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Douglas W. Black
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July 16, 2007

VIA FACSIMILE and CMRRR
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Texas Commission on Environmental Quality
Office of Chief Clerk
ATTN: Agenda Docket Clerk (MC-105)
P. O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2007-020-MWD, City of Aledo,
Request(s) filed on Permit No. WQ0010847001

Dear Docket Clerk:

Enclosed for filing is an original and eleven copies of Applicant's Response to Hearing Requests/Requests for Reconsideration regarding the above-referenced cause.

By copy of this letter, a copy of same is being mailed by regular or certified mail, return receipt requested to all parties on the attached mailing list.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "Douglas W. Black", written over a circular stamp or seal.

Douglas W. Black

DWB/as
Enclosure

W:\Aledo\TCEQ-TNRCCWWTP Permit Amendment\Letters\Docket Clerk.doc

cc: Attached Mailing List

CHIEF CLERKS OFFICE

2007 JUL 18 PM 2:31

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ DOCKET NO. 2007-0020-MWD

2007 JUL 18 PM 2:31

APPLICATION BY THE	§	BEFORE THE	CHIEF CLERKS OFFICE
	§		
CITY OF ALEDO TO AMEND	§	TEXAS COMMISSION ON	
	§		
PERMIT NO. WQ 0010847001	§	ENVIRONMENTAL QUALITY	

RESPONSE TO HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

NOW COMES, the CITY OF ALEDO, Applicant in the above styled and numbered action and files this its response to Protestant's Request for Reconsideration of the Executive Director's Decision of December 1, 2006 and Protestant's Request for Contested Case Hearing, and would represent to the Commission as follows:

I.

Applicant would submit to the Commission that the Executive Director's December 1, 2006 Response to Public Comment, wherein the Executive Director found that the above-referenced permit application meets the requirements of applicable law and that no changes need be made to the permit, be upheld.

II.

Protestant raised the same general issues to the Commission, and ultimately SOAH, in 1998 when Applicant sought a permit amendment (TNRCC Docket No. 97-0683-MWD and SOAH Docket No. 582-97-1739). At that time, Protestant was afforded a full and complete opportunity to present competent evidence of a weight and character sufficient to convince the Administrative Law Judge that the requested permit amendment was inappropriate. The evidence contained in the transcript reflects that Protestant wholly failed to meet his burden. Moreover, Applicant and Applicant's Response to Hearing Request/Request for Reconsideration

Protestant held a mediation regarding the present permit application in April, 2007. The mediation ultimately failed due to Protestant's outrageous monetary demands.

III.

Pursuant to 30 TAC § 55.209, Applicant will attempt to address the items required by subsections (e) and (f), as follows:

1. The Requestor/Protestant, Martin O. Siegmund, appears to be an affected person;
2. The Applicant disputes the Protestant's assertion of increased odor problems and his allegation of the Applicant providing misleading information regarding the buffer zone;
3. The dispute appears to mostly involve a question of law;
4. Applicant can only assume the issues were raised during the public comment period, based on the ED's Response to Public Comment;
5. Applicant has no knowledge of whether Protestant has withdrawn his issues and can only assume he has not;
6. Applicant believes the Protestant's issues, while important, are not relevant nor material to the decision on the application;
7. Based on the previous contested case, Applicant expects the duration of a contested case to be no more than one week.

Applicant has discussed its plant expansion program with Protestant on numerous occasions, and is sensitive to Protestant's concerns. Applicant would state that the proposed improvements include a budget for provisions to control both noise and odor, although specific improvements have not yet been designed. General plant improvements under the new permit anticipate eliminating the

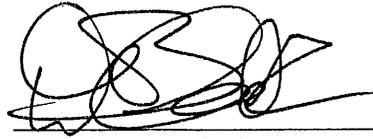
need for chlorine on site, by utilizing a UV disinfection system. In the near term, however, Applicant could re-work its current chlorine system, including the construction of a new building to house the chlorine. Applicant is participating in a regional study for a regional wastewater plant and collection system, but it is not possible to have such facilities constructed prior to the Applicant's need for the increased capacity requested in this application. At present, Applicant would be a participant in a regional wastewater facility, provided it is not cost-prohibitive to do so. Applicant recognizes that the site is crowded and located partially within the 100 year flood plain. Applicant believes it has adequately designed the proposed expansion to fit within the confines of the property and has designed facilities to sit at least three feet above the currently projected 100-year flood elevation. Applicant recognizes that the recent heavy rainfall events have caused the plant to exceed its capacity, thus furthering the need for the permit application to be granted.

IV.

Applicant does not have any additional comments regarding the Executive Director's findings in response to the Tarrant Regional Water District's concerns. Applicant does not believe that TRWD timely filed an application for reconsideration or contested case hearing.

ACCORDINGLY, the Applicant prays that the Protestant's Request for Reconsideration of the Executive Director's Decision of December 1, 2006 and Protestant's Request for Contested Case Hearing be denied and the permit be issued.

Respectfully submitted,



Douglas W. Black
Texas Bar No. 24027152

A Member of the Firm of:
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& ELAM, L.L.P.
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ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that on the 16th day of July, 2007 a true and correct copy of the foregoing document was faxed and mailed by certified mail, return receipt requested to all parties of record in this cause.



Douglas W. Black

MAILING LIST
CITY OF ALEDO

DOCKET NO. 2007-0020-MWD; PERMIT NO. WQ0010847001

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CHIEF CLERK:

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REQUESTOR:

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ALTERNATIVE DISPUTE
RESOLUTION:

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INTERESTED PERSON:

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