



KYLE BIEDERMANN

TEXAS STATE REPRESENTATIVE • DISTRICT 73

Chairman Jon Niermann, MC 100
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

October 22, 2020

Dear Chairman Niermann,

Thank you for giving me the opportunity to address you and the other TCEQ Commissioners regarding the Silesia Properties LP applicant's proposed wastewater permit. Due to the unique circumstances that I will identify later I strongly support the TCEQ issuing a final wastewater permit for Silesia Properties, LLP or Honey Creek Ranch MUD. Protecting the Texas Hill Country's sensitivity areas should be the guiding priority for all wastewater discharge permits and that was the goal and priority for this permit. I do believe that the extra levels of state regulatory protections, like those proposed and agreed to by Silesia Properties LP, need to be institutionalized to ensure the unique environmental areas in District 73 and across the state. Due to the substantive community outreach efforts made by Mr. Urbanczyk, including his change to a new draft permit and other commitments, I see this as a model enterprise and a standard for other property owners and developers in the Texas Hill Country and across the state.

You can imagine my surprise when I learned last week that the Office of Public Interest Counsel and the TCEQ Executive Director submitted filings recommending a contested case hearing to the TCEQ Commissioners. I immediately set up a virtual meeting with Mr. Anthony Tutu and Ms. Farrel Fields. After they briefed me on the TCEQ processes, the two separate filings, and the meaning of the terms relevant and material, Larry Bailey and I provided them our observations on the applicants communications with the stakeholders. Mr. Tutu informed me that the community outreach efforts made by the applicant to resolve the more significant stakeholder concerns were NOT considered as part of OPIC's or the TCEQ Executive Director's consideration to recommend a contested case hearing. Also, he said that the relevant and material issues identified in the TCEQ Executive Director's filings were combined from the input submitted by the determined affected parties. This is disturbing to me because the Executive Director's response to comments submitted by these stakeholders indicated the TCEQ had no jurisdiction over these issues. If the agency has no jurisdiction, how can these issues be deemed to be relevant and material? Moreover, the applicant addressed all of these issues either in the permit or in his outside the permit commitments. The one area the applicant did not address is because the stakeholder did not respond to his idea for establishing an environmental fund for the Honey Creek Springs.

Since being elected in 2016, I have observed how special water districts have been created in the Hill Country to develop property and construct homes. I have had lengthy and in-depth



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conversations with different property owners and developers regarding their sincere desire to protect the Hill Country's natural resources. Unfortunately, too many developers have not followed up on their natural resource protection commitment. Additionally while existing state environmental regulations are in place to protect the Hill Country watersheds, I believe the Hill Country has watersheds with certain sensitivity areas that require more stringent standards. All types of available water are essential to the future growth of the hill country, and domestic wastewater treated to very high standards needs to be an important element.

This is the background information that leads me to my position on the Silesia Properties draft permit. I have observed over the past two plus years that the owner of the property, Mr. Ronnie Urbanczyk, has used an assertive approach in establishing a positive rapport with the public who is directly impacted by his planned development. His objective was to be successful in pulling together diverse interest groups to provide each with a better understanding of how all the stakeholder issues impacted the larger development. He has been reaching out extensively to the public, elected officials, state agencies and their staff, advocacy groups, and adjacent landowners to find out their concerns about his plans for this project. The stakeholders knew his concerns were genuine and that he was passionate about being transparent about the total project. He listened to their claims including: wanting the wastewater permit to be denied, wanting the project to be stopped, wanting the housing density to be reduced, wanting Honey Creek Springs and the associated cave system to be protected, wanting the groundwater to be protected, and wanting storm-water measures installed to mitigate the runoff. He listened to these stakeholders most of whom were people living closest to the property and those who had specific interests in protecting Honey Creek. I have gone into more details on this in the attachment.

Based on the applicant's formidable community outreach program, I can't see how a contested case hearing will be beneficial? I realize that commissioners rarely override the director's recommendation but I believe that this wastewater permit should be the exception. The identified positive efforts of the applicant clearly show why this wastewater permit should be granted with no contested hearing.

I will be attending the scheduled virtual hearing on November 4, 2020 when this draft permit is to be heard. I will be available to answer any questions you have. I also recommend that you ask questions of the applicant at that time regarding the basis why he made all of the substantial and impressive permit changes and other commitments.

Sincerely,

A handwritten signature in black ink that reads "Kyle Biedermann".

Kyle Biedermann