

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 28, 2007

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

**RE: TRINITY RIVER AUTHORITY OF TEXAS
TCEQ DOCKET NO. 2007-0336-MWD**

Dear Ms. Castañuela:

Enclosed for filing is the Public Interest Counsel's Response to the Motion to Overturn in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Christina Mann".

Christina Mann, Attorney
Public Interest Counsel

cc: Mailing List

Enclosure

TCEQ PERMIT NO. WQ0010348001

**IN THE MATTER OF
THE APPLICATION OF
TRINITY RIVER
AUTHORITY OF TEXAS
FOR TPDES PERMIT
NO. WQ0010348001**

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**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO THE
MOTION TO OVERTURN**

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

COMES NOW, the Office of Public Interest Counsel (OPIC) of the Texas
Commission on Environmental Quality (the Commission or TCEQ) and files this
response to the motion to overturn the executive director's decision in the above-
referenced matter.

PROCEDURAL HISTORY

Trinity River Authority of Texas (Trinity or Applicant) timely filed on March 5,
2007, a motion to overturn the issuance of the renewal of its TPDES Permit No. 10348-
001, which authorizes continued discharge of treated domestic wastewater. Trinity
applied to TCEQ for a renewal of its wastewater permit on March 3, 2006. The Notice of
Application and Preliminary Decision was published on December 7, 2006, and the
comment period ended on January 8, 2007. No comments were received and the
Executive Director (ED) granted the permit on January 31, 2007 and mailed it on
February 8, 2007.

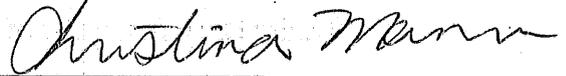
DISCUSSION

In its MTO, Trinity states that during the technical review phase, the draft permit was altered, resulting in a second version of the permit.¹ According to Trinity, this second version was the version the ED and Applicant understood to be the actual draft permit, and therefore Trinity made this version available for review at the City Hall in Midlothian, Texas.² However, due to an error, the new version did not replace the old version in the Chief Clerk's file. Upon receiving no comments, the ED apparently signed the wrong version of the permit. Trinity would like this action to be overturned so that the correct version of the permit can be granted.³

OPIC contacted ED staff and staff agree that the wrong version of the permit was signed. OPIC therefore recommends that Trinity's MTO is granted so that the correct version of this uncontested permit can be granted.

Respectfully submitted,

Blas J. Coy, Jr.
Public Interest Counsel

By 

Christina Mann
Assistant Public Interest Counsel
State Bar No. 24041388
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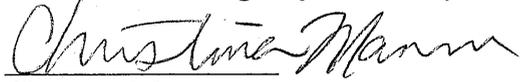
¹ See Trinity River Authority of Texas' Motion to Overturn, March 3, 2007, Page 2.

² *Id.*

³ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2007 the original and eleven true and correct copies of the Office of the Public Counsel's Response to Motion to Overturn were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail or by deposit in the U.S. Mail



Christina Mann
Christina Mann

MAILING LIST
TRINITY RIVER AUTHORITY OF TEXAS
TCEQ DOCKET NO. 2007-0336-MWD

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