

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 23, 2007

To: The persons on the attached service list (by mail and facsimile as indicated)
Re: JOCO Holding Corporation; TCEQ Docket No. 2006-2167-IWD.

The above-named matter is scheduled to be considered by the Texas Commission on Environmental Quality at its March 28, 2007 public meeting. However, on March 22, 2007, the Executive Director requested a remand of this matter. Pursuant to 30 TAC § 10.4, the matter is remanded to the Executive Director.

Respectfully,

A handwritten signature in cursive script that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAR 23 PM 1:56
CHIEF CLERK'S OFFICE

Mailing List
JOCO Holding Corporation
TCEQ Docket No. 2006-2167-IWD; Permit No. WQ0002730000

Martha C. Martin
JOCO Holding Corporation
P.O. Box 10
Burleson, Texas 76097-0010
817/295-7573

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX: 512/239-4007

James Martin, P.E.
Martin Consulting Engineers, Inc.
P.O. Box 121962
Fort Worth, Texas 76121-1962
817/560-4544

Kyle Lucas
TCEQ Alternative Dispute Resolution MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4010 FAX: 512/239-4015

Tim Davis
175 W. Bethesda Road
Burleson, Texas 76028-1611

LaDonna Castanuela
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX: 512/239-3311

Bennie Fay Woods
305 W. Bethesda Road
Burleson, Texas 76028-1633

Paul Tough
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX: 512/239-0606

Charles Sheppard
TCEQ Water Quality Division MC 148
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4487 FAX: 512/239-4114

Blas Coy
TCEQ Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX: 512/239-6377

TCEQ DOCKET NUMBER 2006-2167-IWD

APPLICATION BY JOCO
HOLDING CORPORATION,
TPDES PERMIT NO.
WQ0002730000

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§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
MAR 22 PM 3:20
CLERK'S OFFICE

EXECUTIVE DIRECTOR'S MOTION FOR REMAND

TO THE GENERAL COUNSEL OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Pursuant to Title 30 of the Texas Administrative Code, Section 10.4(d), the Executive Director of the Texas Commission on Environmental Quality (Commission) respectfully requests that the JOCO Holding Corporation (Applicant) application for a major amendment to Permit No. WQ0002730000, be remanded to the Executive Director to process as a renewal application. The Commission is scheduled to consider requests for reconsideration filed on the application at the March 28, 2007, agenda meeting. The Applicant filed a letter with the Executive Director requesting a withdrawal of the major amendment portion of the permit application and pursuing the renewal portion only. Accordingly the Executive Director respectfully requests that the application be remanded for processing as a renewal.

Respectfully submitted,

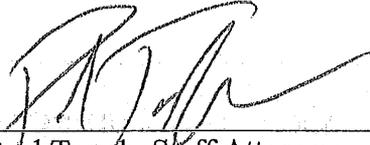


Paul Tough, Staff Attorney
Environmental Law Division
Texas Bar No. 24051440
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-6996 (Phone)
(512) 239-0606 (Fax)

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

CERTIFICATE OF SERVICE

I certify that on March 22, 2007, the original and eleven copies of the "Executive Director's Motion for Remand" and attachments for Permit No. WQ0002730000 were filed with the Texas Commission on Environmental Quality's Office of Chief Clerk and a complete copy was served on all persons listed on the attached Mailing List via hand delivery, facsimile, interagency mail, or deposit in the U.S. Mail.



Paul Tough, Staff Attorney
Environmental Law Division

MAILING LIST
JOCO HOLDING CORPORATION
DOCKET NO. 2006-2167-IWD; PERMIT NO. WQ0002730000

FOR THE APPLICANT:

Martha C. Martin
JOCO Holding Corporation
P.O. Box 10
Burlleson, Texas 76097-0010
Tel: (817) 295-7573

James Martin, P.E.
Martin Consulting Engineers, Inc.
P.O. Box 121962
Fort Worth, Texas 76121-1962
Tel: (817) 560-4544

FOR THE EXECUTIVE DIRECTOR:

Paul Tough, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Charles Sheppard, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC 148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4487
Fax: (512) 239-4114

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Jody Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC 108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE

RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC 222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTERS:

Tim Davis
175 W. Bethesda Road
Burlleson, Texas 76028-1611

Bennie Fay Woods
305 W. Bethesda Road
Burlleson, Texas 76028-1633

March 21, 2007

To

Mr. Charles K. Sheppard (MC-148)
Wastewater Permitting Section
Water Quality Division
Texas Commission on Environmental Quality
12100 Park 35 Circle, Bldg. F.
Austin, Texas 78753
(512) 239-4487 Office
(512) 239-4430 Fax

Subject: JOCO Holding Corporation WQ0002730000
Permit Application

Dear Mr. Sheppard:

After careful reconsideration of my major amendment with renewal application for JOCO Holding Corporation, which requested authorization to discharge my wastewater instead of the existing disposal via evaporation and irrigation, I would like to withdraw the major amendment portion of my application and pursue the renewal portion only.

Regards,

From Martha C. Martin

Martha C. Martin
JOCO Holding Corporation
PO Box 10
Burlison, TX 76097-0010
(817) 295-7525

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 13, 2007

TO: Persons on the Attached Mailing List

**RE: Docket No. 2006-2027-MWD
Southwest Festivals, Inc.
Request(s) filed on Permit No. WQ0014665001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **March 28, 2007**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration no later than 23 days before the public meeting date, that is by **February 26, 2007**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses no later than nine days before the public meeting, that is by **March 12, 2007**.

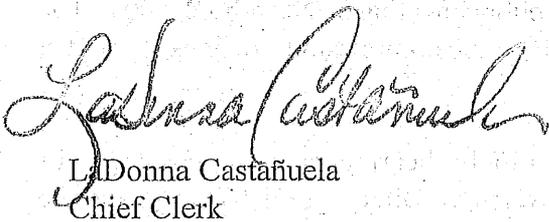
An original and 11 copies of any response or reply must be filed with the Chief Clerk of the TCEQ. The address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, and other requesters and the applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for the filing of responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules. Copies of these rules may be obtained by calling the Office of Public Assistance toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Office of Alternative Dispute Resolution to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the TCEQ's Office of Public Assistance toll-free at 1-800-687-4040.

Sincerely,



L. Donna Castañuela
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, Office of Public Assistance and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- 1) the written requests are distributed to the executive director, the public interest counsel, and the applicant. These persons may file a response at least 23 days before the meeting;
- 2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the applicant's proposed activities) by this deadline; and
- 3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- 1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;
- 2) if the request is made by a group or association, identify one or more members who have standing to request a hearing, and the interests the group or association seeks to

- protect;
- 3) expressly request a contested case hearing;
- 4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised during the comment period and not withdrawn prior to the filing of the Executive Director's Response to Comment; and
- 5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Office may contact requesters to determine their interest in informal discussions with the permit applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call OPA toll-free at 1-800-687-4040.

MAILING LIST
SOUTHWEST FESTIVALS, INC.
DOCKET NO. 2006-2027-MWD; PERMIT NO. WQ0014665001

FOR THE APPLICANT:

Richard Holeyfield
Southwest Festivals, Inc.
P.O. Box 538
Waxahachie, Texas 75168
Tel: (972) 938-3247
Fax: (972) 938-1890

Jerry Palady

Palco-Engineering and Construction
211 East Beltline, Ste. 103
DeSoto, Texas 75115
Tel: (972) 223-7676
Fax: (972) 223-7677

FOR THE EXECUTIVE DIRECTOR:

Scott Shoemaker, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

June Ella Martinez, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3235
Fax: (512) 239-4114

Chris Lindendoll
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4515
Fax: (512) 239-4114

FOR PUBLIC INTEREST COUNSEL:

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Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
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Alternative Dispute Resolution, MC-222
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Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER:

Amy Hollingsworth
1037 Waterford Dr.
Waxahachie, Texas 75167-8180

INTERESTED PERSONS:

Allen & Laurel Van Blarcum
1129 Waterford Dr.
Waxahachie, Texas 75167-8185

Sig Brandenburg
1149 Waterford Dr.
Waxahachie, Texas 75167-8185

Robert R. Brewer
1006 Red River Dr.
Waxahachie, Texas 75167-8186

Concerned Citizen
3010 Red River Ct.
Waxahachie, Texas 75167-8188

Bobbie Corry
2030 Paluxy Ct.
Waxahachie, Texas 75167-8177

Gary Gentry
1096 Waterford Dr.
Waxahachie, Texas 75167-8179

Ninni Getso
2702 FM 66
Waxahachie, Texas 75167-5516

Elijah & Twyla Guest
1071 Waterford Dr.
Waxahachie, Texas 75167-8180

Joseph R. Hurley
3031 Red River Ct.
Waxahachie, Texas 75167-8189

Everett H. Jewell
1015 Red River Dr.
Waxahachie, Texas 75167-8187

B. Juarez
1026 Red River Dr.
Waxahachie, Texas 75167-8186

Cody Kelley
20 Rocky Dr.
Waxahachie, Texas 75167-9538

Reverend Sylvia Lloyd
2702 FM 66
Waxahachie, Texas 75167-5516

Debra Patino
20 Rocky Dr.
Waxahachie, Texas 75167-9538

Joe Prato
1036 Red River Dr.
Waxahachie, Texas 75167-8186

Gary Tubb
3030 Red River Ct.
Waxahachie, Texas 75167-8188