge Plan. Aqua Texas will take the City's downtown wastewater and processes it at an existing no-discharge wastewater plant. Aqua Texas will then return the City's processed type 1 reclaimed water to the City for reuse. The City and the whole valley benefit by Aqua Texas upgrading their facility to produce type 1 reuse water. Aqua Texas has a true land application No Discharge Permit.

The City of Wimberley is not a wealthy City. It has no property tax but relies on Sales Tax, Franchise Tax and Fees to produce the City's Revenue. The City cannot afford to be in the sewer business and to subsidize the former City Discharge Plan with \$200,000, of public funds, annually. Not without imposing an Ad Valorem Property Tax on all Wimberley property owners to subsidize a sewer project for less than 100 users.

I support Wimberley's City Council's Change of Scope to go with Aqua Texas and an Affordable, No Discharge Solution to the downtown sewer problem.

Best regards,

Gary Barchfeld
550 Flite Acres Rd.
Wimberley, TX 78676

From: [Jenny Marino](#)
To: [Shawn Cox](#); clay.Shultz@twdb.gov; Dain.Larsen@twdb.texas.gov
Subject: Texas Water Development Board
Date: Monday, January 7, 2019 1:32:52 PM
Attachments: [TWDB.docx](#)

Sirs, please see attached letter in support of scope of work for the Wastewater Treatment project. Sincerely, Jenni & Vic Marino



Virus-free. www.avast.com

Mr. Shawn Cox, Mr. Shultz, Mr. Larson of TWBD

Gentlemen,

As Wimberley residents and downstream property owners we would like to offer our support of the change in scope of the Wastewater project.

We have always felt that the City could not afford such an expensive project for such few users and the endeavor would not be funded by user fees causing a shift in the city budget to the detriment of other necessary services.

Our other very real fear was the permit to dump treated to level 1 effluent into the river. As you know we have extreme highs and lows in the flow of our river which makes it highly sensitive to the effects of effluent regardless of the level of type being introduced. In 2019 you would think that no one would want to dump in a river when there are other available options. It is irresponsible to send our treated waste into the river for our downstream neighbors to deal with. Some of the same people that have publically stated that they are for a City run plant that would dump effluent into the Blanco have travelled to Blanco (town) to protest the dumping of their effluent into the same Blanco river. We still have not figured how it is the "only" way forward for Wimberley to dump and terrible for Blanco to do the same.

So, for those environmental and financial reasons we support the city of Wimberley's change in scope to the use of Aqua Texas. This option will minimize the financial burden and eliminate the environmental hazard to the Blanco River and its downstream neighbors.

Jenni and Vic Marino

2908 & 2904 Flite Acres Rd

Wimberley, Texas

From: [Tom Keyser](#)
To: [Shawn Cox](#); [TWDB](#); [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#)
Subject: TWDB comments
Date: Monday, January 7, 2019 9:06:41 PM

January 5, 2019

To whom it may concern:

My name is Tom Keyser. I am an 18 year resident in the Wimberley Valley and have owned two businesses during this time, both located within the Wimberley city limits. For the past 16 years I have owned Ino'z restaurant in the downtown square area and at present water volume usage, Ino'z would be one of the top five users of the new Wimberley sewer system.

Let me first state I am a big proponent of having a wastewater processing system vs the septic I have utilized and maintained for these past 16 years, which is not cheap or easy to do while operating a very high volume restaurant located directly adjacent to Cypress Creek.

While personally desiring the ability to access professional sewage processing, I have in the past, and remain today concerned about the construction/operating costs responsibilities end users will bear due to system expense vs actual users serviced. Even when previous city mayors and councils assured users and residents construction expense of only \$5.4M, I felt city was not financially able to contribute the promised \$200,000 annual subsidy as proposed, and stated so prior to the TWDB awarding the initial 30 year loan. Once bids revealed a projected cost 47% higher than bid estimates, my concern for financial viability was even more heightened.

The TWDB approved the initial loan with knowledge of the above repayment concerns.

To their credit, the new city mayor and council, elected last May, realized post election these same financial concerns and set about immediately looking for remedies to financial shortfall issues not of their making. Due to elevated construction cost and ongoing treatment plant O&M expenses, I fully supported alteration of the city sewer system utilizing a city owned/operated treatment plant to treatment by a proven industry provider already operating within the area, while saving over \$150,000 annually in treatment costs. And this is without even considering the savings realized by not building a city owned plant from scratch.

I feel the TWDB, by approving the original loan of the city planned project, bears responsibility as much as previous city planners for the initiation of construction, and must now approve change of scope of the loan to cover the expenses of construction which have been reduced in an effort to keep the annual sewer service debt as low as possible.

Hopefully, the TWDB understands the necessity of plan changes and appreciates the city's effort to keep financial viability a top priority now and into the future.

The TWDB must approve loan use to fund these planned changes.

Respectfully,

Tom Keyser
Owner/Operator Ino'z Restaurant

Having a Tomtastic Day!

From: [Jackie Mattice](#)
To: kristin.miller@twdb.com; dain.larsen@twdb.com; [Shawn Cox](#)
Subject: TWDB meeting Jan. 8th Wimberley
Date: Thursday, January 10, 2019 8:22:20 PM

I attended the public hearing Jan 8th in Wimberley regarding the change of scope for the sewer system. I am opposed to any change and want the City Sewer Plan as it was originally designed, vetted and was in progress before the current council decided to cancel it for Aqua Texas, a known poor company.

I was disappointed that a public hearing that lasted two hours was occupied for 45 minutes by the mayor! The mayor and council were supposed to be listening to the public. Also, data was presented at the meeting that the public had no opportunity to see before the meeting, we couldn't even hear the mayor, much less see the numbers on the screen.

I was able to speak, although only 1/3rd of the people who signed up were allowed to speak. If the mayor had listened instead of droning on, more people would have been able to speak.

Any way, here is the talk I wrote out (when I gave it I shortened it and spoke without my notes.)
January 8, 2019

To Texas Water Development Board

Re: City of Wimberley change of Sewer to include Aqua Texas

My name is Jacqueline Mattice of 46 La Toya Trail, in the City of Wimberley

I am opposed to the the City of Wimberley's change from a City of Wimberley operated sewer to a system run by Aqua Texas.

In my books actions speak louder than words.

I purchased my house in 2002 knowing nothing about the utilities that came with my house. Within a year I came to thank my lucky stars that I had the City of Wimberley Water and NOT Aqua Texas. All I heard was complaints from my friends from Woodcreek about their water/sewer company Aqua Texas. Their bills were much higher and their service was lousy.

Wimberley has known it needed to fix its downtown sewer system for years, since before I came in 2002. After much discussion and controversy a plan was finally put in place, the financing was secured and we were at last under way.

Then when the current council came in they cancelled the project! We were 20 % along the way--20% (at least) toward completing the City of Wimberley project which already had funded, gone through environmental reviews, received the sanction of all the regulatory agencies.

Not only that, their plan was to have Aqua Texas, a KNOWN poor performer run their system!

What were they thinking?

So, yes, I am OPPOSED because of the

- . money they have have already wasted--had to pay Black Castle 200,000 for cancelling their contract in addition to what was paid of work they performed
- . time they have already wasted stopping a project that was already ongoing, not to mention the untold time it would take to go through the whole regulatory process for any other plan.

TWDB had a 4 paged letter of things necessary for consideration that was due Oct 31st.

WHAT HAS BEEN DONE BY THE CITY TO FULFILL YOUR REQUIREMENTS???

- . because they want to put a pipe under Cypress Creek in a Nature Preserve Area
- . because the new plan would affect the water for Blue Hole Park.

Sincerely,

Jacqueline Mattice

From: [Linda Lang](#)
To: [Shawn Cox](#)
Subject: TWDB Testimony..No AT.docx
Date: Wednesday, January 16, 2019 10:21:45 AM
Attachments: [TWDB Testimony.. No AT.docx](#)

Thanks, Shawn, for all that you do.

LL

TESTIMONY

Texas Water Development Board Public Hearing

Tuesday, January 8, 2019

Wimberley Community Center

By

Linda Lang

35 Brookhollow Dr.

Woodcreek, Texas 7867

My name is Linda Lang and I live in the City of Woodcreek about five miles north of the City of Wimberley. I speak on behalf of the original city-owned wastewater system and against the possibility of Aqua Texas ruining this valley.

I fully support the city-owned, "One Water" wastewater system which is both an environmentally and economically sound plan. I thank the Texas Water Development Board for recognizing and supporting the original plan early on.

I do NOT support the new plan to replace the plant with Aqua Texas due to many reasons of which I will name a few:

Consequences of this switch will lead to unwanted over-development of the beauty and open spaces of Wimberley Valley. This will cause faster depletion of the Hays Trinity Aquifer that will affect our largest artesian spring, Jacob's Well, the headwaters of Cypress Creek.

As the springs and creeks lose their flow, surely the flow of money into our tourist businesses and home values will occur.

Thank you so much for your serious consideration and voting to NOT allow the present city council to engage Aqua Texas, but to go forward with the original city-owned wastewater plan.

Linda Lang

From: cfore2@austin.rr.com
To: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); "clay.Schultz@twdb.texas.gov"; "Dain.Larsen@twdb.texas.gov"
Cc: [Mayor](#); [Place1](#); [Place2](#); [Place4](#); [Place5](#)
Subject: TWDB Wimberley Wastewater Project
Date: Monday, January 14, 2019 4:57:22 PM

Dear Mr. Schultz and Mr. Larson,

I am writing to voice my support of the change in scope of the Wimberley Wastewater Project, specifically a change to use Aqua Texas as the city's wholesale wastewater treatment provider. I believe the change from a city owned plant in Blue Hole Park to Aqua Texas is both fiscally and environmentally responsible. After studying the city budget for the past three years, I believe the City of Wimberley simply cannot afford to own a wastewater plant, and it is not equitable that all of the citizens should subsidize a project that benefits around one hundred customers (mostly businesses). Also, I am adamantly opposed to any wastewater plan that allows for any type of effluent discharge into the Blanco River especially when there is another option. A plant in the park will have a discharge permit while a change to Aqua Texas eliminates that possibility altogether.

In addition to my support in the change of scope, I would like to express my concerns about the Public Hearing per the TWDB that was held by the City of Wimberley on January 8, 2019. The city has since posted the list of individuals signed

up to speak at that meeting. I looked at each name on the list of over 200 people and determined that at least 46 were names of people who do not live in the City of Wimberley. Many of the individuals who spoke that night do not reside within the city limits, yet, they indicated that they were citizens by circling the word *Citizen* on the sign-in sheet. Consequently, many who do reside within the city limits were not given an opportunity to speak.

The citizens of Wimberley have endured the Wastewater Treatment dilemma for far too long. The current council has a sound plan to provide a solution that awaits your approval. I respectfully ask that you grant it without delay.

Respectfully,

Candace Fore
311 La Buena Vista Dr.
Wimberley, TX 78676
512.393.9083

From: [Bob Dussler](#)
To: kristin.miller@twdb.com; dain.larsen@twdb.com; [Shawn Cox](#)
Cc: [Bob Dussler](#)
Subject: TWDB-City of Wimberley Public Hearing January 8, 2019
Date: Friday, January 11, 2019 12:11:25 PM

Dear Ms. Miller and Mr. Larsen—

I attended the TWDB-City of Wimberley Public Hearing on January 8 and was appalled at the way the meeting was conducted. It was my understanding that the Mayor would make a brief 15 minute presentation, followed by hearing from those eligible speakers that had signed up to speak. The 15 minute presentation lasted more than 45 minutes and included 23 slides with many financial slides. Regrettably, the meeting material was not available to the attendees until they walked into the meeting room. Thus it was impossible for the copies of the slides to be read, comprehended, commented upon and understood prior to the meeting. In my opinion, the Mayor deliberately prolonged the presentation, thereby reducing the amount of time for public speakers to comment. The strategy worked, as 95 citizens signed up to speak, although only 27 citizens were allowed to speak. This means that 72% of the prospective speakers were denied the opportunity to speak, including myself. This really defeats the purpose and objective of a Public Hearing. Councilman Barchfeld selected the speakers. He started with a random system of selecting every fifth name on the sign up sheet. This then deteriorated into cherry picking various speakers. The Councilman is well aware of the names in the audience and who is in favor of Aqua Texas and who is opposed. My sense was that the overwhelming majority of the 202 people that attended were opposed to Aqua Texas. This was a disgraceful way to run a meeting, and I would like to urge TWDB to insist that the City of Wimberley hold another Public Hearing, in which every person that signs up will be allowed to speak in the order in which they signed up. This is the sense of fairness that was not present on January 8.

In that I was denied the opportunity to speak, I would like to include my comments.

I am Bob Dussler, former City Councilman for Wimberley, serving from May 2015 to May 2017.

I have been strongly in favor of a city owned city operated waste water treatment facility since my campaign in 2015. I have also been strongly opposed to engaging Aqua Texas to be any part of this project, due to their reputation for very poor customer service, leaking pipes, and leaking raw sewage at many of their projects. Their business model is to take over small municipal water and waste water systems and begin raising prices on a frequent and regular basis. This is beneficial if you are a shareholder, but not so much if you are a customer.

TWDB has asked the City of Wimberley to hold a public hearing so that the citizens of Wimberley can express their thoughts on changing the scope of the project from city owned and city operated to engaging Aqua Texas to process the waste water at its facility near Wood Creek. I see two prospective disasters if the city is allowed to change the scope of the project—economic and environmental.

The economic disaster is underway. The current city owned city operated facility has been fully vetted, fully funded and under construction. By changing the scope to Aqua Texas, the city has now lost two \$1 million grants, one from Economic Development Administration and one from the Peter Way family. In addition, the city has paid Black Castle Construction \$550,000 as payment for work completed and cancellation fees. The city will also lose its loan forgiveness amount of \$245,000 by not continuing with the current project. This nearly \$3 million is capital that you cannot get back. There are other financial implications, which will deepen the hole of lost capital.

The environmental disaster is equally troubling. In order for the waste water to be processed at the Aqua Texas facility near Wood Creek, it will be necessary to install a raw sewage (not treated effluent) under our pristine Cypress Creek. This will be a pipeline that is unsleeved and unmetered, so we will not know that it is leaking until it shows up in our water. Worse, the location for the pipeline is very close to a fault line. Hopefully TWDB will require an environmental impact study. Finally, Blue Hole Park will be denied the highly treated effluent to irrigate the soccer fields and to support the final phase of landscaping. This was a key consideration in the city owned city operated plant and was an environmental feature that made our project a model for other municipalities.

I am hopeful that TWDB will reject the change of scope application, in order that we can move forward with the city owned city operated waste water treatment plant.

Thank you.

From: [Mary Krouse](#)
To: [Shawn Cox](#)
Cc: clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Waste Water and our Little Bit of Heaven
Date: Wednesday, January 16, 2019 9:06:16 AM

City Administrator,

I have resided in Wimberley for the last 35 years along with coming to Wimberley, to visit, since 1964 because my Aunt and Uncle had a place on the Blanco River down Flite Acres Road. As a little girl I even remember visiting the grocery store on the square now known as Wimberley Café. I pay my share of taxes in this community. Obviously I have seen many changes in our “Little Bit of Heaven” we call Wimberley.

Over the years, as our “Little Bit of Heaven” grew, we have had things we have had to overcome and I won’t go into those issues at this time.

This one, pretty much tops them all. Knowing that there are people in this community who actually think allowing affluent to be dumped in our beautiful GOD given waters makes me sick to my stomach. When you hear of such a thing there is always an underlying reason and the only one I can think of is greed and money.

I applaud the current Mayor of Wimberley for keeping the citizens of Wimberley abreast of the waste water situation through The Wimberley View. I am in agreement with the changes proposed by the City Council which changes the plan for waste water to incorporate Aqua Texas’ Land Application Permit which does not allow any discharge of effluent into our creeks and rivers. Not to mention this plan is also more affordable. I believe.....(1) This is the truth.....(2) It is fair to all concerned.....(3) It is beneficial to all concerned.....(4) It will build goodwill and better friendships! By the way this is Rotary Club’s Four Way Test!!!!!!!

All I can say is shame on the one’s that want to do harm to our “Little Bit of Heaven”! By not standing firm on what is the right thing to do our “Little Bit of Heaven” could turn into consequences of a “Bit of Hell”. It is past time for the good to rise up and voice their opinions. Thank you for your time.

Respectfully,

Mary M. Krouse
2500 FM 3237
Wimberley, Texas 78676
Lot 1, Arrow Lake Acres

From: Roccaforte@hillcountryplans.com
To: [Shawn Cox](#)
Cc: clay.schultz@twdb.texas.gov
Subject: Waste water
Date: Tuesday, January 15, 2019 6:09:47 PM

We are Charles and Patricia Roccaforte and we are Wimberley residents,voters,tax payers and we support the proposed changes proposed by the current city council changing the plan for waste water solution to incorporate Aqua Texas land application permit which does not allow any discharge of effluent into creeks and rivers.

Sent from my iPhone

From: neveleigh@austin.rr.com
To: [Shawn Cox](#)
Subject: Water meeting
Date: Wednesday, January 9, 2019 9:33:58 AM

To whom it may concern,

I was not happy with any of this water stuff going on in Wimberley. The last Mayor choose greed over the good of the community and the livelihood of those of us who have to work our tails off in order to live in Wimberley and enjoy the beauty of it. I am with the only other option we have at this point which is Aqua Texas. People here love the river and the blue hole I can't believe this was even allowed to happen with the last mayor. I moved here to get away from greed and corruption. I moved here for the people and the scenery. I love Wimberley and do not want to see it destroyed with politics, greed, and water.

I live by the river 135 Campfire circle for almost 13 years now. Please stop letting big corporations and greedy people get their way in Texas.

Thank you.

Nicole Eveleigh

From: [Greg Douglas](#)
To: Clay.Shultze@twdb.texas.gov
Cc: [Shawn Cox](#); [Linda](#)
Subject: We fully support the change of scope proposed by Wimberley City Council
Date: Wednesday, January 9, 2019 2:53:42 PM

My name is Greg Douglas. I am a citizen of Wimberley and own property at 513 Summit Loop. Purchased in 2003.

Please be advised that my wife Linda and I WHOLEHEARTEDLY SUPPORT the proposed changes in the sewer project.

Regards

Greg and Linda Douglas
956 778 3636

From: [Deb Bradshaw](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: We support the properly analyzed city-owned sewage system.
Date: Friday, January 18, 2019 7:41:30 AM

TWDB,

Please count us among the majority of Wimberley residents who oppose the Council's plan to give control of our water resources to Aqua Texas.

We support the policy recommendations of CARD (Citizens Alliance for Responsible Development) and believe the city-owned sewer system offers the best plan to serve the people of Wimberley, protect the aquifer and to provide irrigation for the Blue Hole.

Please do not support the Aqua Texas plan.

Deborah Bradshaw

Nick Bradshaw

605 Deer Lake Road, Wimberley

This message will be send from both of our email accounts.

Sent from my iPhone

From: [george.mitchell](#)
To: [Shawn Cox](#)
Subject: Wimberley Alternative Treatment (not sure about the first transmission)
Date: Tuesday, January 8, 2019 1:22:23 PM
Attachments: [Wimberley Alternative Treatment.docx](#)

Please find attachment below.

To Shawn Cox
Wimberley City Administrator
scox@cityofwimberley.com

January 8, 2019

Fr Scott and Brenda Mitchell
300 Little Arkansas Rd
Wimberley, TX 78676

RE We are property owners of Montesino Ranch, 300 Little Arkansas Rd, toward the end of Flite Acres Rd, on the Blanco River. Our property is about 2 ½ miles downstream of the original Blue Hole Treatment Site proposal.

We have had serious concerns about the proposed Blue Hole Treatment Site since its first inception. Apparently, it has never been feasible at that site to install a land application system. It is our opinion that discharge permits of any kind, in any location in the Texas Hill Country should *never* be allowed. The recent saturated ground condition throughout our area over the past five months is a perfect example of when the proposed Blue Hole system would be discharging into the Blanco River.

TCEQ does not discern between pre-existing grades of water quality prior to approving a discharge permit. The hill country waters are among the most pristine waters in the nation. It simply *should not* be easy to obtain a discharge permit here in Wimberley. Any water quality scientist would predict algae bloom as a consequence, thus the degradation of the clarity of the Blanco River.

Those of us that have protested the City of Wimberley Treatment permit have never been against a treatment solution. We have simply wanted it to be done right and that *discharge* is not the answer.

Our wish is that everyone with concerns will ultimately agree that this alternative solution is the most practical and beneficial resolution to our discourse over this issue. Thank you for the opportunity to express our beliefs.

Most Sincerely,

Scott and Brenda Mitchell

From: [NZ Bogues](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Public Hearing 1/8/2019
Date: Friday, January 18, 2019 10:38:26 AM

Hello,

My family has been a part of the Wimberley community since 1962. Five generations have enjoyed the pristine waters of Cypress Creek and I would like to know future generations to come will have that opportunity.

That why I am writing, to let you know I OBJECT to the mayor's change of scope to Aqua Texas. I do NOT want Aqua Texas to get the contract to handle the city's waste water. They do NOT have a good environmental track record. And wanting to drill under Cypress Creek to carry an unmonitored singular raw sewage pipe is not worth the risk with the fault line, karst topography, and many springs on the creek in that area. A raw sewage leak would be disastrous environmentally for years!

I fully support the the city-owned plan and think with the growth in our area we need to be responsible stewards and use the treated waste water for watering native plants and the soccer field at our beautiful treasured Blue Hole Park. The city-owned plan was researched over several years with environmental studies done by knowledgeable professionals. Then this mayor comes in and over a few days in office stops years of work! What a waste of time and loss of money including two 2 million dollar grants!

Also, I was not able to attend the public hearing on 8th January, but listened to most of it on the radio that night. I could not believe how poorly the hearing was executed and that not everyone that wanted to speak was able to do so. A lot of that was due to the mayor taking up about 45 minutes for a slide presentation that not many could see or understand what she was trying to say. Peoples questions were not answered! I think another hearing should be scheduled so that all that want to speak can do so, hopefully get answers to their questions, and it would be nice to have a TWDB representative attend.

Respectfully,
Nancy Zesch Bogues
207 Blue Hole Lane
Wimberley Texas
78676

From: [Andrew Weber](#)
To: [Dain Larsen](#)
Cc: [Shawn Cox](#)
Subject: Wimberley Public Hearing Jan. 8, 2019
Date: Thursday, January 17, 2019 10:10:34 AM
Attachments: [AW Remarks.pdf](#)

Dain and Shawn, pls accept for the record the attached remarks I was unable to provide orally at the above-referenced hearing. For the reasons stated, the City should have, and TWDB should require the City to have an additional hearing—given that approximately 2/3 of those who signed up to speak were not allowed to do so under the City’s unilateral and arbitrary 2-hour time limit, especially when 1) the mayor commandeered the first 45 minutes of the meeting and 2) what followed the meeting was approximately 45 minutes of dead time before a so-called town hall meeting.

Additionally, and for the record, one additional point.

First, it is my belief that of all the transparency, financial and environmental issues regarding the requested change in scope, the matter causing the most public controversy and concern is the proposed boring and running a raw sewer pipe under Cypress Creek. While the risk of a sewage leak may be small, the boring itself is not without risk. As with the risk of a pipe leak or the risk of discharge under the original plan, the risk of the bore itself causing a problem may be low. BUT if the bore causes a problem, the problem could be significant, even irreparable. Disrupting the spring(s) or causing a fracture in the stream bed that would allow the pool to drain—either would destroy this iconic Wimberley feature and heartbeat of the park.

Thank you for your consideration. I look forward to a second public hearing and, ultimately, your agency’s public hearing on this matter.

Andrew Weber
Partner in Charge, Austin Office
Chair, Public Law Section

KELLY  HART

303 Colorado St., Suite 2000

Austin, Texas 78701

(512) 495-6451 (phone)

(512) 495-6930 (fax)

andrew.weber@kellyhart.com www.kellyhart.com

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Your notice for this meeting stated:

The public hearing is provided to discuss the proposed project changes, potential environmental impacts, alternatives to the proposed changes, and the economic impact on rate payers. A description of the proposed changes, maps and aerial photographs showing the proposed changes and original project, a copy of the 2014 Environmental Information Document, and the second amendment to the Engineering Feasibility Report will be displayed at the locations described below *for thirty days* before the Public Hearing and will be available at the hearing. (emphasis added).

I want to speak to and ask a couple of questions about the process. I want to reiterate tonight what you know I've told the TWDB—this hearing is illegitimate and untimely, and should be postponed.

As you know, I've informed the TWDB that I believe this hearing should have been postponed so you could comply with your own 30-day time frame. While the files initially provided at 3 locations seemed to be fine, we know you later supplemented those files with a second copy of the Second Amendment to the Engineer's Report. The supplement, though still titled and dated Dec. 3, 2018, was added to the files on Dec. 17—*less than 30 days before this hearing*. Why does that matter? In addition to being out of time, and the confusion created by having two documents with the same name and cover page, the latter version contained one of the most critical documents related to the proposed change in scope—the Aqua

Texas Contract (draft). And it is not inconsequential that the AT contract draft shows a different location for the raw sewage pipe under Cypress Creek than your engineer shows in his drawings. The files you provided to the public, on which the public is supposed to base its comments tonight, are confusing and irrevocably corrupted.

And that leads to my second point. We know based on public information documents, that as of Dec. 13, you knew from your attorneys that you have no easement across the Johnson property to connect the raw sewage pipe to an AT line. In other words, your proposed pipe under the creek can get the raw sewage out of the park, but can't get it to AT's line.

On what bases did you believe you had an easement from the Johnsons—when you repeatedly told us in July and August and throughout the Fall that you did, in fact, have that easement. You stated unequivocally that the Johnson's had agreed to provide that easement for free! Did you misunderstand that commitment? When did you know you didn't have that commitment? More importantly, what is your solution to the problem of a collection pipe to nowhere? Have the Johnson's changed their mind(s)? Will you trade the easement they don't want for the disannexation they do want? Most importantly, how are people tonight supposed to make helpful, informed comments about environmental consequences when no one knows where your raw sewage pipe will cross the creek? Do you know?

Thank you.

From: [Bill Mitchell](#)
To: [Shawn Cox](#); dain.Larsen@twdb.texas.gov; clay.Schultz@twdb.texas.gov
Subject: Wimberley Public Hearing
Date: Tuesday, January 8, 2019 9:51:01 AM
Attachments: [Aqua Utilities.doc](#)

**William H. (Bill) Mitchell
2300 Flite Acres Rd.
Wimberley, Texas 78676**

January 8, 2019

To: Texas Water Development Board
City of Wimberley

Subject: Aqua Utilities Inc. Service

To whom it may concern,

As a Wimberley resident & river front property owner I urge the city to move forward with the current Aqua Utilities Inc. sewer option based upon the following:

- City of Wimberley cannot afford to be in the sewer treatment business
- Aqua Utilities Inc. is an established, experienced sewage treatment provider
- Provides for zero discharge into Cypress Creek & the Blanco River, anything less is unacceptable
- Results in no tax to City of Wimberley residents (I recall the promises of no tax made at the time of Wimberly incorporation)
- Gets the eyesore of a restroom trailer off the square
- Offers the advantage of Type 1 reclaimed effluent

Sincerely

Bill Mitchell

From: [Nancy Stevens](#)
To: [Shawn Cox](#); [Laura Calcote](#); jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov
Subject: Wimberley Public Hearing
Date: Friday, January 18, 2019 4:49:56 PM

Dear sir or madam,

I am writing today regarding the wastewater project for Wimberley, TX.

After much deliberation, the City of Wimberley decided to do their own sewer system. All of the current city council and mayor ran on a platform that Aqua Texas was off the table. Low and behold, a week after they were voted into office, AT was suddenly an option. I feel that they would not have been elected if they had run on an honest platform.

The mayor acknowledges that the majority of the citizens of Wimberley are not on board with the Aqua Texas plan. The council, especially the mayor, has not been transparent at all regarding her negotiations with AT. She limits who and when can speak at city council meetings and even has meetings in small rooms knowing that there will be a large group in attendance.

The required public hearing that occurred was a disaster. The mayor read her power point for 45 minutes. There were copies for people to read, but only 60 were printed. Around 300 people were in attendance. If they had been provided, she would not have had to waste our time talking and let more people speak.

Not many people were allowed to speak because of time constraints due to the mayor talking and talking. The speakers were chosen by one particular councilman in random order, not going by who signed up to speak first. He was shown in up close video going through all of the sign in sheets before he picks up who is allowed to speak.

To make a long story short, going to AT is not the will of the citizens of Wimberley. The voters were conned into believing that their representatives would continue with a city owned plan. This was not the case. There as been a consistent lack of transparency and a lot of "executive sessions" where decisions are made without knowledge of the citizens. When citizens have asked questions, they have been ignored, talked down to and even lied to. The "We know what is best for you more than you do," has run rampant.

I could write a novel about this. However, to keep this letter to a minimum, I support the city owned plan and not the one of Aqua Texas.

Please note that I do not live in Wimberley at this time. (I have been a long-time resident of Wimberley in the past.) Since this was a PUBLIC hearing, my opinions should carry just as much weight as others.

Thank you for you time.

Nancy Stevens
4114 Hamilton Hollow
San Marcos, TX 78666
512-560-7236

From: [Candy Spitzer](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Wimberley Public Meeting for TWDB
Date: Thursday, January 10, 2019 6:07:41 PM

Hi,

My name is Candy Spitzer and I am a long time Wimberley Valley resident. I have lived in the Wimberley Valley since 1996. My home is on FM 2325. I have owned a real estate brokerage company and worked in the City of Wimberley since 1999.

I signed up early to speak at the Public Meeting required by the TWDB as both a home and business owner in my beloved Wimberley Valley. I was not chosen to speak, which concerned me because of the way Council Member Barchfield was randomly picking people to speak. I have attended many public meetings in my career as I also own a Right of Way company. I am aware that at a public meeting it is important to let the public speak. The way that the wastewater meeting was conducted was downright embarrassing and bordered on being blatantly one sided.

It is inappropriate for the Mayor to spring new financial, environmental, and frankly propaganda material at the Public Meeting without allowing the public to know in advance. Then to have her speak in rude, dictatorial fashion that has become the "norm" for how she runs meetings is disrespectful for the citizens, the democratic process, the requirements of a public meeting, and the Texas Water Development Board.

I am against giving control to the City's utility to any privately owned water/wastewater company and in particular AquaTexas. I have first-hand knowledge of the organization of AquaTexas and I can assure you that this firm's business model is to make money first and foremost. It will not be invested in maintaining the highest level of environmental protection. The reason that AquaTexas is interested in providing this service to the City of Wimberley is to grow it's system at the City's expense. AquaTexas is in this for the long term, and is not interested in the first 5 – 10 year return on investment.

Another reason I am against this project is that there are missing elements of the plan, besides the glaring misrepresentation of costs, both current and future. Where is the missing easement and what will be done to provide that? Why oh why is it a good idea to bore under Cypress Creek? Boring is never a good idea. We have karst features and springs that will be impacted. And only 10 feet below the creekbed? This is a bad solution to a problem that doesn't exist.

Please return to the City of Wimberley's wastewater plan.

Thank you for the opportunity to write to you, even though I wasn't afforded the right of a citizen to speak at the Public Meeting.

Sincerely,

Candy Spitzer

Candy Spitzer
Spitzer & Associates, Inc.
302 Cypress Creek Lane
Wimberley, Tx 78676
512.633.7349
www.spitzerassociates.com

From: [Kimball Madonna](#)
To: Clay.Schultz@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](#)
Subject: Wimberley Sewer System
Date: Friday, January 11, 2019 5:26:37 PM

My name is Madonna Kimball, my husband and I have lived in the city of Wimberley for 29 years.

A central sewer system has been needed to help downtown merchants for many years. Previous councils have never been able to agree on how to get it done. Thousands of dollars have been spent and lost as a result of a “shovel ready” project that was far from shovel ready. The City of Wimberley is not in a position either with experience or financially able to build and maintain a city owned central sewer system that will only service approximately 100 users.

There is finally a plan to hook up to an existing sewer system which will eliminate a huge holding tank in the pristine Blue Hole park as well as eliminate discharge into Cypress Creek, eventually flowing to the Blanco River. This system has also serviced the North side of Cypress Creek including the city owned Community Center, HEB, Wimberley ACE, Brookshire Brothers, etc, for many years without a negative impact or incident.

I'm asking you to please approve the change of scope loan request and help Wimberley finally get this project completed WITHOUT risking discharge into our creek and river.

thank you,
Kimball Madonna
madonnakimball@gmail.com
512-847-5162

From: [greg](#)
To: [Shawn Cox](#); clay.schultz@twdb.texas.gov; dain.larsen@twdb.texas.gov
Subject: Wimberley sewer
Date: Wednesday, January 16, 2019 1:58:34 PM

I am a long time resident (30 plus years) having lived in the city limits of Wimberley since it was incorporated(18 years). I also own a 10,000 square foot commercial building inside wimberley city limits. This building is one of the properties that will be serviced by the new sewer system being installed now. Its address is 13501 ranch road 12 and the name of the building is the VINYARD.

I have seen this sewer project develop over the years and I do not want to see a treatment plan built anywhere especially at the blue hole state park. This is a bad idea for a lot of reasons and I want to go on record supporting Aqua Texas as the company that treats wastewater after it leaves my building.

There is a lot of noise coming from a very small group of people that are hell bent on building a wastewater treatment plant here in Wimberley. It's a bad idea and I support the direction our current mayor is leading us. Thank you for your involvement and if you have any questions my cell number is below.

Greg Myers
331 south river
Wimberley texas 78676
512-423-8700

From: [James Byrne](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Shawn Cox](#)
Subject: Wimberley TBDB Public Hearing
Date: Friday, January 18, 2019 12:25:05 PM

Dear TWDB,

I am a Wimberley resident who will be directly affected by the change of scope to the Wimberley wastewater project. I live at 205 Blue Hole Lane, just below the Blue Hole Regional Park. I am opposed to the change of scope for both financial and environmental reasons. There are too many financial unknowns with the change to Aqua Texas. The mayor has NOT solidified the easement for the creek crossing. We have no idea how much this will add to the cost of the project. Furthermore, it is my understanding that the city will not be able to use TWDB funds for the Black Castle contract obligations or for the \$300,000 CIAC fee assessed by Aqua Texas. Environmentally, the proposed location of the directional drill is located in one of the widest and most pristine riparian areas of the creek. At the bare minimum there should be an in depth environmental impact study done for this location. This area lies on a fault line with many springs and karst formations and I am very concerned about how this drill may impact spring flows. Furthermore, this area is a nesting site for the Golden Cheeked Warbler. At the minimum, work should be postponed until after the nesting season (after September).

The public hearing was not run appropriately. The mayor took up 45 minutes of the 2 hour allotted time. Residents were not called on in the order that they signed in. The mayor continues to claim that the only people who should have any say are the ones who will be paying for this. I WILL BE A RATE PAYER AND SUPPORT THE CITY PLAN OVER THE AQUA TEXAS PLAN. Please deny the City of Wimberley's request to change the scope of the wastewater project.

Sincerely,

James Byrne, LTC(R)-US Army
205 Blue Hole Lane
Wimberley, TX 78676

From: [Shiila Safer](#)
To: jeff.walker@twdb.texas.gov
Subject: Wimberley Testimony - Jan 8th Public Hearing and Change of Scope
Date: Monday, January 14, 2019 9:23:39 PM

Texas Water Development Board

Wimberley Mayor & City Council

Shawn Cox, Wimberley City Administrator

RE: Wimberley Public Hearing Jan 8th and Wimberley Wastewater Treatment Plant Change of Scope

Dear Sirs/Madams:

I am a homeowner in Woodcreek North, which is in the Wimberley ETJ, but not in the city limits. I have not had the opportunity to voice my comments or questions at the City Council meetings for the past 6 months (the Mayor restricted comments to city residents), although the choices made on the Wimberley Wastewater Treatment Plant will affect my environment, myself and everyone in the Wimberley Valley. At the Public Hearing on January 8th, I arrived early and signed up to speak, with the understanding that EVERYBODY would have the opportunity to voice their concerns or support for the change of scope in the Wimberley Wastewater Project “to determine that any public controversy has been adequately addressed” (reference email dated 12/3/2018, Dain Larson to Shawn Cox).

Only 27 out of 95 people were given the opportunity to speak. It was a farce. The Mayor took up 45 minutes of the meeting (15 people could have spoken in that time), and then Council chose randomly who would speak, cherry-picking those who supported the change in scope. The public controversy has NOT been adequately addressed!

At least one more hearing needs to be scheduled, with proper notice and conducted in the proper way so that ALL voices will be heard.

I DO NOT SUPPORT THE CHANGE IN SCOPE FOR THESE MAIN REASONS:

- I do NOT want Aqua Texas to get the contract, as is currently planned, to handle the city's wastewater. They do NOT have a good environmental track record, as is evidenced by the major raw sewage leaks in Kyle. In 2010, 100,000 gallons of sewage was spilled at the plant, and another 117,000 gallons of untreated sewage spilled into the creek in 2016. Kyle first contracted with Aqua Operations in 1999 to build and operate the city's wastewater treatment plant. Aqua Texas maintains and operates the facility today.
- Beneficial reuse of water for irrigation at Blue Hole State Park has been taken out of the

plan.

- An unmonitored raw sewage line is designed to run under Cypress Creek next to Blue Hole State Park, which could poison our creeks and rivers for years to come.
- Directional drilling under Cypress Creek may have serious repercussions due to the fault line and karst topography in that area of Wimberley.

I ask the TWDB to require a full Environmental Study before the change of scope is approved.

Thank you for your attention to this important matter.

Respectfully,

Shiila Safer

17 Cypress Fairway Village

Wimberley, TX 78676

Shiila@CreativityinNature.com

From: [Mike D. Bachers](mailto:Mike.D.Bachers)
To: boardmembers@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley testimony
Date: Monday, January 14, 2019 1:48:06 PM

To the esteemed members of the Texas Water Development Board -

I'm Mike Bachers, property owner at 280 Old Kyle Rd in the downtown service area. I'm also a proud Wimberley resident with a young family and I strongly oppose this proposed change in scope toward AquaTexas and the impact it will have on the future of the Wimberley Valley. Like many others, I showed up at the public hearing expecting to be able to speak and to hear others speak. The public hearing was, in my opinion, not at all an accurate representation of the citizens' opinions on the issue. The mayor rambled incoherently for 45 minutes about numbers that most of us were seeing for the first time — numbers she says justify the change in scope, and numbers that failed to inspire any confidence at all in what the mayor and a majority of the council have been up to since the election. To the untrained eye, Councilmember Gary Barchfeld sat at the front of the room randomly choosing names of those who would speak. To anyone who has followed this issue for years, as many of us have, this was clearly a strategy to portray the community as evenly divided by cherry picking speakers. The issue is polarizing, but the majority of the community has remained very firmly on the side of the city-owned WWTP. This was a political bait-and-switch scheme of the worst possible kind, and it's unfortunately the mayor and council members Barchfeld and Fore appear to support a 'scorched earth' approach to the problem. They have expended precious city resources not just on pursuing this deal with AquaTexas, but also on sabotaging the only plan citizens have ever approved. The logic behind this approach escapes residents on both sides of the issue and is likely to complicate matters even further for Wimberley, but of course this won't become apparent to their base of supporters until their proposed plan is shown to be an unequivocal failure.

I'd ask you to take a careful look at the numbers Mayor Jagers proposed at the public hearing. She didn't discuss any contingency plans or possible shortcomings of the AT plan at all — only the potential upside. On the other hand, she presented the city-owned WWTP (and every previous council, for that matter) as flawed and/or corrupt at every level and didn't mention a single good thing about the decades of work and citizen-led vetting that have gone into that plan. These alone should be red flags as so much non-partisan expertise has gone into the city-owned design, but the numbers in her spreadsheet show she took extreme liberties wherever she could, apparently hoping most of us don't know the difference between an apple and an orange.

The idea that this mayor and majority council members would use city resources to sabotage the city-owned WWTP is beyond reprehensible, and I urge you not to approve this change in scope to the TWDB loan. The AquaTexas plan — even as presented in the mayor's presentation with what are blatantly doctored numbers and other misleading information — is not in the same class as the city-owned WWTP and should not be given the same consideration. While I do believe the wastewater problem in downtown Wimberley needs to be addressed, the economic and environmental impact of a partnership with AquaTexas would bring far more harm than good to this area. AquaTexas has demonstrated itself to be a below average corporate citizen with little private competition, but most importantly, it has proven it will ignore its role as a steward of the environment and specifically of water unless held over flames by state agencies. This is an absolute waste of taxpayer money on every level, and I

applaud the TWDB for fostering innovative solutions for towns like ours. Water and wastewater will be a critical resource in the decades to come, and the focus must be on reuse and next generation water treatment.

I'd also like to point out that the mayor's plan has not been just to consider AquaTexas as an option. As you've seen, she and the council members who support her have actively tried to destroy the fully vetted WWTP plan the citizens had overwhelmingly approved in two prior elections. We're now saddled with governance issues and a near total collapse in trust of local government, and anyone who has observed this council since the last election would understand why. What really strikes me as offensive is that the mayor's presentation — again, full of suspicious data not made generally available before this week's meeting — only shows a savings of approximately \$2M USD. If we are to believe that the mayor's math is sound and we accept the further saturation of the Woodcreek golf course with Type 2 effluent as a viable option, wouldn't one expect the savings to be far more over the course of the loan? Put another way, if these numbers were properly presented to the citizens of the Wimberley Valley, \$2M USD would start to look like the very short end of a stick in a very short time. The mayor very much wanted her numbers to work. She very much wanted to prove that previous administrations were ignorant and had relied on bad data. We now know the mayor's grand plan was not a plan at all. It was a tactic to re-introduce AquaTexas and to sidetrack the city-owned WWTP, and it has only made it clear that proceeding with AquaTexas would be bad for business, bad for government, and bad for the environment.

Thank you for your time and all the work you do on behalf of TWDB.

Kind regards,
Mike D. Bachers

From: [Dan Williams](#)
To: [Jeff Walker](#); [Darin](#)
Cc: [Shawn Cox](#); [Dan Williams](#)
Subject: Wimberley Testimony
Date: Saturday, January 12, 2019 12:27:54 PM

From:
Daniel Williams
107 Indian Trail
Wimberley 78676
817-917-4755

Dear Board members,

My name is Daniel Williams. I live in the Wimberley Valley. I believe the proposed "change of scope" plan proposed by the current City Council to send Wimberley's wastewater to Aqua Texas will be detrimental to the water situation in Wimberley Valley. I ask that you do not support the change by allowing the loan from TWDB to be used. We need to return to our previous plan.

I attended the Townhall meeting last Tuesday evening, Jan 8. I do not believe the meeting was conducted in the spirit in which you had directed. The notice sent prior to the meeting stated that the mayor would speak 15 minutes and then the citizens impacted by this change would be able to speak. This did not happen. The mayor spoke of for over 40 minutes, which cut 30 minutes off the time citizens could voice their opinions. Then, when it was time for citizen input, the Council specifically chose speakers they wished to speak, instead of using the sign-up sheet we were are to sign in order to speak. In my opinion, this was just another attempt by the present Council to ramrod through their Aqua Texas plan against the will of the citizens!

Bottom line: I do **not** agree with the decision to go forward with Aqua Texas. There are too many questions unanswered and insufficient reasoning. Also I am disappointed with the manner in which the Townhall meeting was conducted. It was not in the spirit in which TWDB directed.

Respectfully submitted,
Daniel Williams

From: [Pam Williams](#)
To: [Jeff Walker](#); [Darin](#)
Cc: [Laura Calcote](#); [Shawn Cox](#); [Home](#)
Subject: Wimberley Testimony
Date: Saturday, January 12, 2019 11:58:01 AM

From:

Pam Williams
107 Indian Trail
Pamwilliamsassoc@gmail.com
[214-454-5544](tel:214-454-5544)

Dear Board members,

My name is Pam Williams. I live in the Wimberley Valley, where water and the preservation of water is a vital issue.

I believe the proposed "change of scope" plan to send Wimberley's wastewater to Aqua Texas will be detrimental to the water situation in Wimberley Valley.

I ask that you do not support the change by allowing the loan from TWDB to be used. We need to return to our previous plan.

I attended the Townhall meeting last Tuesday evening, Jan 8. I do not believe the meeting was conducted in the spirit in which you had directed. The notice sent prior to the meeting stated that the mayor would speak 15 minutes and then the citizens impacted by this change would be able to speak.

This did not happen. The mayor spoke of for 45 minutes, which cut 30 minutes off the time citizens could voice their opinions.

During the 45 minutes, the mayor presented a PowerPoint Deck with font less than 18pts. which prevents legibility for an audience our size. This information was not distributed previous to the presentation, nor were there enough hardcopies distributed so that everyone could follow along. I was one of those individuals who did not have a hardcopy and I am visually impaired so I could not see the slides. I believe the mayor mentioned laptops or phones to see the presentation (I am a person who takes a phone to a meeting.)

Along with the illegible visuals, the sound system was inaudible. Several people several times spoke out to say they could not understand what was said. I was also one of those people who could not hear.

I would also like to say that not everyone was allowed to speak. There was an unfamiliar process for which the Citizen speakers were selected. My hunch is several people will write you about this, so I do not feel the need to go into detail. If you are interested in more detail, I'll be glad to discuss it with you.

Bottom line: I do **not** agree with the decision to go forward with Aqua Texas. There are too many questions unanswered and insufficient reasoning. Also I am disappointed with the manner in which the Townhall meeting was conducted. It was not in the spirit in which TWDB directed.

Sincerely,
Pam Williams
[214-454-5544](tel:214-454-5544)
Sent from my iPhone

Pam Williams
214-454-5544
Sent from my iPhone

From: [chrys.grummert](#)
To: [Shawn Cox](#); [Laura Calcote](#); jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Subject: Wimberley testimony for TWDB Public Hearing
Date: Thursday, January 10, 2019 12:38:54 PM
Attachments: [Public hearing comment.docx](#)

I was planning on using my time to speak at the Public Hearing to voice my concerns over how this mayor has limited participation from us, to speak to the issue of this AT Option at all meetings that related to the topic.

So it is painfully ironic, that I was not allowed, once again, to speak to the topic at the Public Hearing.

Attached you will find my notes, from which I was going to speak from. Please send this whole email to the TWDB as a part of my testimony.

I oppose the proposed "change of scope" for many reasons, which would be far to lengthy and detailed to fit into this email.

So I will leave this email to remain focused on my topic of not being allowed, by this mayor, to have any voice in the proposed changes to the city waste water project.

I sincerely hope the TWDB finds that how the many people who wished to speak, and weren't allowed to, would require a Second Public Hearing, where the names of who gets to speak and in what order, are chosen randomly and not by an interested political candidate, but a neutral third party. And that everyone who wishes to speak to the issue, is accommodated.

Thank you,

Chrys Grummert

I would like to take this moment to address an aspect of the Waster water project, that has concerned me. That aspect is the limiting of the input by the public, by this mayor, at meetings discussing the Waste water plan. The mayor decided that those that live outside of the city limits had no right to speak to the project or it's changes.

I consider this wonderous place called Wimberley, my home. I place Wimberley, TX as my address on my mail. I make a conscious choice to spend my money in Wimberley first, which by the way, 1% of those funds I spend, goes towards the City of Wimberley's general fund. The only source of taxation that Wimberley has. I am therefore a tax payer of Wimberley.

I live in the suburb called Woodcreek, mere minutes from the Wimberley town Square. Which is the only town center we have in the Valley. I think many who live in the Valley consider Wimberley as their home.

I was one of the many people left outside in the Texas Summer Heat, not able to get into the small venue, nor able to speak, when this mayor and council took a vote to move to an Aqua Texas option. That day, the mayor limited the speakers to alternative speakers for and against the change of scope. Which ended up creating a false equivilancy between those opposed to this change to Aqua and those who supported the change. Since only three people were there to speak in support of the change of scope that day, only three people were allowed to speak their opposition to it. Leaving many dozens of people not allowed to speak in opposition to the project change. And then add to that, only those within the city limits were allowed to speak, once you factored that in, you could add a significant number of more voices who would have spoken against such a move away from the city-owned plant.

Like I've said, I live in Woodcreek. The city Aqua option being considered is to send it's city waste water to the very system we in Woodcreek use to service our Waste water. That plant is just Northwest of me. Has the Mayor or council of Wimberley reached out to the Woodcreek mayor or council regarding this possibility? If so, what was their reply? I can tell you now, that many in Woodcreek are very dis-satisfied with Aqua's record there. Wimberley is proposing to ADD to that by sending their waste to be processed there. Why have I, and others, not been allowed to voice our concerns on this issue?

We have real concerns and questions on how sending Wimberley's Waste water to Woodcreek might affect us. Is it going to over tax and stress the system? Are our rates going to go up to deal with this extra rate of flow to the system? Given Aqua's dealings in Woodcreek regarding spills of raw sewage, will adding more waste to the system, make the possibility of the next spill being even worse? Are there plans to have on site workers to monitor issues at the plant, before problems get out of hand? These are just a few of the many questions I have.

The proposed change of scope pipeline is crossing out of the city limits, and yet the mayor has not allowed any discussions coming from outside the city limits.

It's as though Wimberley is throwing their poop over the fence, and then telling me it is none of my business what Wimberley does with their poop.

That is not very neighborly of you.

But perhaps you have limited people of the valley from speaking to this issue, because you know very well that the vast majority of us are opposed to this "change of scope".

From: [Christine Middleton](#)
To: [Shawn Cox](#); [Laura Calcote](#)
Cc: dain.larsen@twdb.texas.gov; jeff.walker@twdb.texas.gov
Subject: Wimberley Testimony I Was Not Able To Present Last Night
Date: Wednesday, January 9, 2019 1:51:21 PM

I went to last night's TWDB Hearing prepared to speak and arrived just before 5PM. My name was on the first page of the sign-up sheet and I clearly indicated my desire to speak. But after the mayor took up about 45 minutes of the precious two hours allotted for citizen comment and the public was finally allowed to speak, to my dismay, my name was passed over. I wasn't the only one, but was glad when some who did get the opportunity gave their time to experts whose opinions needed to be heard. Alas there were still key people who did not get the opportunity to speak to whom I would have gladly conceded my time if I had been presented with the opportunity. I'm not sure how many people did not get to speak, but I'd love to see a list released that includes both those who spoke and those who signed up to speak but were unable to before the meeting was abruptly closed.

Overall, the way the meeting was conducted made it appear to me as an attempt to squelch public comment especially if it did not fit with the current city direction. To say I was disappointed would be an understatement. I believe as one member of the audience suggested, there needs to be a second hearing where those of us who were denied the opportunity could say their piece, get their questions out on the table, and hopefully hear some truthful answers.

The main thrust of my comments/questions shown below concern the pipe under the creek. While the mayor presented a bit more information about that part of their plan (information that should have been in the meeting packet 30 days ago), I don't feel my concerns were adequately addressed. The final paragraph of my testimony expresses a wider concern regarding the opportunity missed that will impact the entire Wimberley Valley long into the future.

Testimony
Texas Water Development Board Public Hearing
Tuesday, January 8, 2019

My name is Christine Middleton and I live in the Wimberley ETJ.

Since the 2015 Memorial Day flood I have been involved in restoration of the Wimberley Valley's riparian areas. Thus, I'm here tonight to talk about my concerns regarding a pipe under Cypress Creek.

My understanding is the location of the pipe is not settled. But it will be somewhere between the Ranch Road 12 bridge and our beloved Blue Hole swimming area. That area is far from "pasture land" as described by some. Rather the land bordering Cypress Creek on the

downtown side consists of the Cypress Creek Nature Preserve and Blue Hole Park. The Nature Preserve was set aside because throughout Wimberley's history it was untouched by development. Chatterbox orchids, a plant that is uncommon in this valley, have been found along that stretch of the creek. And then there is Blue Hole Park whose riparian area was designed by the Lady Bird Johnson Wildflower Center and lovingly restored by a host of hardworking volunteers.

After the flood, one of the first things the experts cautioned us about was the use of heavy equipment in sensitive riparian areas. So my first question is what procedures will be used during construction to minimize damage to the sensitive riparian area disturbed in the process of laying the pipeline across Cypress Creek and what will be done to restore that area once construction has been completed?

Once the pipeline goes into operation, there is the possibility of raw sewage leaking either within the creek bed itself or somewhere close enough to send polluted runoff into Cypress Creek. So my second question is what kind of monitoring will be done to detect a leak and once a leak is detected what procedures will be followed to isolate the exact location and quickly fix the leak before damage is done to Cypress Creek's fragile ecosystem?

While I've educated myself over the past several years, I don't profess to be an expert. So, my final question is, once the location of the pipe is known, will there be a Texas Parks and Wildlife assessment?

Better yet, why have a pipe across the creek at all. Recently, many in this valley rejoiced when the Wimberley Independent School District board voted to pursue a One Water solution for the new primary school on Winters Mill Parkway. The original city sewer plan was essentially a path leading to a One Water solution for the Wimberley downtown area. I'm asking the Texas Water Development Board to help us get back on that path.

Thank you.

Statement by:

Christine Middleton, 512-413-0182, chrismid@austin.rr.com

Christine Middleton
chrismid@austin.rr.com
512-413-0182

"Nature does not hurry, yet everything is accomplished."

- Lao Tzu

From: [david.veyman](mailto:david.veyman@twdb.texas.gov)
To: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov); dain.larsen@twdb.texas.gov; jeff.walker@twdb.texas.gov; kristin.miller@twdb.texas.gov
Subject: Wimberley Testimony re: TWDB Hearing
Date: Wednesday, January 16, 2019 1:01:49 PM

January 16, 2018

Dear TWDB,

I believe the change of scope in the Wimberley Wastewater Project is wrong. We should not be going to Aqua Texas over our own wastewater treatment plant without an intensive Environmental Assessment. The description of the area of Blue Hole Park that will be drilled for the raw sewage pipe in order to connect to Aqua Texas' system is described as "pasture" in an email to Texas Parks & Wildlife from City Engineer Coonan; that is not true. The area to the south of Cypress Creek, in Blue Hole Park, is more of a riparian zone with juniper and oak trees, and it is also an area where the endangered golden-cheeked warbler has been seen. Therefore, I want to ask for the Texas Park and Wildlife Department to perform an on-site habitat assessment before drilling commences.

My wife Jamie Pettit asked a question during the hearing about the proposed raw sewage pipe, and Mr. Coonan's answer was that the pipe was highly not probable to break or leak because it was seamless. I have follow up questions and concerns about the single pipe that the city of Wimberley will be responsible for:

1.
If the single pipe does leak, how will anyone know it is leaking?
2.
How many days, weeks, etc. could the leak go undetected, potentially leaking raw sewage into our aquifer, Cypress Creek, and the Blanco River?
3.
How does such a leak get fixed and what is the city of Wimberley's plan for fixing a potential leak?
4.
Will any geological studies be done prior to the drilling? This is a known underground karst area with fault lines; if holes or caves are present in the drilling area, won't that cause the single pipe to shift or possibly crack?

Thank you for allowing written testimony and questions from citizens regarding this issue.

Sincerely,

David Weyman

105 Winn Wood Rd
Wimberley, TX 78676

--

David Weyman

From: [Larry Calvert](#)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Testimony that was
Date: Wednesday, January 16, 2019 8:58:34 AM
Attachments: [TWDB statement 1-8-19.docx](#)

Attached are the remarks I planned to present at the 1/8/19 TWDB public commentary meeting. You will see I intended to be brief to allow many to comment, but clear in my position. I was unable to present my comments because the Mayor used 45 minutes of the designated 2 hours for public comment and then selectively called on primarily supporters. The mayor permitted public comments for an additional 15 minutes but was unwilling to schedule any additional time or date for public comments. Of the 90 plus registered to make public comments only 25 or so were given the opportunity. I hope you will not approved the City Modified Plan to contract with Aqua Texas for waste treatment.

Larry Calvert
101 FM 3237, Suite F
Wimberley, TX 78676
512-484-0422

My name is Larry Calvert and I am a CARD member

I believe the city Sewer system fully meets the waste treatment and environmental needs as designed and should be installed.

I am opposed to the Aqua Texas plan since I believe the revised design is insufficient and Aqua Texas has a very poor record of responsible waste treatment.

In summary, I am opposed to the Aqua Texas option for waste treatment.

Larry Calvert
101 FM 3237, Suite F
Wimberley, TX 78676
512-484-0422
lecalveert@gmail.com

From: [Ashley Waymouth](#)
To: jeff.walker@twdb.texas.gov; [David Baker](#)
Cc: dain.larsen@twdb.texas.gov; [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Testimony to TWDB
Date: Friday, January 18, 2019 11:19:21 AM
Attachments: [WVWA- TWDB WWTP 1.18.19.pdf](#)

Dear Mr. Walker,

Please find the attached testimony on behalf of David Baker, Executive Director of the Wimberley Valley Watershed Association in regards to the City of Wimberley's change of scope to the wastewater treatment plant.

Please let me know if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

Ashley Waymouth

--

Ashley Waymouth, MS
Managing Director
Wimberley Valley Watershed Association
(512) 722-3390
www.wimberleywatershed.org



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David Baker, Executive Director
Malcolm Harris, President
Vanessa Puig-Williams, Treasurer
Jason Pinchback, Secretary
Dorothy Knight
Scott Price
Pokey Rehmet
Parc Smith

Mr. Jeff Walker via electronic mail: jeff.walker@twdb.texas.gov
Executive Administrator
Texas Water Development Board
P.O. Box 13231
Austin, TX 78711-3231

Re: City of Wimberley Change of Scope Request for Wastewater Treatment Project

Dear Mr. Walker,

As the Executive Director for the Wimberley Valley Watershed Association (WVWA), I would like to share with you several concerns that our organization has over the change of scope for the Wimberley Wastewater Treatment Plant. WVWA has been in the Wimberley Valley for the last 23 years and one of our primary directives is to keep Cypress Creek clean, clear, and flowing for generations to come.

The Wimberley WWTP has been an ongoing discussion for the last two decades in this City. Previous City Councils did a tremendous amount of work to design, review, permit and ensure that the plan they put forth for community approval and state funding would not negatively impact Cypress Creek or the Blanco River. The original TCEQ permitted plan also provided beneficial reuse irrigation water for the award winning Blue Hole Regional Park and the change in scope would not provide reuse water for the Park and would instead disperse effluent in the upper watershed on a golf course, depriving Blue Hole of the water necessary for the health and sustainability of the Park.

The WVWA believes that the proposed change in scope to the original plan is not in the best interest of the City and the environment and will pose serious risks to Cypress Creek. The requested change of scope will require that a pipeline is bored beneath the springfed creek and will transmit pressurized raw sewage to a private investor-owned utility corporation, Aqua Texas. This pipeline is proposed to cut through a sensitive karst fault zone and will not be encased. In the event of a leak via corrosion or a broken pipe, this raw sewage will threaten our aquifer and public and private water supply wells along the Wimberley Fault Zone. Additionally, the water quality in Cypress Creek, Blue Hole Park, and the Blanco River would be adversely impacted by a raw sewage spill in this very sensitive area. This risk is too high for the City to undertake at this juncture. Cypress Creek is the economic engine of our Valley and drives tourism to this region; Blue Hole Park hosts thousands of swimmers each summer; both of these could be severely impacted if this change in scope is funded by TWDB.

Wimberley Valley Watershed Association
P.O. Box 2534, Wimberley, TX 78676
www.wimberleywatershed.org | admin@wimberleywatershed.org
Phone: 512-722-3390



David Baker, Executive Director
Malcolm Harris, President
Vanessa Puig-Williams, Treasurer
Jason Pinchback, Secretary
Dorothy Knight
Scott Price
Pokey Rehmet
Parc Smith

We urge the TWDB to require the City of Wimberley to conduct a full environmental impact assessment on this proposed change of scope, specifically highlighting the risks of pumping raw sewage beneath Cypress Creek and to not move forward with any changes until a thorough EIS and hydrogeologic and geomorphological study has been completed and peer reviewed.

WVWA urges the TWDB to not fund the City of Wimberley's change of scope for the wastewater treatment project, as this change is primarily for the benefit of a private investor-owned utility corporation and not in the best interest of the City or the Wimberley Valley. We support the original plan for a City owned treatment plant that will meet the needs of our citizens and our ecosystems while providing beneficial reuse water for the future sustainability of Blue Hole Regional Park.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Baker', is positioned above the typed name.

David Baker
Executive Director

cc: Dain Larsen, Team Manager, TWDB: dain.larsen@twdb.texas.gov
Shawn Cox, City Administrator, City of Wimberley: scox@cityofwimberley.com
Laura Calcote, City Secretary, City of Wimberley: lcalcote@cityofwimberley.com

From: [Shiila Safer](#)
To: Dain.Larsen@twdb.texas.gov
Subject: Wimberley Testimony, Wimberley Public Hearing Jan 8th and Change of Scope
Date: Tuesday, January 15, 2019 4:40:03 PM

Texas Water Development Board

Wimberley Mayor & City Council

Shawn Cox, Wimberley City Administrator

RE: Wimberley Public Hearing Jan 8th and Wimberley Wastewater Treatment Plant Change of Scope

Dear Sirs/Madams:

I am a homeowner in Woodcreek North, which is in the Wimberley ETJ, but not in the city limits. I have not had the opportunity to voice my comments or questions at the City Council meetings for the past 6 months (the Mayor restricted comments to city residents), although the choices made on the Wimberley Wastewater Treatment Plant will affect my environment, myself and everyone in the Wimberley Valley. At the Public Hearing on January 8th, I arrived early and signed up to speak, with the understanding that EVERYBODY would have the opportunity to voice their concerns or support for the change of scope in the Wimberley Wastewater Project “to determine that any public controversy has been adequately addressed” (reference email dated 12/3/2018, Dain Larson to Shawn Cox).

Only 27 out of 95 people were given the opportunity to speak. It was a farce. The Mayor took up 45 minutes of the meeting (15 people could have spoken in that time), and then Council chose randomly who would speak, cherry-picking those who supported the Aqua Texas plan and the change in scope. The public controversy has NOT been adequately addressed! **At least one more hearing needs to be scheduled, with proper notice and conducted in the proper way so that ALL voices will be heard.**

I DO NOT SUPPORT THE CHANGE IN SCOPE FOR THESE MAIN REASONS:

- I do NOT want Aqua Texas to get the contract, as is currently planned, to handle the city's wastewater. They do NOT have a good environmental track record, as is evidenced by the major raw sewage leaks in Kyle. In 2010, 100,000 gallons of sewage was spilled at the plant, and another 117,000 gallons of untreated sewage spilled into the creek in 2016. Kyle first contracted with Aqua Operations in 1999 to build and operate the city's wastewater treatment plant. Aqua Texas maintains and operates the facility today.
- Beneficial reuse of water for irrigation at Blue Hole State Park has been taken out of the plan.

An unmonitored raw sewage line is designed to run under Cypress Creek next to Blue Hole State Park, which could poison our creeks and rivers for years to come.

- Directional drilling under Cypress Creek may have serious repercussions due to the fault line and karst topography in that area of Wimberley.

I ask the TWDB to require a full Environmental Study before the change of scope is approved.

Thank you for your attention to this important matter.

Respectfully,

Shiila Safer

17 Cypress Fairway Village

Wimberley, TX 78676

Shiila@CreativityinNature.com

From: cwernli@austin.rr.com
To: [Shawn Cox](#)
Subject: Wimberley Testimony
Date: Tuesday, January 15, 2019 2:07:11 PM

For years people who live and love Wimberley worked together to come up with a viable plan to build Blue Hole Regional Park intended for recreation to serve the entire region. This happened with help from citizens, especially those who served on the city council, GRANTS from many government sources and many hard-working individuals.

To provide a water source for this park, the city council developed a water treatment plan which would clean up Cypress Creek and provide water to support the irrigation needs of Blue Hole Park.

Somehow a new council was elected that was more interested in development of Wimberley to become part of the 1% group of billionaires that have moved into this beautiful valley in recent years. Some of these people from big cities came to sell old family lands for development and then move their families back into the cities they came from.

Only the Wimberley city residents were allowed to vote on the new council members that presented the Aqua Texas Plan. The council's new Aqua Texas plan WILL NOT PROVIDE irrigation WATER TO THE BLUE HOLE REGIONAL PARK.

PLEASE CONSIDER THIS INFORMATION AND HELP US TO PRESERVE OUR BEAUTIFUL WIMBERLEY VALLEY FOR EVERYONE THAT LIVES IN THIS VALLEY AND THE REST OF THE REGION.

From: [Herb Smith](#)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Wimberley Testimony
Date: Sunday, January 13, 2019 3:40:18 PM

Hello,

When you consider the proposed change in scope for the Wimberley wastewater system, please keep the following information in mind.

I arrived early at the January 8, 2019 TWDB hearing in Wimberley early, and signed up on the first page of the signup list to present the statement below in favor of the original city-owned Wimberley wastewater system. Unfortunately, Mayor Susan Jagers took up about 45 minutes of the two hour meeting with a Powerpoint presentation of very questionable information in favor of the Aqua Texas proposal. Then, rather than hearing citizens on a first come, first up basis, Councilman Barchfeld used an arbitrary system to select speakers in a way that appeared to favor speakers who were in favor of the Aqua Texas proposal. I did not get to speak, nor did many of the most informed Wimberley citizens who turned out for the hearing. Now, I've heard that the pro Aqua Texas contingent is conducting an aggressive email campaign to influence your decision.

It was very obvious during the hearing that a strong majority of Wimberley citizens favor a city-owned system, and are adamantly opposed to Aqua Texas. Unfortunately, there has been a campaign of misinformation intended to influence the TWDB decision about our system. Please keep this in mind during your considerations.

The statement I prepared for the January 8, 2019 TWDB Hearing in Wimberley:

I first came to Wimberley in June, 1974, and promptly fell in love with the natural beauty of the river, and with the small town atmosphere. I started coming here as often as I could, camping at Little Arkansas campground until in 1978, when I bought property on the river in the River Oaks subdivision. I continued visiting as often as possible with the intent to eventually build a house and retire here. Those intentions paid off and, in 2003, our environmentally friendly home was completed, and we have lived here full-time since.

During all these years, I made a conscious effort to spend my money in the restaurants, and grocery and hardware stores in Wimberley. I became a certified Texas Master Naturalist, served on the advisory board of the Hill Country Alliance, and was active in other environment-related organizations, including the steering committee of Citizens Alliance for Responsible Development.

Early on, I subscribed to the Wimberley View, and followed the town's efforts to develop Blue Hole Regional Park, and to establish a city-owned wastewater treatment plant. I was very impressed by the careful planning and vetting that the city did in pursuing these efforts. During the same period, I was appalled by reports that I heard from friends living in Woodcreek, about Aqua Texas, and their leaking water pipes and poor maintenance.

When the current city council so quickly claimed that the careful work of past city councils was flawed, and that they were going to turn the treatment of the city's wastewater over to Aqua Texas, I was very concerned, and could not understand what motivated them to do this.

My concern increased when I learned that, with the new plan, Blue Hole Park would be deprived of needed water and that raw sewage would be piped under Cypress Creek. I hope that the TWDB will delve into what has occurred, and will not support the plan to go with Aqua Texas. As an environmentally concerned resident of the Wimberley Valley, I am adamantly opposed to the plan to use Aqua Texas for Wimberley's wastewater treatment.

Respectfully submitted,

Herb Smith
312 Canyon Oaks Drive
Wimberley, TX 78676
512-847-2006
herb@moonmountaingroup.com

From: [V. Kathy Waid](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Wimberley testimony
Date: Friday, January 11, 2019 11:06:26 AM

I attended the January 8th meeting at the community center and was appalled at the mayor's attempt to railroad the meeting both with her dominating the first 45 or so minutes of the meeting with questionable information then not allowing speakers in order of sign up but hand picking speakers favoring her plan. It was apparent at this time meeting and others I have attended that she has no intention of considering what the overwhelming majority of Wimberley citizens (both in city and within the area) want...which is the city owned system that had been researched for years, approved by all governing bodies, and was already in progress. WE DO NOT WANT AQUA TEXAS!!!

Sincerely
Kathy Waid
110 Camino Derecho
Wimberley

Sent from my iPad

From: [Candy Spitzer](#)
To: jeff.walker@ywdb.gov; Dain.Larsen@ywdb.texas.gov
Cc: [Shawn Cox](#)
Subject: Wimberley Testimony
Date: Thursday, January 10, 2019 8:52:27 PM

Hi,

My name is Candy Spitzer and I am a long time Wimberley Valley resident. I have lived in the Wimberley Valley since 1996. My home is on FM 2325. I have owned a real estate brokerage company and worked in the City of Wimberley since 1999.

I am OPPOSED to the Susan Jagers partnership with AquaTexas to control the City of Wimberley's utility.

I signed up early to speak at the Public Meeting required by the TWDB as both a home and business owner in my beloved Wimberley Valley. I was not chosen to speak, which concerned me because of the way Council Member Barchfield was randomly picking people to speak. I have attended many public meetings in my career as I also own a Right of Way company. I am aware that at a public meeting it is important to let the public speak. The way that the wastewater public meeting was conducted was downright embarrassing and bordered on being blatantly one sided.

It is inappropriate for the Mayor to spring her new math regarding the financial, environmental, and frankly propaganda material at the Public Meeting without allowing the public to know in advance. As become customary for her, she commandeered the public meeting as a forum to present her ideas and admonish everyone if they questioned her big plans. She spent almost 50 minutes showing a PowerPoint presentation that was not in big enough print for anyone in the audience to see. But perhaps this is part of her bullying style. She then proceeded to speak in a rude, dictatorial fashion that has become the "norm" for how she runs meetings. This is disrespectful for the citizens, the democratic process, the requirements of a public meeting, and the Texas Water Development Board.

I am against giving control to the City's utility to any privately owned water/wastewater company and in particular AquaTexas. I have first-hand knowledge of the organization of AquaTexas and I can assure you that this firm's business model is to make money first and foremost. It will not be invested in maintaining the highest level of environmental protection. The reason that AquaTexas is interested in providing this service to the City of Wimberley is to grow it's system at the City's expense. AquaTexas is in this for the long term, and is not interested in the first 5 – 10 year return on investment. Also AquaTexas has a dismal reputation in other small cities close to our

beautiful little slice of heaven known as Wimberley. As a real estate broker in Wimberley, I can sadly report that the first thing people ask me about is whether Wimberley is going to sell it's soul to AquaTexas and become another uncontrolled growth city with short term vision. To date I have been able to say that No, we have a history of providing great leadership through our City government, our amazing volunteer community, and a genuine caring of our natural resources. One of the favorite jewels of Wimberley is Blue Hole Park. We must do everything to preserve our natural resources, our pristine waterways, and our unique way of loving our town. This includes staying with the highest level of protection for our wastewater needs- the City's original plan which includes Type 1A treatment and irrigation to Blue Hole Park.

Another reason I am against this project is that there are missing elements of the plan, besides the glaring misrepresentation of costs, both current and future. Where is the missing easement and what will be done to provide that? Why oh why is it a good idea to bore under Cypress Creek? Boring is never a good idea. We have karst features and springs that will be impacted. And only 10 feet below the creekbed? This is a bad solution to a problem that doesn't exist.

Please return to the City of Wimberley's wastewater plan. Please do not fund the change of scope as presented by this City Council that actually lied to all the citizens when running for office by promising not to partner with AquaTexas. I wonder what deal was struck to get these newly elected officials to do an about face?

Again, please do not fund this half cooked plan to change the scope. I would rather wait until the next election to move forward with a wastewater plant than to go down a road that will ruin what we all love about our piece of paradise,

Thank you for the opportunity to write to you, even though I wasn't afforded the right of a citizen to speak at the Public Meeting.

Sincerely,

Candy Spitzer

Candy Spitzer
Spitzer & Associates, Inc.
302 Cypress Creek Lane
Wimberley, Tx 78676
512.633.7349
www.spitzerassociates.com

From: [Will Taegel](#)
To: [Shawn Cox](#)
Cc: lcalcote@cityofwimberley.com
Subject: Wimberley Testimony
Date: Thursday, January 10, 2019 4:49:57 PM

To TWDB:

I am for the locally managed wastewater system in Wimberley.
I oppose the Aqua Texas/Pipeline plan.

Two of my qualifications:

~I have been a resident of Wimberley for 26 years.

~My Ph.D. is in ecological studies, and I co-teach a class in sustainability with V. Lopes, Ph.D., at Texas State University.

Dr. Lopes, our graduate students, and I have studied this situation carefully from its inception. The Aqua Texas/Pipeline plan does not meet the rigorous standards that we require for a sustainable and healthy environment. The science presented by current Wimberley Mayor, Susan Jagger, lacks substance and accuracy.

Thank you for your attention to this important hydrological matter.

Will Taegel, Ph.D.
1459 Skyline Ridge Lookout
Wimberley, Texas 78676

From: [Carroll Wilson](#)
To: [Shawn Cox](#); [Laura Calcote](#); dain.larsen@twdb.texas.gov; jeff.walker@twdb.texas.gov
Subject: Wimberley testimony
Date: Thursday, January 10, 2019 8:57:45 AM

My name is Carroll Wilson and I live at 7 Woodview Ct, Woodcreek, TX 78676. I have lived here since 2011.

I attended the TWDB hearing in Wimberley this week, but the sound was so bad I left before the hearing had been completed. I hope to use this email, then, to tell you that I oppose the city of Wimberley plan to join with Aqua Texas for any city-related purpose. There is an old saying that is applicable here: It is a poor bird that fouls its own nest. Woodcreek certainly fouled its nest when it gave over its water system to Aqua Texas; I know because it's where I live. I would not have moved to Woodcreek had I realized in advance that Aqua Texas, a for-profit, publicly traded company, was the supplier of my most precious commodity. I believe Wimberley will be fouling its own nest if you persist in lending it money to do so for its ill-conceived Aqua Texas project. City functions belong in the hands of city residents and taxpayers not in the hands of for-profit, publicly traded corporations that are expected to make quarter-over-quarter, year-over-year income increases regardless of who gets hurt in the process.

My bottom line message: Say no to Wimberley's plan for an Aqua Texas partnership. It is a bad deal that will only get worse over time.

Carroll Wilson
512-842-3054

From: [Susan Zimmerman](mailto:susan.zimmerman@moonmountaingroup.com)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov)
Subject: Wimberley testimony
Date: Wednesday, January 16, 2019 6:51:55 PM
Attachments: [TWDB Hearing comment & agenda items.pdf](#)

Dear Mr. Walker and Mr. Larsen,

Below please find my statement that I was able to read at the January 8, 2019 TWDB Public Hearing held at the Wimberley Community Center. I included this statement in the attachment, which also includes the agenda and agenda items for the January 3, 2019 Wimberley City Council meeting that I reference in my statement.

I was one of the "lucky" 27 persons who were able to speak, of the 95 total who signed up. Council member Gary Barchfeld said he was choosing names on lines 1, 5, 10, 15, and 20 from each page of the sign-in sheets (for some inexplicable reason). When I reviewed the sheets that were made available, however, it appeared that he chose individuals who he knew would speak in favor of the Change in Scope to Aqua Texas. I believe he did this to "balance out" the speakers who he knew would overwhelmingly be opposed to Aqua Texas.

In spite of Mr. Barchfeld's efforts, two-thirds of the 27 speakers voiced our opposition to the Change in Scope. Think of what the outcome might have been had Mayor Jaggars not stopped the meeting (so she could begin her Town Hall) and the remaining 68 individuals been given the chance to speak.

I hope that the TWDB will require the city to hold another Public Hearing.

Thank you,
Susan Zimmerman
312 Canyon Oaks Drive
512-847-2006, h
512-585-2744, m
susanz@moonmountaingroup.com

+ + + + +

January 8, 2019

Mayor, City Council, thank you for this chance to speak.

My name is Susan Zimmerman. I live in a subdivision outside the city.

My comments relate to the proposed project changes. When I refer to the council, I mean the 4 council members who support the Change of Scope to switch from the city-owned wastewater system to giving the wastewater contract to Aqua Texas.

At the Thursday, January 3rd City Council meeting – just 5 days before this hearing – the council voted 4-1 for two agenda items related to this Change of Scope.

On one item, council voted to pay \$200,000 to end its contract with Black Castle.

On the other, council voted to accept a letter telling the TCEQ the City would not renew the permit for the original wastewater treatment plant. This plant was part of the plan for which the TWDB loaned the city \$5.5 million.

The city got the loan in part because it planned to reuse water at Blue Hole Park, which fit with part of TWDB's environmental mission. The water for Blue Hole is gone from the Change of Scope.

I believe these votes were premature and I question the timing, only 5 days before this TWDB-required Public Hearing.

The City has been negotiating with Black Castle to end the contract since August 2018. Why settle just 5 days

before this Public Hearing?

The second vote really got me wondering what this council is doing.

It has until July 2019 to tell TCEQ whether it will renew the permit. The council member who wrote the letter said the reason for voting on it now was, "...to get the letter written and have it ready to go whenever we're ready to send it... whether we send it tomorrow or in July makes no difference, we still want to have the letter ready to go..."

And, "We intend to go with Aqua Texas, have them treat our effluent and once that's all approved we won't need this permit anymore."

Another council member asked if the letter could be held until "if and when" the Aqua Texas plan is finalized. The council member who wrote the letter answered, "I'm not sure I'm in favor of that because I'm not sure when that's going to happen."

Why rush to finalize the letter if you're not sure when that's going to happen?

I hope TWDB will ask the council the following questions:

1. Do they have a plan to do something that somehow makes the TWDB loan unnecessary?
2. Or, do they think that with these votes, they have done away with any alternative to the Aqua Texas plan, and that will force the TWDB to approve the Change of Scope?

And please do not let the city use your loan to give the contract to Aqua Texas.

Susan Zimmerman

312 Canyon Oaks Dr.

Wimberley, TX

512-847-2006

susanz@moonmountaingroup.com

~~City of Waco~~
Scan + email to TWDB

January 8, 2019

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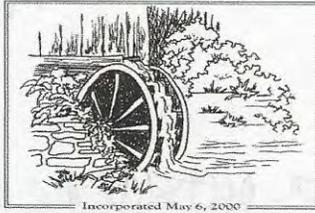
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And please do not let the city use your loan to give the contract to Aqua Texas.

Susan Zimmerman
312 Canyon Oaks Dr.
Wimberley, TX
512-847-2006
susanz@moonmountaingroup.com



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, JANUARY 3, 2019 – 5:30 P.M.

AGENDA

1. **CALL TO ORDER** January 3, 2019 at 5:30 p.m.

2. **CALL OF ROLL** City Secretary

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens who have a direct stake in the business of the city, such as a landowner, resident, vendor or business owner on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.

6. **EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding the Black Castle contract.

7. **OPEN SESSION**

Discussion and possible action resulting from Executive Session.

8. **CONSENT AGENDA**

The following item/s may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Approval of minutes from the Regular City Council Meeting held December 6, 2018.
- B. Approval of September 2018 Financial Statements for the City of Wimberley.
- C. Approval of Resolution No. 01-2019, authorizing the acceptance of an easement agreement for utilities to be located at 13301 Ranch Road 12, Wimberley, Hays County, Texas, on a property owned by Mystic Hill, LLC.

9. CITY ADMINISTRATOR REPORT

Update regarding the status of the Central Wimberley Wastewater Project and other City projects

10. DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure. *(Place Three Council Member Allison Davis)*
- B. Discuss and consider possible action to approve Ordinance No. 2019-01, amending Division 2, City Administrator, of Article 2.05, City Officers, of Chapter 2, Administration and Personnel of the City of Wimberley Code of Ordinances. *(Place Two Council Member Craig Fore)*
- C. Discuss and consider possible action to update the Texas Commission on Environmental Quality (TCEQ) on the City's desire to not renew TPDES Permit No. WQ0013321001. *(Place Two Council Member Craig Fore)*
- D. Discuss and consider possible action to approve the establishment of a Comprehensive Review Plan Committee. *(Place Four Council Member Gary Barchfeld)*
- E. Discuss and consider possible action to amend the City of Wimberley Purchasing Policy. *(Place Four Council Member Gary Barchfeld)*
- F. Discuss and consider possible action regarding the procedure to receive an update from the Wastewater Ad Hoc Advisory Committee. *(Place Four Council Member Gary Barchfeld)*
- G. Discuss and consider possible action to accept the resignation of Patricia Cantu Kelly from Place Five on the Wimberley City Council.
- H. Discuss and consider possible action to fill a vacancy for Place Five on the Wimberley City Council either by appointment or by special election until the next General Election in May 2019.

11. CITY COUNCIL REPORTS

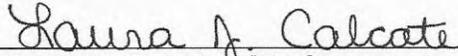
- A. Announcements
- B. Future agenda items

12. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting's opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

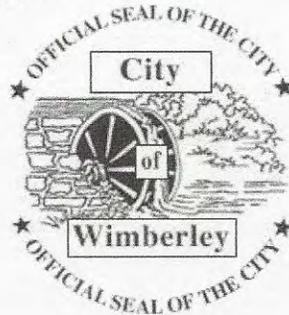
CERTIFICATION

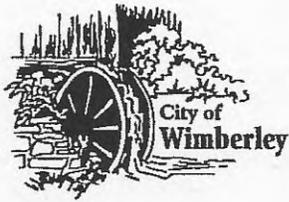
I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, December 31, 2018, by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Laura J. Calcote, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM: TCEQ Notification
SUBMITTED BY: Craig Fore, Council Member Place 2
DATE SUBMITTED: December 28, 2018
MEETING DATE: January 3, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City of Wimberley currently holds TPDES Permit No. WQ0013321001 from the Texas Commission on Environmental Quality (TCEQ). This permit currently allows the City to operate and maintain the Blue Hole Wastewater Treatment Facility. The original permit was amended to allow for the discharge of effluent (treated wastewater) into Deer Creek, once the proposed Wastewater Treatment Plant was completed. The permit is set to expire on February 20, 2020. To renew this permit, the City will need to submit a Renewal Application 180 days before the permit expires (by the end of July 2019).

With the amendments to the Central Wimberley Wastewater Project which will have wastewater treated by a third party, and not the City, there will be no need to renew the permit. For consideration is a draft letter to inform the TCEQ that the City does not intend to renew TPDES Permit No. WQ0013321001. IF approved this letter would not have to be provided until July 2019.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

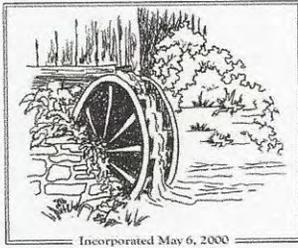
FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

ATTACHMENT(S)

- Draft TCEQ Letter



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

Susan Jagers, Mayor Gary Barchfeld, Mayor Pro-tem
Council Members – Mike McCullough Craig Fore Allison Davis Patricia Cantu Kelly

2019

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

Re: TPDES PERMIT NO. WQ0013321001

The City of Wimberley holds TPDES Permit No. WQ0013321001, which authorized the City to treat and discharge wastes from our Blue Hole Wastewater Treatment facility, once the proposed new 75,000 GDP treatment plant was completed. Currently the City operates a 15,000 GDP treatment plant under TPDES Permit No. WQ0013321001 and utilizes a separate 210 permit to use the effluent produced for irrigation.

The City no longer plans to build the proposed new plant, but instead intends to utilize a third-party to treat its wastewater. Once our current project is completed, the existing treatment plant will no longer be needed, and TPDES Permit No. WQ0013321001, which allows for discharge, will no longer be required. The City does intend to utilize Type I Treated effluent to irrigate the Blue Hole Regional Park. We will be requesting a separate 210 authorization which will be tied to a permit held by the third party we are contracting with to treat our wastewater.

The permit is set to expire on February 2, 2020. Please let this letter serve as notification that the City does not intend to renew TPDES Permit No. WQ0013321001. Please let me know if there is any additional information the City needs to provide.

Sincerely,

Shawn Cox
City Administrator

Cc: TWDB

From: [Paul Prasek](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Wimberley Testimony
Date: Wednesday, January 16, 2019 8:00:25 PM

Dear Mr. Cox,

We have lived and been active in Wimberley since 1992 and have kept informed of our city government since we incorporated in 2000. We are totally against Aqua Texas being involved in our city waste water system in any degree. We object to our current city council overturning, in two months, all the work our previous councils did for years on a system that would be owned by the city, which was full approved by the citizens.

Thank you for doing all in your power to not allow this to happen.

Sincerely,
Jan and Paul Prasek
2020 Hilltop Dr.
Wimberley

From: [Brian Ferrar](#)
To: [Shawn Cox](#); calcote@cityofwimberley.com; jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Subject: Wimberley Testimony
Date: Monday, January 14, 2019 9:39:09 AM

TO: City of Wimberley

Shawn Cox, City Administrator (scox@cityofwimberley.com)

Laura Calcote, Secretary (lcalcote@cityofwimberley.com)

CC: Texas Water Development Board.

Jeff Walker, Executive Administrator (jeff.walker@twdb.texas.gov)

Dain Larsen, Team 5 Manager (Dain.Larsen@twdb.texas.gov)

Mr. City Administrator,

Please enter this testimony from the Public Town Hall meeting last week, into the record:

Dear Mayor and members of City Council,

I come before you to object to your deal with Aqua Texas.

They and their parent corporation are unfortunately known as the worst private utility in the nation. They have a D Minus rating with the BBB. Almost every community that has dealt with them has been lied to, poorly serviced, and in the end, universally disappointed by Aqua Texas. Many towns end up with no recourse but to take costly legal action. Ask Woodcreek. Ask Kyle.

And frankly they falsely promise and even shamelessly lie. Their

President. Mr. Robert Laughman, visited our community discussion group several months ago. Mr. Laughman sat in my living room and looked me in the eye and said they had no violations with the State of Texas – while I simultaneously showed him the state web site with the list of their violations. More violations in fact, than any other utility.

Mr. Laughman also told us that no matter what you hear, we will **NEVER** (his emphasis) upgrade our facility for Level 1 effluent because it is not profitable to do so. (I sent the minutes of our meeting to the Wimberley View for publication.) Now he says that's on the table? In light of this convenient flip-flop, how can we know which AT position is true?

If you read Aqua America's web site (Aqua Texas' parent corp), their business model is clear. They prey on small towns like ours, promising the world to get in, and then once entrenched, knowing those communities have limited resources to fight them, they proceed to price gouge and short-change basic maintenance. This is their business model. They are a for-profit private company looking to minimize their costs to maximize their profits. They will not – *cannot* - change this model or their obligation to deliver profits from small towns like ours to their Wall Street shareholders.

There is nothing wrong with profitability....until it impacts the environment. And unfortunately, raw sewage spills are a regular occurrence in Aqua Texas-served communities. Kyle just had to settle their suit over AT spilling 100,000 gallons of raw sewage! You may not be able to set your watch by their predictable negligence, but you can come darn close!

And here in pristine Wimberley, Texas, our Slice of Heaven, our waters are the foundation of the community and what makes us special.

We will live with this decision long after all of you are no longer serving on this Council, so I beg you, please do not let this bad, bad deal, be your legacy in Wimberley.

Thank you,

Brian Ferrar

CR1492, Wimberley TX 78676

512-658-0588

ferrar.brian@gmail.com

From: [Cindy Rodriguez](mailto:Cindy.Rodriguez@twdb.texas.gov)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@twdb.texas.gov); [Laura Calcote](mailto:Laura.Calcote@twdb.texas.gov)
Subject: Wimberley Testimony
Date: Monday, January 14, 2019 11:20:13 AM

I am opposed to the change in scope of the Wimberley central wastewater project .

The loan was approved for a city owned plant and the wastewater plan had been scrutinized over a period of years by many experts. The change in scope has been hastily developed and continues to change on a seemingly daily basis. It is hard to quantify risks and costs with a moving target. As I understand the plan now is to drill under Cypress Creek and pipe raw sewage in a single-walled pipe, without leak monitoring, to a yet to be determined point north of the creek, where it can be tied into Aqua Texas infrastructure.

I do not believe we should consider a plan that allows raw sewage to be transported through such a sensitive area. A sewage leak, even a small one, will do significant harm to a very sensitive area with both private wells and wells that serve the Wimberley Water Supply Corporation which is my water provider.

I do not support contracting with a company with as poor a record as Aqua Texas.

Finally, I object to the format of the public hearing. The council took 45 minutes of the 120 minutes allotted for public input to justify their plan, then allowed only selected speakers of their choosing instead of calling speakers in the order in which they signed up . This council has established a history of suppressing public input and willfully ignoring the opinion of the majority of Wimberley citizens.

I request the scope change NOT be granted.

Cindy Rodriguez
1980 Hilltop Dr
Wimberley, Texas 78676
512-557-6556

From: [A.L. Wightman](#)
To: [Jeff Walker](#)
Cc: [Dain Larsen](#); [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Testimony
Date: Friday, January 18, 2019 5:01:36 PM

Dear Mr. Walker:

As a downstream property owner below the outfall of the proposed Wimberley wastewater plant, I am writing to express my support for the project's change of scope for the following reasons:

1. It is the policy of the Texas Commission on Environmental Quality to encourage regionalization to limit the proliferation of package plants and their impact on the state's water quality. Half of the City of Wimberley is already served by Aqua Texas, a regional water and wastewater provider. This is a good example where that state policy makes the most sense geographically, financially and environmentally.
2. Public input from the first town hall meetings on the wastewater issue specifically called for "no discharge" and the lowest-cost option. The Aqua Texas plant disposes of effluent in a more environmentally sound manner for the Hill Country than discharge into a waterway. It has the capacity to easily handle downtown Wimberley's needs without degrading the Blanco River.
3. No one gave the City of Wimberley a blank check to develop its city-owned wastewater plant. A stakeholders' committee recommendation was conditional with limits on cost and environmental impacts. The estimated cost of the plant already has exceeded the limits set by that committee by 25 percent, and the final costs are expected to be greater than \$7.5 million.

Thank you for the opportunity to comment on this important issue.

Alice Wightman, owner
200 Rim Road
Wimberley, TX 78676

Residence: 3210 Oak Hollow Drive
New Braunfels, TX 78132

From: [Sheryl Davis](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov
Cc: [Shawn Cox](mailto:Shawn.Cox@cityofwimberley.com); lcolcott@cityofwimberley.com
Subject: Wimberley Testimony
Date: Monday, January 14, 2019 8:40:38 AM

Dear Mr. Walker and Mr. Larsen;

I am a citizen of the Wimberley Valley and attended the Public Hearing held at the Wimberley Community Center on January 8th to allow public comment regarding the change in scope to the proposed wastewater system.

Be advised that I am in complete disagreement with this change in scope which assumes Aqua Texas will now provide collection, transportation and storage of waste water for the City of Wimberley.

This system has been a long time coming to our little city. The initial proposal was vetted by numerous professionals, funded and ready to go two years prior to our current city administration's taking office. The year prior to the current mayor's/council's election the entire proposal was vetted again with positive results and ample funds assured. The last year has been a disaster not only the wastewater system, but to the entire city, due to the political infighting.

The revised proposal does not compare equitably with the initial proposal since water for Blue Hole Regional Park has been eliminated and it has cost the city wasted money for attorneys and buy out of the Black Castle contract.

I believe there is need for another hearing in order to assure that the Texas Water Development Board fully understands Wimberley's public outrage. The mayor spoke for 45 minutes taking up valuable time which was supposed to be for citizens' comments. Additionally, the manner in which the speakers were selected was somewhat suspect as instead of allowing speakers in the numerical order of signup, he indicated he was selecting them in another order of 1,5,10, etc. We could not tell at the time of the meeting if indeed the selection was occurring in this manner.

In short, I do urge the board to require another open meeting.

Sheryl Davis

1525 Red Hawk Road
Wimberley 78676

650.269.0849 *Sheryl*

From: [Thomas Mader](#)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Testimony
Date: Saturday, January 12, 2019 2:38:45 PM

Although I was unable to attend the TWDB meeting due to work, I wish to comment. My family lived in Woodcreek North and had Aqua Texas for sewer and water. We had several problems with the sewer system and had to ask for service several times before they came and repaired it.

The cost for using Aqua was extremely high and since we moved to a private community, the cost for us is now less than half of what Aqua Texas was charging (using the same amount of water).

I also am really disappointed at the antics of the Mayor and the council for the way they handled the meeting last Tuesday and have had numerous comments by folks that were there against how the town handled the whole presentation.

Thomas Mader
tpmader@aol.com

From: [MARTHA BARCHFELD](#)
To: [Shawn Cox](#); clay.schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Wimberley Texas Sewer Project
Date: Friday, January 18, 2019 9:03:06 PM

Dear Sirs:

I am a Wimberley resident and property owner residing at 550 Flite Acres Road which is on the Blanco River less than one-half mile downstream of the proposed discharge point. I formally disputed the change in permitting from land based discharge to allow discharge into the Blanco River. I am writing in support of the change in scope of the Wimberley Wastewater Project to use Aqua Texas as the city's wholesale wastewater treatment provider.

There is no scientific data that concludes there will not be negative effects if any grade of effluent is discharged into our spring fed river. There are multiple real life examples of the NEGATIVE effects of discharging into our Texas spring fed rivers.

There is no logical or economical basis to support the City of Wimberley operating a sewer plant. The current plant operates at a loss with expenses of approximately \$140,000. Why would anyone think borrowing \$3.5 million to build a new and larger plant would be less expensive? The projected maintenance and operation cost is approximately \$214,000. The budget for the City of Wimberley is \$1.4 million. There is no mathematical equation that allows for payback of a loan for a \$3.5M sewer plant and a \$3.6 million collection system without an adding an ad valorem tax.

In addition, it makes both logical, economical and environmental good sense to take advantage of Aqua Texas' existing sewer facility which aerates treated effluent in a pond AND has a land application permit. They are proven in our area since they provide sewer service for businesses, Wimberley ISD schools, Wimberley's Community Center and residents north of Cypress Creek. The businesses that will be served by the new sewer are on the banks of Cypress Creek - less than 1,000 feet from those who are served by Aqua Texas.

Much of the opposition to going with Aqua Texas has been from non-city residents who are currently served by Aqua Texas and fear that their rates will increase. Business decisions should not be based on fear but on facts. Organizations were promised things by previous councils that just aren't affordable - things like free grey water to water their landscaping, etc. What other city do you know who has lobbied for a sewer treatment plant in their park which is also on a spring fed waterway such as Blue Hole on Cypress Creek?

I am retired from ExxonMobil. I am aware that the state of Texas has multiple pipelines for multiple products running under our streams and rivers. In addition, the city's engineer, Steve Coonan, confirms that the proposed pipe design for sewage is secure.

Hays County taxes are extremely high. The majority of Wimberley's citizens are over 55. If Wimberley is forced to add an ad valorem tax to pay for an unaffordable sewer plant, it is not an invalid statement to say a percentage of our retired citizens who have called Wimberley home for decades will no longer be able to afford to live in their homes.

The City of Wimberley has been looking for a sewer solution for over 20 years. It is time to put in an affordable sewer system with an existing provider in an economically feasible and environmentally sound manner. I respectfully request your approval to do approve the change in scope to send our wastewater to the regional provider Aqua Texas. Not only is this change

in scope fiscally sound, it would ensure there is no discharge of any kind into our pristine Blanco River.

Respectfully,

Martha Barchfeld
550 Flite Acres Rd.
Wimberley, TX 78676

From: [Jamie Pettit \(via Google Docs\)](#)
To: [Shawn Cox](#)
Cc: kristen.miller@twdb.texas.gov; [Laura Calcote](#); dain.larsen@twdb.texas.gov; jeff.walker@twdb.texas.gov
Subject: Wimberley TWDB Hearing
Date: Friday, January 11, 2019 12:36:12 PM

Jamie Pettit has shared a link to the following document:

 [Wimberley TWDB Hearing](#)

 Wimberley Testimony for January 8th TWDB Hearing

[Open in Docs](#)

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because someone shared a document with you from Google Docs.



January 11, 2018

Dear Texas Water Development Board, City Council and Mayor,

Mayor Jagers did not handle the hearing as directed. She should not have spent 45 minutes on a presentation during the hearing time: this could have been handled at the Town Hall citizens have been asking for since August, and should have been presented BEFORE the TWDB hearing with ample time for citizens to review the numbers. I can only surmise that this was done deliberately so we could not see the numbers before hand, and to quiet public comments, as was done at the August Council Meeting when many citizens, including myself, were not allowed to speak about the cancelling of the BlackCastle contract.

202 people signed in at the TWDB Hearing, 107 people circled no to comment, and 95 people circled yes to comment. Only 26 people were allowed to comment, and the way Council Member Barchfeld handled the picking of speakers was highly suspect. Other statements at the meeting were not truthful, including the statement that Mayor Jagers has spoken to Woodcreek Council Members about AquaTexas services as part of her vetting of the new project; Woodcreek Mayor and Council members have said they were never contacted by anyone in Wimberley government regarding Aqua Texas.

I was allowed to speak, and I do not support this change of scope primarily because of the raw sewage pipe proposed to be drilled under Cypress Creek and because of the lack of reclaimed water going back to our regional Blue Hole Park. I feel a full Environmental Assessment needs to be completed concerning the drilling of a pipe due to fault lines present in that area, the safety concern for the Aquifer and the water quality of Cypress Creek and the Blanco River. **I also feel that the 2014 Finding of No Significant Impact is null and void considering the change of scope and added underground sewage pipe under Blue Hole Regional Park, which is a huge economical and cultural centerpiece of Wimberley.**

Below is my written comment made during the TWDB Hearing, and the email I made reference to during my comment.

Thank you.

Jamie Pettit

Wimberley resident and voter residing within the city limits.

January 8, 2019

Wimberley Community Center

Texas Water Development Board Hearing

Wimberley, Texas

Statement by Jamie Pettit, resident in the city limits of Wimberley, Texas:

The City-owned Wastewater Treatment Plant project did not have a raw sewage pipe crossing under Cypress Creek. On June 7th when

Mayor Jagers first introduced parts of the AquaTexas Plan to citizens, she said that the pipe crossing under Cypress Creek to connect to Aqua Texas' system would be a double-pipe with leak detectors to ensure that no raw sewage would leak into Cypress Creek or underground. Just to be clear, this pipe will be carrying RAW sewage, not treated effluent! With the current plan, if there is a leak in the single pipe, raw sewage will potentially leak into our aquifer, Cypress Creek, and the Blanco River. Why does this current plan being reviewed not have this extremely important safety feature of a double pipe to protect our waterways?

Another point, just to quote the words of Mayor Susan Jagers, in a 2018 email to Dain Larsen on the Texas Water Development Board: "For the record, most of the community wants to own and operate their own plant." Yes, we do, Mayor Jagers, and you have done your best to prevent the city-owned wastewater treatment plant from being built, against the wishes of the majority of our community.

From: Mayor [mailto:mayor@cityofwimberley.com]

Sent: Monday, July 2, 2018 4:05 PM

To: Dain Larsen <Dain.Larsen@twdb.texas.gov>

Subject: RE: City of Wimberley Revenue Bonds

Thanks Dain,

Yes the pro-forma has been updated with a best case financial analysis of the current conditions. I will be bringing it to the meeting.

Our new Legal Advisors are with the Denton, Navarro, Rocha, Bernal & Zech law firm. One of their lawyers will be joining us.

I'll also be bringing the current proposal from Aqua Texas to

accommodate our sewage treatment until we build our own plant. The contracted engineer, Mr. Coonan, with Plummer Engineering has addressed any engineering issues and will be presenting his analysis. What additional would you require, if anything, from the TCEQ with regards to boring under the Cypress Creek to connect with Aqua Texas? By the way, the proposed scope change does not require any additional permits or easements. There is minimal re-engineering with little to no turnaround time.

We have temporarily suspended work with the plant contractor, BlackCastle, until you have blessed off on the changes.

For the record, most of the community wants to own and operate their own plant. However, in light of the fact that until there is a justifiable user base, the lack of sufficient revenue will probably force this city to raise the Ad Valorem tax, which is currently at 0%. As you know an Ad Valorem tax should not and can not be used to repay Revenue Bonds. Worst case

Respectfully,

Susan Jagers

Mayor

City of Wimberley

221 Stillwater

P.O. Box 2027 (Mailing Address)

Wimberley, TX 78676

Cell: (512) 648-1632 best option

Office: (512) 847-0025

Fax: (512) 847-0422

Website: cityofwimberley.com

P Please consider the environment before printing this e-mail.

From

From: [Heather Carter](mailto:Heather.Carter@twdb.com)
To: dain.larsen@twdb.com; [Shawn Cox](mailto:Shawn.Cox@twdb.com); [Laura Calcote](mailto:Laura.Calcote@twdb.com); kristin.miller@twdb.com
Subject: Wimberley- TWDB Jan 8th meeting - Letter of Concern
Date: Thursday, January 10, 2019 8:14:19 PM

Dear Ms. Miller and Mr. Larsen,

I hope you're hearing from many of us in Wimberley that are outraged by the events that took place at the City's Public Meeting on the Change of Scope for our WWTP. I am attaching my letter and questions that I had hoped to ask Tuesday night. This marks the third time I have signed up to speak at a City Council Meeting regarding the WWTP and have not been allowed to. My understanding was that all of those that would like to speak and ask questions would be allowed to do so and if there were too many people for this meeting to be able to be heard in 2 hours, then another meeting would be called.

Out of the 205 people that were there Tuesday night, 95 signed up to speak but only 27 were allowed to. The Mayor took up 45 minutes of our two hours with her own misinformation before we could get started. We did not get our full two hours and we are requesting another meeting. More importantly and as if that wasn't unfair enough, Mayor Pro-Tem Barchfeld announced he was disregarding calling speakers in the order in which they'd signed up; rather, he said, because he could already see that there were way too many speakers for the time allotted (by then, reduced by the mayor's 45 minutes), he was going in this order: 1, 5, 10, 15, etc. What is completely crazy about that is not every single person circled YES they wanted to speak, so what happens when he gets to 5 and there is someone there that doesn't want to speak?? Does he skip to 10 or go to 6?

However, there is proof that Mr. Barchfeld did not even follow his own crazy rules. You can see by looking at the sign in lists, that Mr. Barchfeld changed to calling speakers in a way that resulted in a disproportionate number of speakers friendly to the requested change (his and the mayor's position). The latter violates your express instructions. The Mayor and Barchfeld have cherry picked speakers that are for their position before. One time they said they would only allow 30 total minutes of comments so all the others signed up to speak left without being heard, once said they would only hear from those that lived in the city limits and another time they decided to only hear equal remarks from each "side", since there were only 2 people there that agreed with the Mayor's stance, only 2 of the 19 of us were allowed to comment. This pattern and what happened on Tuesday are enough to warrant another hearing.

While post-hearing submission of written comments is now allowed for 10 days, if written comments were sufficient, there would have been no need for, or purpose, in having the public hearing you required. If only a small handful of speakers were denied, perhaps you might say no meaningful harm. But when the mayor gives her pro-change side the first 45 minutes, and then only 27 of those 95 signed up get to speak, and when Mr. Barchfeld further unilaterally and secretly decides who gets to speak, the public comment you required is inadequate and incomplete. For your board to get the clear, unbiased, unvarnished public input you required via a public hearing, at least one more hearing is required. Please inform the City of that need and their responsibility. Unfortunately, we are counting on you to show our Mayor what governance is and how to acknowledge the importance of public input and support.

Sincerely,
Heather Carter
191 Hidden Creek
Wimberley, TX 78676

January 8, 2019

To Whom It May Concern at TWDB:

I am writing you as a concerned citizen of Wimberley. The current Mayor, Susan Jagers, ran for office with the promise of Aqua Texas being off the table, promising to finish the currently underway WWTP and stated she knew that this community wanted it's own WWTP.

Quickly however, within the first few weeks after the election, the current council being led by the Mayor and Councilman Barchfeld, changed scope of the project by halting progress on the plant and did so without transparency and without public input contrary to what their campaign promises were. They systematically removed and replaced every member on advisory committees including HOT, P&Z and Wastewater to be people in their camp and in agreement with halting the WWTP and using Aqua Texas instead, they also fired the city attorney that advised them it was a wrong move to stop progress on the WWTP. Our Mayor also promised a Town Hall meeting before any action was taken with Black Castle and we never got it.

On July 16, 2018 in her Mayor's Corner, Jagger's wrote "FACT: There has been no decision made on which option to pursue. When the analysis is complete, it will be presented to the Council in a workshop session for their review and consideration. The same analysis will also be presented at a Town Hall meeting at the Community Center prior to any direction taken by the Council."

This Mayor and Council have continually misled, withheld information from the public and kept public comment and questions from happening at meetings. Most of the information we have has been requested through FOIA and pieced together because of the lack of transparency of this council. Twice now I have signed up to speak and not been allowed to at council meetings due to the Mayor limiting time for public comment, saying only people residing in the city limits could attend and speak or saying that comment was limited to equal numbers of pro vs. con people, which is absolutely ridiculous. I was one of the 19 people signed up to speak AGAINST the termination of the Black Castle contract and was not allowed to speak because there were only two people signed up to speak FOR the termination.

This conduct in the very least is a misrepresentation of their intentions as elected officials, flagrant misuse of city funds, lack of transparency and a censoring of public outcry. I have never, in 20 years of living here, seen such an abuse of power and irresponsible use of city resources. We are now, against the public majority's wishes, spending even more money to pay Black Castle, what do we have to show for it? - absolutely nothing. The TWDB may be our last hope to impede this current council's agenda. As a community committed to preserving our creeks, rivers and parks, we are pleading with you to deny funds of any kind

that would support this council's agenda of going with Aqua Texas, drilling for pipe carrying raw sewage underneath our beloved Blue Hole at Cypress Creek and cancelling any chance we have as a city to control the unbridled growth and development seen in neighboring towns like us that ended up going with Aqua Texas. Kyle just spent millions getting out of a contract with Aqua Texas and I hope Wimberley doesn't follow that same knowingly irresponsible and destructive path.

My questions for this Council and the Mayor are as follows:

1. For the new members of this council that ran their campaigns on "no discharge" and were quoted saying that "Aqua Texas is off the table", it is shocking to me that you would be OK with Aqua Texas, a proven terrible steward of water resources and environmental quality, running a pipe with raw sewage directly under our pristine Cypress Creek!! What's the plan for handling the raw sewage in the event that there is a rupture of the pipeline that you want to place between Blue Hole and our downtown bridge? Have any studies been done to qualify or quantify the potential economic impact to Wimberley and Blue Hole if there is a leak in this raw sewage pipe??
2. The rapid and irresponsible decision to cancel construction on our city owned WWTP and a settlement to pay off Black Castle 4 days before this meeting tonight smells of bad governance, little to no transparency and gross misuse of our public funds. Without allowing public input or having a town hall like promised, how do you plan on justifying your actions to our community? Without the correct analysis and 30 year rate study that TWBD required of us on the WWTP approval, how do you know that using Aqua Texas is cheaper for our town in the long run? And how can you justify putting our creek, our park, our CCN and downtown businesses at risk for all of these unknowns?
3. I'd like a formal inquiry into the numbers presented by our Mayor in August titled **Raftelis Updated Rate Study** (attached), this chart claims Raftelis Updated their 30 year analysis to these new numbers for a 1 year rate analysis using AT. Through an FOI request we know that there has not been any work invoiced from Raftelis in over a year and we have an email exchange between the Mayor and Raftelis where they said they were no longer under contract with the city and wouldn't do that update for free, can the Mayor explain where she got these numbers?? And did the council base their vote to cancel the city owned WWTP in favor of an Aqua Texas plan based on these numbers??

Thank you for your time and consideration on this matter. I look forward to asking these questions tonight in the meeting that your organization thankfully made mandatory of this council and Mayor.

Sincerely,

Heather Carter
hcartist @ [mac.com](mailto:hcartist@mac.com)

Attached is the Mayor's claim from her August presentation:

From: [Josie Sturdivant](#)
To: [Shawn Cox](#)
Cc: clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Wimberley Waste Water Projrct-change scope
Date: Tuesday, January 8, 2019 8:35:17 AM

Administrator Cox, Mr. Schultz and Mr. Larsen of the TWDB,

We are writing in support of the "change in scope" of the Wimberley Wastewater Project. As members of the Paradise Hills/Paradise Valley "residents only" river park we have always objected to ANY permit allowing discharge into the Blanco River immediately upriver of our beautiful river park or at any place into the pristine Blanco. We are also city residents who would pay any eventual Ad Valorem tax if our city coffers are drained by sewer costs preventing the city from funding roads and other city services. Indirectly, we would be paying for a wastewater system we would have zero benefit from.

In the past we have written to express our grave concerns regarding the project funding, the actual number of users providing revenue to pay the loan, and the city subsidy using city funds funneled through Blue Hole Park to be returned as revenue in order to help pay for the loan. We also have great concern regarding actions taken by the former council outside of public view and with questionable self serving purpose.

We do not believe our city can afford the \$200,000 annual loan subsidy AND the annual proposed plant maintenance/operation cost of \$214,249. Aqua Texas is offering to provide Wimberley wholesale wastewater

service at a reasonable cost to users, allowing us to keep the city's CCN, thereby allowing the city to be in control of our future through comprehensive plan regulation along with planning and zoning. The idea that we would give this power to Aqua Texas by being their wholesale customer is absurd. Using Aqua Texas also protects the Blanco River by cancelling the discharge permit and, furthermore, the effluent created will be treated to Type 1 and be available to the city.

The current elected City Council has researched the effects of the city owned wastewater system as planned and determined a previously available option using Aqua Texas as a wholesale provider was infinitely more financially feasible. The Council then took the difficult actions necessary to protect the financial future of Wimberley, as well as Wimberley's creeks and rivers, and its residents. We support their efforts to cancel the Black Castle contract. We support the CHANGE IN SCOPE and ask that you vote in favor of granting Wimberley the necessary permissions to move forward without further delay. Thank you.

Dan and Josie Sturdivant
Paradise Hills, Wimberley

From: bharla@sbcglobal.net
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov; [Shawn Cox](#)
Cc: [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#); [Laura Calcote](#)
Subject: Wimberley Waste Water Treatment Plant and Town Hall Meeting of January 8, 2019
Date: Saturday, January 12, 2019 3:07:07 PM

Our concerns are addressed to the TWDB and City of Wimberley Administration.

We are adamantly opposed (more now than ever following the January 8 “Town Hall Meeting”) to a change in scope of the city’s waste water treatment plan. We urge the TWDB – please do NOT approve the current council’s actions to change the original, approved city-owned plan to Aqua Texas.

We attended that meeting on January 8 and one of us (Alison) signed up, in good faith, to speak. The mayor’s presentation went well over time and was poorly presented. The power-point COULD have been made available to all prior to the meeting, or at least printed copies made readily available upon entry. (We did see some folks had printed copies, but we were not offered, nor did we see, such copies being handed out.) The projection on screen for the rest of us was hard (at times impossible) to decipher. The mayor’s speech by microphone was distorted and difficult (at times impossible) to understand. Several citizens spoke up at various times asking for the mayor to adjust so that we could see or hear more clearly.

When it came time (finally) for the citizens to speak, a different microphone at the side of the room seemed to work fine. Then, individuals were called to speak, not in the order of sign-in, but by obvious “selection” by Council Member Barchfeld (with consultations with Mayor Jaggars). It was obvious that they were trying to “balance” the comments, but not by the numbers of people signed up to speak pro or con. We can assure you, the crowd was not evenly divided as it may appear by the transcripts of the meeting.

Alison (signed up to speak for the both of us) was not called to comment, nor were the MAJORITY of people who had signed up to speak. We left, and when we did, we dropped off a printed copy of the remarks we had prepared at the table where we had signed in. We had added hand-written comments at the bottom of the copy indicating our objections to how the meeting had been conducted. Whether or not our copy and comments made it into the hands of Shawn Cox or the TWDB is unknown.

We want the TWDB to know our concerns. We want Shawn Cox to be aware of our concerns. We want this current Mayor and City Council to know how we feel on this issue.

Following are the remarks we had prepared to present at the meeting:

To: The City of Wimberley Mayor and City Council
Re: Wimberley Waste Water Treatment Plant

First of all – we believe the abrupt and rushed cancelling of the in-process Black Castle construction was not just costly, but absolutely premature and therefore irresponsible. What happens if TWDB does NOT approve the change in scope of the project?

That said, we have one question – WHY IS THIS CHANGE NECESSARY?

WHY did you not admit that this was your agenda all along when you were running for elective office? Many Wimberley citizens voted for you, believing you when you said Aqua Texas was “off the table.”

We were satisfied and convinced that a city-owned system, approved after years in the planning by all previous councils – and voted in the affirmative by Wimberley citizens – was GOOD WATER POLICY. It included responsible re-use of treated (to the highest standards) waste water and the protection and maintenance of Wimberley’s gem – Blue Hole. And, the plan attracted generous grants (now lost?).

Contrast that with the plan(?) put forth by a water profiteer – Aqua Texas. The most concerning aspect to us is the boring down and running pipe to carry wastes under Cypress Creek. There are too many unknowns, both of costs and of environmental concerns.

And, isn’t it time to get our village square brought up to decent standards and to the caliber it deserves? It’s not only embarrassing to hear visitors complain about having to use porta-potties when they visit our town and eat at our town square restaurants – we feel sorry for the merchants who struggle to maintain their businesses under the existing (and deteriorating) conditions. It is ridiculous! And, it was on the way to being fixed before you brought everything to a halt.

We do not feel that the current mayor and council (save one) have made themselves readily available to explain your position on this. Where is the “transparency” you ran on? And, again – WHY IS THIS CHANGE SO NECESSARY NOW??

Respectfully,
Bob and Alison Harla
111 County Road 1492
Wimberley
bharla@sbcglobal.net

From: [Pamela Mitchell](#)
To: [Shawn Cox](#); clay.schultz@twdb.texas.gov; dain.larsen@twdb.texas.gov
Subject: Wimberley Waster Project
Date: Monday, January 7, 2019 3:07:10 PM

I am Lincoln Gayler and I manage a touring business in the Wimberley Valley and live along the shore of the Blanco River. I am asking for the consideration of changing the wastewater project to be a more financially and environmentally sound project. Wimberley Valley already has a Regional Wastewater Provider and to not use resources already available would not be a sound business decision. Aqua Texas has agreed to upgrade to Type 1 which would benefit the whole Valley. Aqua Texas already uses purple reuse pipe to water the golf course in Woodcreek which is a much more environmentally sound use of effluent rather than sending it down our pristine waterways. The City of Wimberley was already running into financial difficulties with the previous project much less in the future trying to pay for maintenance and replacement parts before the loan is even paid back with so few connections to pay for the huge out lay of funds. Citizens Alliance for Responsible Development and Wimberley Valley Water Association have made it very clear at the Blanco Wastewater meeting with your board that any discharge into the Hill Country waterways is not a good plan and land application would always be the way to go. We have a financially viable alternative and environmentally sound alternative, please help us move forward with this project and not bankrupt Wimberley.

Thank you

Lincoln Gayler
6851 Fulton Ranch Road
Wimberley, Texas 78676

From: [The Kirklands](#)
To: [Shawn Cox; clay.Schultz@twdb.texas.gov](mailto:clay.Schultz@twdb.texas.gov); Dain.Larsen@twdb.texas.gov
Subject: Wimberley Wastewater Change of Scope Hearing to be held January 8, 2019
Date: Sunday, January 6, 2019 9:25:01 PM

Administrator Cox, Mr. Schultz and Mr. Larsen of the TWDB,

We are writing in support of the "change in scope" of the Wimberley Wastewater Project. As members of the Paradise Hills/Paradise Valley "residents only" river park we have always objected to ANY permit allowing discharge into the Blanco River immediately upriver of our beautiful river park or at any place into the pristine Blanco. We are also city residents who would pay any eventual Ad Valorem tax if our city coffers are drained by sewer costs preventing the city from funding roads and other city services. Indirectly, we would be paying for a wastewater system we would have zero benefit from.

In the past we have written to express our grave concerns regarding the project funding, the actual number of users providing revenue to pay the loan, and the city subsidy using city funds funneled through Blue Hole Park to be returned as revenue in order to help pay for the loan. We also have great concern regarding actions taken by the former council outside of public view and with questionable self serving purpose.

We do not believe our city can afford the \$200,000 annual loan subsidy AND the annual proposed plant maintenance/operation cost of \$214,249. Aqua Texas is offering to provide Wimberley wholesale wastewater service at a reasonable cost to users, allowing us to keep the city's CCN, thereby allowing the city to be in control of our future through comprehensive plan regulation along with planning and zoning. The idea that we would give this power to Aqua Texas by being their wholesale customer is absurd. Using Aqua Texas also protects the Blanco River by cancelling the discharge permit and, furthermore, the effluent created will be treated to Type 1 and be available to the city.

The current elected City Council has researched the effects of the city owned wastewater system as planned and determined a previously available option using Aqua Texas as a wholesale provider was infinitely more financially feasible. The Council then took the difficult actions necessary to protect the financial future of Wimberley, as well as

Wimberley's creeks and rivers, and its residents. We support their efforts to cancel the Black Castle contract. We support the CHANGE IN SCOPE and ask that you vote in favor of granting Wimberley the necessary permissions to move forward without further delay. Thank you.

Jim and Pam Kirkland
Paradise Hills, Wimberley

From: [Clay Byrne](#)
To: [Shawn Cox](#); clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Cc: [Clay Byrne](#)
Subject: Wimberley Wastewater Project ~ Change of Scope ~ Support
Date: Wednesday, January 9, 2019 1:59:19 PM

This may be a day late.

TO:

Shawn Cox, Wimberley City Administrator: scox@cityofwimberley.com

Clay Schultz, Director, Regional Water Project Development, Texas Water Development Board:
clay.Schultz@twdb.texas.gov

Dain Larsen, Central Texas Team Manager, Texas Water Development Board:
dain.Larsen@twdb.texas.gov

I write this letter of support for Wimberley's change of scope for the wastewater project as a son of Joan Johnson Byrne – owner of the land adjacent to Blue Hole Regional Park on its northern upstream boundary - which is a directly affected party.

Our family, and extended family, have owned the land adjacent to and across the creek from Blue Hole Regional Park for many generations. Our family has lived there on and off in the past, and now we enjoy the natural beauty of the land, creek and wildlife almost on a weekly basis. Our time there is treasured by multiple generations and our friends. But for a few trespassers and some overzealous officials or city staff, we've enjoyed our relationship with the Wimberley community over the years. We will not miss the current issues we have with the waste water plant (odor and seepage into Deer Creek on our property). I support this plan of all that we've seen as it affordable and more forward thinking in preserving the rich beauty in the valley.

Your support of this revised plan will compliment the hard work of the Wimberley City Council and the many volunteer citizen hours that have developed this project.

Sincerely,

Clay Byrne

O: (512) 942-7880

C: (512) 769-2251

From: [Joan Byrne](#)
To: [Shawn Cox](#)
Cc: clay.Schultz@twdb.texas.gov
Subject: Wimberley Wastewater Project
Date: Monday, January 7, 2019 8:29:35 PM

To Shawn Cox, Wimberley City Administrator
Clay Schultz, Director of Regional Water Project Development, Texas Water Development Board
Dain Larsen, Central Texas Team Manager, Texas Water Development Board

This communication is in support of the change of scope of the wastewater treatment project.

I own the property adjoining the Blue Hole Regional Park to the North and along the eastern boundary of Cypress Creek. This treasured property has been in my family since the 1920s.

As a directly affected party, I support this revised plan that does not require a wastewater discharge permit into the Blanco River.

I greatly appreciate your consideration.

Sincerely,

Joan Johnson Byrne

Sent from my iPad

From: [Larry](#)
To: [Shawn Cox](#)
Subject: Wimberley Wastewater Project
Date: Wednesday, January 16, 2019 8:06:33 PM

Shawn Cox

Wimberley City Administrator

My name is Larry Coker. I am a resident and owner of a home located within the city limits of Wimberley at 701 Spoke Hollow Rd. This is my notice of my beliefs regarding the Wimberley Wastewater Project.

I was and continue to be against the original plans of this project. It is financially irresponsible for the City of Wimberley to build a sewer treatment system for such a small number of customers. It is even more irresponsible to build a sewer treatment plant at a location in Blue Hole Park. I am strongly against a discharge permit. This is a disaster waiting to happen. Discharging into Deer Creek to the Blanco River and ultimately which feeds our aquifer is unacceptable.

Unfortunately, we are committed to a sewer system in Wimberley. I think that the change to contract the processing of the sewer effluent to Aqua Texas is the only reasonable solution at this point. It will prevent a financial disaster for our city. It will be more affordable to the users of the systems and hopefully will not become a financial burden for those of us that will never use it. I am aware that the collection line would need to be installed under Cypress Creek to be connected to Aqua Texas facilities. While nothing is risk free, I feel this poses the least risk to our natural resources. This plan will also benefit the whole Wimberley Valley with the Aqua Texas upgrade from Type 2 to type 1 effluent and land application distribution of the effluent. No discharge into our waterways is a big win. It is for those reasons that I support this change.

Lastly, I feel that all residents and property owners within the city limits of Wimberley should have a say in this issue. CARD and the major opponents of this change in plans do not fit in this category. They will not hold the responsibility of paying the bills after this issue is settled. I urge you to listen to those who will hold that responsibility and stop catering to outside loud mouths who want to be in charge of what doesn't belong to them.

Thank You,

Larry Coker

From: [Carl and Brooke](#)
To: [Shawn Cox](#)
Subject: Wimberley Wastewater Project
Date: Tuesday, January 8, 2019 2:11:43 PM

Dear Mr. Cox,

We are tax paying full time residents, property owners and small business owners in the City of Wimberley. We appreciate the hard work you are doing for our community and wanted to let you know where we stand on the Wimberley Wastewater Project.

We are 100% in support of the Aqua Texas sewer system plan versus the Blue Hole city sewer plan for too many reasons to list them all here.

After years of exhaustive diligent research without any biased affiliations, the facts are clearly indisputable from all angles. When considering the significant impact both short and long term for future generations, Aqua Texas is by far the most ethical, financial and environmental direction to go.

We truly 'dodged a bullet' and it's time to do the right thing once and for all without anymore delays for our community, neighbors and business owners by going with Aqua Texas.

Sincerely Yours,

Carl & Brooke Lamb
660 Las Colinas Dr.
Wimberley, TX 78676

From: [Chris Byrne](#)
To: [Shawn Cox](#); clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Wimberley wastewater project
Date: Tuesday, January 8, 2019 2:05:36 AM

TO:

Shawn Cox, Wimberley City Administrator: scox@cityofwimberley.com

Clay Schultz, Director, Regional Water Project Development, Texas Water Development Board: clay.Schultz@twdb.texas.gov

Dain Larsen, Central Texas Team Manager, Texas Water Development Board:
dain.Larsen@twdb.texas.gov

I write this letter of support for Wimberley's change of scope for the wastewater project as an heir of the directly affected owner adjacent to Blue Hole Regional Park to the north.

I strongly support the change of scope for a myriad of reasons, but most importantly now see that Wimberley's City Council has a plan that is affordable to all citizens of Wimberley, does not incorporate a wastewater discharge permit into the Blanco River and reflects the desire of our voting community through our newly elected City Council.

Your support of this revised plan will compliment the hard work of the Wimberley City Council and the many volunteer citizen hours that have developed this project.

Sincerely,

Chris Byrne

From: [Haidar Khazen](#)
To: [Shawn Cox](#); clay.Schultz@twdb.texas.gov; dain.Larsen@twdb.texas.gov
Subject: Wimberley Wastewater Pubic Hearing
Date: Monday, January 7, 2019 9:34:34 PM

Dear Sirs,

I am writing in support of changing the scope of the Wimberley Wastewater project. Unfortunately, I will not be able to attend the hearing on January 8th, so please accept this as my testimony. I am a Wimberley resident and property owner at 310 Mill Race Lane. I am located directly on Cypress Creek below Blue Hole, but on the North side of the Creek where service will not be provided. I am in the area subject to an ad valorem tax should it ever be levied to pay for the excessive cost of the system. As I mentioned previously, my property will not be in the proposed service area. To force the entire City population to help pay for an overly expensive system that will only be usable by a fraction of taxpayers cannot be justified, especially when a significantly less expensive solution is readily available in the form of Aqua Texas.. Our street has just been added to Aqua Texas's collection system at our own expense and we will be paying 100% of the monthly fees to treat our sewage. We did not ask anyone else to pay to treat our sewage, .

I am and have always been in favor of Aqua Texas treating the Wimberley Square's wastewater. This is a significantly more pragmatic, cost saving, and environmentally responsible solution to the Wimberley Square sewage problem than to build and maintain an entire very expensive sewage treatment plant. It is well known that the 100 or so users in the Wimberley Square area cannot afford such an expensive system. If they were able to afford it, there would have been no need in the old plan to set up a scheme whereby the City of Wimberley subsidizes the system with \$200,000 per year of Wimberley general funds. This amounts to \$6 Million of Wimberley general funds over the 30 years of the TWDB loan that will not go to roads, safety, city employees, parks and other city services. This "shell game" has the City paying \$200,000 of City funds to Blue Hole Park. Blue Hole then turns around and pays the money back to the City as a "user" in exchange for effluent for irrigation. It was set up this way to comply with the terms of the Texas Water Development Board loan which disallows using tax money to pay for usage fees. Without this \$200,000 per year subsidy, the rates would be completely unaffordable for the actual 100 users. Cost overruns on the project (of which we have already experienced a few) will likely drive the cost even higher, and I do not believe that operating and maintenance expenses have been properly budgeted. All this, along with the \$200,000 per year drain off the top of Wimberley's finances will likely result in the imposition of an ad valorem tax on the entire population of Wimberley, 99% of whom will not be able to use the service. This is fundamentally wrong and I hope you will allow the change in scope to avoid a new tax. The obvious solution is to use Aqua Texas who can provide the service at a fraction of the cost.

The other major issue for me, being downstream of the proposed plant on Cypress Creek, is the potential discharge into the creek from sewage spills at the plant and runoff from effluent irrigation. The other major issue is the TCEQ permit that allows the plant to discharge up to 75,000 gallons per day of effluent directly into the pristine Blanco River. I would like to see this permit canceled and direct all the plant's sewage to Aqua Texas which has a Land Discharge permit which will never allow effluent into our waterways. We have heard that the irrigation at Blue Hole and a 500,000 gallon holding tank will prevent any chance of discharge ever. This has proven false as we have seen recent extended rain events that would

have prevented water to be used for irrigation, and would have caused the holding tank to reach full to capacity. This is the exact confluence of events that will result in direct discharge of effluent into the Blanco which must be avoided at all costs. The Blanco is one of the few pristine waterways left in our State, I hope you will decide to allow Aqua Texas to handle the sewage since that solution will never allow discharge into our waterways.

Another objection we have heard is that to send the sewage from the Square to Aqua Texas would require pipes to be run under Cypress Creek and that this could leak raw sewage into the Creek. Yes, a borehole would need to be drilled under the creek to run a pipe. The proposed method would involve a double pipe within a pipe system with sensors that would detect if one pipe or another becomes damaged. In the very rare case that a pipe should break, Sewage would be shut off and the pipes repaired before any leak could occur. This method of crossing waterways has been extensively studied and successfully implemented across Texas, the US and the World,

One of the most absurd aspects of the previous plan is that it entailed a sewage treatment plant built inside Blue Hole Regional Park which is universally considered "The Jewel of Wimberley". This makes no sense whatsoever.

In closing, I respectfully ask you to please allow the City to move forward with its new plan which sends all sewage to Aqua Texas. Aqua Texas has an existing plant which can offer services at a much lower cost due to their economies of scale, and they have a land application permit which will never allow discharge into our waterways. This is the fiscally responsible, environmentally responsible, and generally responsible solution we need for Wimberley to move into the future.

Thank you,
Haidar Khazen
310 Mill Race Lane
Wimberley, TX 78676
(512)619-8148

From: [Kelly McFarland](#)
To: jeff.walker@twdb.texas.gov; dain.larsen@twdb.texas.gov; kristin.miller@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Wastewater Public Hearing
Date: Friday, January 18, 2019 1:57:13 PM

Boy, I bet y'all are really tired of hearing from us here in Wimberley. Well, believe me, we're tired of living it. I've lived here 27 years, and it is beyond belief that we are still writing to you about our wastewater system when we were so close, in fact had already broken ground on the city-owned plant when those pesky May 2018 elections happened.

Y'all are all aware I'm sure of the assertions the current council, including the Mayor were elected after running false and deceitful campaigns that Aqua Texas was off the table and the city-owned plant would go forward and that's how we got into this mess in the first place. I'm sure you are all also aware of the claims the Mayor is dictatorial, disingenuous and dismissive of public opinion, and that this council (save Councilwoman Davis) is ill-informed, uneducated on topic and reckless at best. But none of this is what you're tasked with.

You're tasked with whether or not to approve this new change of scope, which I am adamantly against by the way. I am confident that upon review you will see how utterly ridiculous it is to put a pipe under our beloved Cypress Creek carrying raw sewage to partner with Aqua Texas, an organization which has one of the worst records in the country, not to mention this option will provide no reuse water for Blue Hole Park and be more expensive for the city in the long run. I'm also confident that once you view the video and read the transcript of the public hearing held January 10, you will see the majority of Wimberley's citizens are passionately against this change of scope. And speaking of the public hearing, I was one of those citizens who arrived early to sign up to speak, but was not called upon due to Councilman Barchfield's "randomly" chosen speakers.

This all must seem silly and petty to you all, but in reality your decision here will affect our town for decades. We are depending on you to set aside all the noise, and decide based on fact whether or not this change of scope is well planned, vetted, and economically and environmentally sound.

Thank you for your time,

Kelly McFarland
171 Rhodes Lane
Wimberley, TX 78676
512-644-5860

From: [phillipFoster](#)
To: [Shawn Cox](#)
Cc: [Phillip Foster](#)
Subject: Wimberley Wastewater System...
Date: Friday, January 18, 2019 12:29:46 PM

Dear Wimberley City Administrator (Shawn Cox):

I am strongly opposed to Aqua Texas managing our wastewater system. "City owned treatment plant" implies "city controlled treatment plant", and "having control" is in our city's best interest.

Thank you for your consideration.

Phillip Foster
500 Rocky Springs Rd.
Wimberley TX 78676

From: [Donna Richards](#)
To: [Shawn Cox](#)
Cc: [Laura Calcote](#)
Subject: Wimberley Wastewater Testimony
Date: Thursday, January 10, 2019 4:09:10 PM

Dear Mr.Cox,

My name is Donna Richards. I reside at and own my home at 1920 Flite Acres Rd, Wimberley, TX 78676. I moved to Wimberley in 1992.

I am against any plan that has a permit to ever discharge into the Blanco River.

I am for the following.

- City Retains CCN and local control
- Aqua takes downtown wastewater and processes it at their non-discharge wastewater plant
- City will be an Aqua wholesale customer
- Aqua Cost is \$4,398 per month (\$52,776 per year) - Cost is based on PUC tariff rates in effect since 2009 - No increase in rates for five years
- Estimated annual operating cost for the City owned plant, from Inframark the City's current plant operator, would be \$214,24
- Aqua will upgrade entire plant from Type 2 to Type 1
- Reclaimed Type 1 effluent will be made available to Blue Hole for irrigation at no cost
- One-time impact fee of \$300,000Timing of completion of their construction consistent with City's plan
- Aqua Texas has a Land Application permit which does not allow discharge into our streams, rivers, and waterways.
- Please understand that there are existing utilities and pipelines crossing streams and rivers across the great state of Texas

Thank you for your time and consideration.

Sincerely,

Donna Richards

Wimberley Resident and Property Owner

From: [Thomas Manes](#)
To: jeff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov; [Shawn.Cox](mailto:Shawn.Cox@twdb.texas.gov); wview.editor@gmail.com;
communication@oag.texas.gov; publicrecords@oag.texas.gov
Cc: [Laura Calcote](#)
Subject: Wimberley wastewater treatment
Date: Monday, January 14, 2019 10:48:51 PM

January 8, 2019

Texas Water Development Board, The City of Wimberley, The Wimberley View, The Office of the Texas Attorney General

To whom it may concern:

The Texas Water Development Board should absolutely not cooperate with the current City of Wimberley administration in its plan to turn over our wastewater treatment south of Cypress Creek to Aqua Texas Corporation.

My own opinion is that the best solution to handle human waste in the Wimberley town square area is with communal and completely self contained composting toilets now available and in use in nearby areas, such as the Clivus Multrum (one example at Wild Basin in Travis County) or the Eloo (examples at Canyon Gorge in Comal County). These require virtually no water, other than for washing of hands.

Nevertheless, given the apparent general preference for flush toilets, and given the fact that so many in our community have worked long and hard for many years in the development of a plan for a city owned and operated wastewater treatment plant, the now aborted plant seems the best and long overdue solution to our water pollution issues. If the current mayor and her colleagues on the council are successful in their apparent attempts to cripple the city government, then at some point in the future those previous options for handling waste may have some appeal.

Rather than to restructure the city government into a tyrannical model and shutting out citizen involvement, as has been the case recently on many levels, the time of the current City of Wimberley government could be better spent. One example would be improving plans for the previously designed wastewater treatment plant with new technologies that remove pharmaceuticals, such as are being developed in Europe with the use of biofiltration, activated carbon, and ozonization (<https://www.kwrwater.nl/en/projecten/pharmaceuticals-from-effluent/>). Coordinating with the City of Blanco, who's effluent will enter the Blanco upstream from Wimberley, would be a constructive endeavor if creative options such as this were explored.

In my view, the current woes of our city are very much a reflection of the failing national political scene, and a virtual corporate takeover of our city's future is the last thing we need. The flagrant dishonesty and wasteful use of our city's resources by those now in office is abundantly obvious to anyone who cares to look. The sovereignty of the people and the financial integrity of our community is being systematically destroyed by the moneyed interests of a few taking over control of public policy by deception and by suppression of the people. This city government does not have our best interests at heart. The general good will, respect for legal procedure, and commitment to good manners has up to this point left the

many decent citizens in this community at somewhat of a loss and in a state of disbelief. Any support at the level of state government for the oppression we are now under here in Wimberley, which denies scientific and financial facts and all educated and informed input, should be withheld.

Thank you,

Thomas E. Manes, landscape architect (Wimberley citizen since 1993)
251 Climbing Way
Wimberley, TX 78676

Addendum, January 8, 2019:

Tonight the public meeting between city officials and the town's citizens was held, as required by the Texas Water Development Board regarding changes to the City of Wimberley's wastewater treatment. The meeting was cut short by the mayor before most of the citizen's who signed up to speak were allowed to do so. Speakers were selected at random (supposedly), rather than in the order that they signed up to speak, prompting disgust from those who arrived early so they could get a chance to speak and then leave or make other commitments on schedule. It seemed obvious to many there that the mayor and her council supporters cherry-picked from the list of speakers to give time to their few supporters among the crowd. Much of the supposed 2 hours of citizen input was taken up by the mayor's own presentation (45 minutes). Opposition to the mayor's new plan for wastewater treatment was in the definite, and sometimes outraged, majority. The one who calls herself mayor was rude and disrespectful to citizens. The mayor and her council allies were called out repeatedly for their lies, deceit, and obstructionism. Notably, their campaign positions that Aqua Texas was "off the table" were abruptly reversed after they were elected. Overall, this mayor and her allies show complete disregard for citizens and for the opinions and advice of highly qualified experts and professionals who's views counter their own. It is truly a reckless joke of a government, a ship of fools, obviously corrupt, and totally amateur and incompetent. Appalling and shocking to witness in person.

Personally, I don't believe in a representative form of government, as so often citizens are betrayed by their officials. There are alternatives, a couple of which are tyranny and direct democracy. The City of Wimberley's mayor, with the consent of council, has chosen the former, actively seeking to change city policies to give herself more power and she has purposefully limited public comment. She has said in her own words that the majority of Wimberley's citizens do not want an expansion of Aqua Texas in the Wimberley valley, yet she continues to push for this. She is promoting the insane idea of drilling under Cypress Creek for a raw sewage line, in a fault zone and in porous karst geology, immediately downstream from the swimming hole in our beloved Blue Hole Regional Park, ignoring all concern for the lack of wisdom in such a project. The mayor does not have a plan B, should her wishes not come to pass.

Changes required in our political system must fundamentally spring from the bottom, as the top rots away. Given our current situation, I say direct democracy, as apparently also thinks Switzerland, is definitely worth a try. But at the very least, the City of Wimberley needs to remove the tyranny of corporate influence from city politics as much as possible. Campaign signs littering our roadsides for months out of the year need to be banned. Come on people,

those with the most and biggest signs deserve to win? How stupid is that? Instead of such signs, we need verifiable information, public forums, and open debates. Citizens of voting age who live here should be required to vote, and if they don't they should be fined.

Make no deals with these people, TWDB. If you do, those living here that wish the best for our wonderful community will forever hold you accountable. Given the legal standing of our form of city government, I'm told we cannot rid ourselves of these bozos - which is really unbelievable to me. There must be a way.

This is a rogue government forcing public policy which does not reflect the will of the people. They are determined to push through their agenda regardless of what the public wants, and it appears they may be actually trying to destroy the city government so that their backers (most likely developers and those wanting to sell land to developers) can have free rein. Perhaps these people are just useful idiots chasing financial rewards for their despicable behavior, but they need to be called out for what they are. We need help!

From: [Elissa Beach](#)
To: eff.walker@twdb.texas.gov; Dain.Larsen@twdb.texas.gov
Cc: [Shawn Cox](#); [Laura Calcote](#)
Subject: Wimberley Wastewater
Date: Thursday, January 17, 2019 6:02:51 PM

I am appalled that there are folks in Wimberley who have hijacked the Wimberley Wastewater Treatment Plant. I do NOT want to have Aqua Texas in charge of anything in Wimberley.

I am for the well thought out, long planned, Wimberley owned Wastewater Treatment Plant.
Thank you,
Elissa Beach

--

Elissa Beach

San Marcos / Wimberley, TX

From: [Heiko Stang](#)
To: kristin.miller@twdb.com
Cc: dain.larsen@twdb.com; [Shawn Cox](#)
Subject: Wimberly Public Hearing in Wimberley Community Center on January 8, 2019
Date: Monday, January 14, 2019 8:45:58 PM

Dear Ms. Miller,

I attended the public hearing last Tuesday, January 8 at the Wimberley Community Center expecting a formal hearing according to TWDB rules. However, although 95 had signed up to speak, a great majority, 68, were not allowed to speak. Instead a third of the time of the hearing was used by Mayor Jagers for a power point presentation with information not released until shortly before the meeting.

Moreover, while many who wished to speak had arrived ahead of time to sign up, council member Gary Barchfeld was chosen by the mayor to select speakers as he wished. This turned out to be a process not representing the citizens present.

While written comments can be submitted, they are no adequate substitute to give public input in person at a hearing. In my opinion, another hearing needs to be scheduled that will follow rules, give proper notice and timely access to relevant information and is overseen by an impartial mediator not connected to the mayor's agenda.

Kind regards,

Heiko Stang

Heiko Stang
380 Turkey Hollow Road
Wimberley, TX, 78676

From: [David Glenn](#)
To: [Shawn Cox](#)
Cc: [Susan Jagers](#)
Subject: WRITTEN COMMENTS WIMBERLEY PUBLIC HEARING JANUARY 8, 2019
Date: Monday, January 21, 2019 1:43:18 PM

-----City Administrator, Mr. Shawn Cox,

My name is David Glenn and I live at 500 Outback Trail in the Rancho Madrone Subdivision within Wimberley's city limits. I served eleven years on Wimberley's Planning and Zoning Commission, was one of six City Council appointed members to the 2016 Citizens Ad Hoc Committee / Wimberley Downtown Wastewater System, founder of the Hays County Trinity Aquifer Volunteer Advisory Group, and PG 5255.

I attended the January 8, 2019, Public Hearing and STRONGLY SUPPORT the Proposed Central Wimberley Wastewater Project Modifications.

First the NO DISCHARGE permit option eliminates sewer plant discharge or leakage into Deer Creek and Cypress Creek ultimately reducing potential adverse environmental impacts on the Blanco River. This option will also increase the area of Type 1 effluent reuse benefits from a limited number of localized users in central Wimberley to an aerial larger population throughout the Wimberley Valley.

Second the project modifications REDUCE ECONOMIC IMPACT of unbearably high sewer bills on small business and shop owners by eliminating estimated high sewer plant operating costs. They also eliminate City "public nuisance" liability for sewer plant spills and smells in our prime tourist attraction, Blue Hole Park.

A new Mayor and City Council majority, elected in May 2018, inherited a project underway that turned out to be "not so shovel ready". They spent three months of extraordinary work and effort reviewing and evaluating options that were feasible and better serve Wimberley's citizens, both within and without the limited project area. Coordinating with the TWDB, the modifications were approved by the Council in August 2018. Wimberley is a small town with only a sales tax basis for financial support. Wimberley's economic engine, a vibrant tourist industry, depends on clean, clear, flowing water. A new sewer project is needed to support clean, clear, flowing water. We need TWDB's timely support and approval to keep this project moving.

-----David Glenn

Aqua Utilities Permit to Discharge Wastes - WQ0013989001



PERMIT NO. WQ0013989001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

This is a renewal of Permit No.
WQ0013989001 issued on
May 22, 2013.

PERMIT TO DISCHARGE WASTES
under provisions of Chapter 26
of the Texas Water Code

Aqua Utilities, Inc.

whose mailing address is

1106 Clayton Lane, Suite 400W
Austin, Texas 78723

Nature of Business Producing Waste: Domestic wastewater treatment operation, SIC Code 4952.

General Description and Location of Waste Disposal System:

Description: The Woodcreek Wastewater Treatment Facility consists of an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase include one bar screen, three aeration basins, one final clarifier, and one chlorine contact chamber. Treatment units in the Final phase will include one lift station, one bar screen, five aeration basins, one final clarifier, five aerobic digesters and one chlorine contact chamber. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.25 million gallons per day (MGD) via surface irrigation of 143 acres of golf course in the Interim phase and 0.375 MGD via surface irrigation of 175 acres of golf course and irrigation site in the Final phase. The facility includes a 58.34 acre-foot storage pond in the Interim phase and a 95.98 acre-foot storage pond in the Final phase for storage of treated effluent prior to irrigation. Application rates shall not exceed 1.96 acre-feet per year per acre irrigated in the Interim phase, and 2.40 acre-feet per year per acre irrigated in the Final phase.

Location: The wastewater treatment facility and disposal site are located at 2611 Farm-to-Market Road 2325, approximately 1200 feet south-southeast of the intersection of Farm-to-Market Road 2325 and Jacob's Well Road, approximately 4 miles north of the community of Wimberley, in Hays County, Texas 78676. (See Attachment A.)

Drainage Area: The wastewater treatment facility and disposal site are located in the drainage basin of Cypress Creek in Segment No. 1815 of the Guadalupe River Basin. No discharge of pollutants into water in the state is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on ten years from the date of issuance.

ISSUED DATE: July 12, 2018

Stephani Bergman Pennington
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Conditions of the Permit: No discharge of pollutants into water in the state is authorized.

A. Effluent Limitations

- Character: Treated Domestic Sewage Effluent
- Volume: Interim Phase Daily Average Flow – 0.25 MGD from the treatment system
Final Phase Daily Average Flow – 0.375 MGD from the treatment system
- Quality: The following effluent limitations are required:

<u>Parameter</u>	<u>Effluent Concentrations</u> (Not to Exceed)			
	<u>Daily Average</u> mg/l	<u>7-Day Average</u> mg/l	<u>Daily Maximum</u> mg/	<u>Single Grab</u> mg/l
Biochemical Oxygen Demand (5-day)	20	30	45	65
Total Suspended Solids	20	30	45	65

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes.

B. Monitoring Requirements:

Interim Phase

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/week	Grab
Total Suspended Solids	One/week	Grab
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

Final Phase

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	One/week	Grab
Total Suspended Solids	One/week	Grab
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

The monitoring shall be done after the final treatment unit and prior to storage of the treated effluent. If the effluent is land applied directly from the treatment system, monitoring shall be done after the final treatment unit and prior to land application. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

STANDARD PERMIT CONDITIONS

This permit is granted in accordance with the Texas Water Code and the rules and other Orders of the Commission and the laws of the State of Texas.

DEFINITIONS

All definitions in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

- a. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- b. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with 1 million gallons per day or greater permitted flow.
- c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).
 - b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.
 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING REQUIREMENTS

1. Monitoring Requirements

Monitoring results shall be collected at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling in accordance with 30 TAC §§ 319.4 - 319.12.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record or other document submitted or required to be maintained under this permit, including monitoring reports, records or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, or application. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in determining compliance with permit requirements.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

- iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, 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.
 - c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
 - d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
 - e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
 - f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.
 - h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in

charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - ii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

9. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

10. Notice of Bankruptcy.

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim

must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities which generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

- a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 169) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of

the TCEQ for at least five years.

11. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A or Class AB Sewage Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration</u> <u>(Milligrams per kilogram)*</u>
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B pathogen requirements.

- a. For sewage sludge to be classified as Class A with respect to pathogens, the density of fecal coliform in the sewage sludge be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of must be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

- b. For sewage sludge to be classified as Class AB with respect to pathogens, the density of fecal coliform in the sewage sludge be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

- c. Sewage sludge that meets the requirements of Class AB sewage sludge may be classified a Class A sewage sludge if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.
- d. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;
- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

- Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
 - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
 - iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.
- Alternative 10-
- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
 - ii. When sewage sludge that is incorporated into the soil is Class A or Class AB with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

- Toxicity Characteristic Leaching Procedure (TCLP) Test - once during the term of this permit
 PCBs - once during the term of this permit

All metal constituents and fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC § 312.46(a)(1):

<u>Amount of sewage sludge (*) metric tons per 365-day period</u>	<u>Monitoring Frequency</u>
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

(*) *The amount of bulk sewage sludge applied to the land (dry wt. basis).*

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC § 312.7

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A, Class AB or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

A. Pollutant Limits

Table 2

<u>Pollutant</u>	<u>Cumulative Pollutant Loading Rate (pounds per acre)*</u>
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

*Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A, Class AB or Class B pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
 - a. The location, by street address, and specific latitude and longitude, of each land application site.
 - b. The approximate time period bulk sewage sludge will be applied to the site.
 - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class AB and Class B sludge, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

“I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment.”
6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
 - a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee’s specific sludge treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
 - c. The number of acres in each site on which bulk sludge is applied.
 - d. The date and time sludge is applied to each site.

- e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
- f. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. that applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A, Class AB or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE
DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL**

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.
- C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year.

- E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC § 330.
- F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.
2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge that is transported to another wastewater treatment facility or facility that further processes sludge. These provisions are intended to allow transport of sludge to facilities that have been authorized to accept sludge. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge, nor do they limit the ability of the receiving facility to request additional testing or documentation.

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. Sludge may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:
 - a. the amount of sludge transported;
 - b. the date of transport;
 - c. the name and TCEQ permit number of the receiving facility or facilities;
 - d. the location of the receiving facility or facilities;
 - e. the name and TCEQ permit number of the facility that generated the waste; and
 - f. copy of the written agreement between the permittee and the receiving facility to accept sludge.
2. For sludge transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported.
3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year:

1. the annual sludge production;
2. the amount of sludge transported;
3. the owner of each receiving facility;
4. the location of each receiving facility; and
5. the date(s) of disposal at each receiving facility.

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SPECIAL PROVISIONS:

1. This permit is granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, if an area-wide system is developed; to require the delivery of the wastes authorized to be collected in, treated by, or discharged from the system, to an area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment, or disposal system.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC § 30, Occupational Licenses and Registrations, and in particular 30 TAC § 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. The golf course or other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
5. Wastewater shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
6. Application rates to the irrigated land shall not exceed 1.96 acre-feet per acre per year irrigated on 143 acres in the interim phase. Application rates in the final phase for the 175 acres of irrigated land (see Attachment "A") shall not exceed 2.4 acre-feet per acre per year irrigated. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.

7. Holding ponds shall conform to the Texas Natural Resource Commission "Design Criteria for Sewage Systems" requirements for stabilization ponds with regards to construction and levee design, and a minimum of 2 feet of freeboard shall be maintained.
8. Prior to construction of the wastewater treatment facilities in the final phase, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) of the Water Quality Division, a summary submittal letter according to the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with the requirements of 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2 of the permit.
9. The permittee shall obtain representative soil samples from the root zones of the irrigation area prior to commencing land application of treated effluent. Composite sampling techniques shall be used. Each composite sample shall represent the acreage with no less than 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 inches to 18 inches and 18 inches to 30 inches below ground level. The permittee shall sample and analyze soils in December to February of each year. Soil samples shall be analyzed within 30 days of sample procurement.

The permittee shall provide annual soil analyses of the land application area according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
pH	2:1 (v/v) water to soil mixture	0.1	Standard units
Electrical Conductivity	Obtained from the SAR water saturated paste extract	0.01	dS/m (same as mmho/cm)
Total Nitrogen	= TKN + nitrate-nitrogen (same as, organic-nitrogen + ammonium-nitrogen + nitrate-nitrogen)		mg/kg (dry weight basis)
Plant-available: Phosphorus	Mehlich III with inductively coupled plasma	1	mg/kg (dry weight basis)
Plant-available: Potassium	May be determined in the same Mehlich III extract with inductively coupled plasma	5 (K)	mg/kg (dry weight basis)

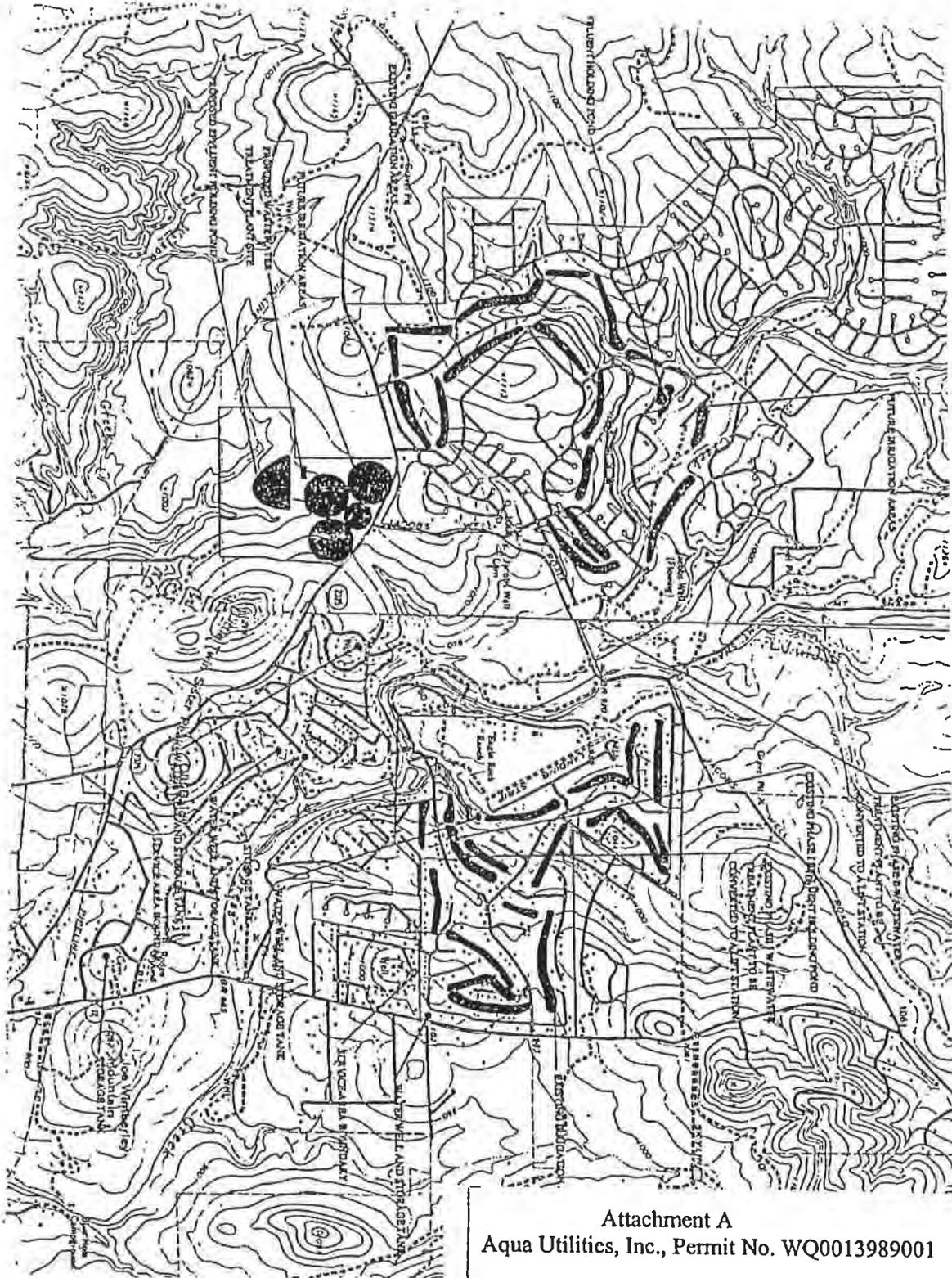
The permittee shall provide a copy of this plan to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the soil sample analyses with copies of the laboratory reports with a map depicting the permanent sampling fields to the Water Quality

Assessment Team (MC 150), TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division no later than end of September following the sampling date of each year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that wastewater and/or sludge has not been applied on the approved land disposal sites during that year.

10. The permittee shall maintain a long term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
11. The permittee shall notify the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the final phase facilities on Notification of Completion Form 20007.
12. If effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace of chlorine residual shall be maintained in the effluent at the point of irrigation application.
13. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said sign shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
14. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
15. Irrigation with effluent shall be accompanied only when the area specified is not in use.
16. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated and utilizing effluent from that pond.
17. Facilities for the retention or storage of treated or untreated wastewater, such as constructed wetlands, ponds and lagoons, shall be adequately lined to control seepage. The liner shall meet the requirements in 30 TAC § 217.203, Design Criteria for Natural Treatment Facilities and 30 TAC § 309.13 d, related to unsuitable site characteristics.

The permittee has submitted documentation and a letter showing request and approval of variance from liner requirements for effluent holding ponds. The pond liner was constructed using a 40-mil liner without a leak detection system in lieu of a 20-mil membrane liner with underdrain detection system as required by 30 TAC 317.4 (j)(2)(B). Based on certification received from the pond contractor, the liner manufacturer and installer (GSE Lining Technology, Inc.), by letter dated October 26, 2000, daily construction observation by representatives of Patton, Burke & Thompson, LLC, and periodic construction observation by representative of CMA Engineering, Inc., the liner was constructed according to variance specifications. The request for variance was granted by TNRCC for the individual storage pond in accordance with 30 TAC 317.4(j)(2)(C), therefore the pond liner requirements have been met in accordance with 30 TAC § 317.4 (j)(2)(C) which preceded 30 TAC § 217.203.

18. The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e) (See Attachment A).
19. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.



Attachment A
Aqua Utilities, Inc., Permit No. WQ0013989001