

BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT

NOTICE OF HEARING

**APPLICATIONS OF ELECTRO PURIFICATION LLC FOR WELL
MODIFICATION
AUTHORIZATION AND PRODUCTION PERMIT**

SOAH DOCKET NO. 957-18-4985

APPLICATION. Electro Purification LLC (Applicant), 4605 Post Oak Place, Suite 112, Houston, TX 77027, filed a Well Modification Authorization Application and a Production Permit Application on July 13, 2017 with the Barton Springs/Edwards Aquifer Conservation District (District) to modify seven test wells and for an Historic Use Trinity Production Permit to withdraw an annual permitted volume of 912,500,000 gallons/year (2.5 MGD) from the Middle Trinity Aquifer for wholesale public water supply. The District's General Manager (GM) determined the application to be administratively complete on May 21, 2018, and issued its recommendation for issuance of the Production Permit.

The well field is located on two properties located along FM 3237 approximately 9 miles northwest of the City of Kyle and 5.5 miles northeast of Wimberley, in central Hays County. The physical address on the application is 7205 Old Kyle Road, Wimberley, TX 78676 (Lat 30°02'46.50", Long 98°00' 56.28").

The GM and staff have reviewed and determined that the permit application satisfies all District requirements and is administratively complete. The GM has developed a Statement of Position recommending the Board of Directors (Board) approve a phased Historic Use Trinity Production Permit with Special Provisions. The GM proposes to authorize up to 182,500,000 gallons/year (0.5 MGD) in an initially authorized production Phase I. The GM will consider authorizing additional phases of production from the well field conditioned on the Applicant satisfying permit-specified requirements. The proposed additional phases are: Phase II at 1 MGD, Phase III at 1.5 MGD, and Phase IV at 2.5 MGD.

If approved by the Board, the Applicant will be required to comply with the drought curtailments of an Historic Use Trinity Production Permit for the authorized phase, as well as, the terms outlined in the proposed Special Provisions. The Special Provisions include a Compliance Monitoring Plan, Impact Avoidance Plan, and Mitigation Plan. The applications, GM's Preliminary Decision, GM's Statement of Position, and proposed Special Provisions are available on the District's website at www.bseacd.org.

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

10:00 a.m. – September 17, 2018
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, TX 78701

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the contested case proceeding, and address other

matters as directed by the Administrative Law Judge (ALJ). The evidentiary phase of the proceeding will be similar to a civil trial in a state district court. The hearing will be conducted in accordance with Subchapters C, D, and F, Chapter 2001, Texas Government Code; Chapter 36, Texas Water Code; Chapter 8802, Texas Special District Local Laws Code; the Rules of the District; and the procedural rules of SOAH, including Title 1, Texas Administrative Code, Chapter 155.

The Applicant and GM are automatically a party in this hearing. If any other person wishes to be a party to the hearing, the person must attend the preliminary hearing and show the ALJ how the person would be affected by the application in a way not common to members of the general public. Any person may attend the hearing and any person may request to be named as a party by the ALJ. Only persons named as parties may participate in the evidentiary phase of the proceeding.

In accordance with 1 Tex. Admin. Code § 155.401(a) Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant's representative, Edmond McCarthy, at 512-904-2310.

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

Issued: August 31, 2018

Alicia Reinmund-Martinez, General Manager
Barton Springs Edwards Aquifer Conservation District