

MARTIN O. SIEGMUND
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUL 30 PM 2:44
CHIEF CLERKS OFFICE

July 30, 2007

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Re: City of Aledo, TPDES, Permit No. WQ0010847001

Dear Chief Clerk:

Attached for filing is Protestant's Response to Requests for Reconsideration regarding the above referenced cause.

I am by letter this date sending a copy of this filing to all parties on that attached mailing list. I am also sending 11 copies of this to you as is required of me.

I hereby request for reconsideration of Executives Directors decision.

Respectfully Submitted,


Martin O. Siegmund
Interested party

MOS/cj

Enclosures

cc: All parties Attached
File

APPLICATION BY THE
CITY OF ALEDO TO AMEND
PERMIT NO. WQ 0010847001

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

PROTESTANT MARTIN O. SIEGMUND'S RESPONSE TO APPLICANT CITY OF ALEDO RESPONSE TO PROTESTANTS REQUEST FOR RECONSIDERATION OF EXECUTIVE DIRECTOR'S ISSUANCE OF A DRAFT PERMIT TO APPLICANT.

I.

Protestant would show that Applicant is wrong in stating that the Executive Director found "that the above referenced permit application meets the requirements of applicable law, when the Executive Director only found that the permit was administratively correct. The permit application contains a map showing the Applicant has a buffer zone which is incorrect regarding my property. As to the permit application meeting the requirements of a applicable law the Executive Director ignored the law which provides that, if the permit requires substantial change to an existing permit then it shall be treated as an application for a new plant. An Application requesting an increase in capacity, from 350,000 gallons per day to 600,000 gallons per day is certainly a substantial change, coupled with the requested change from the current chlorination disinfection system to an ultraviolet system. Protestant has raised this issue in all prior filings in this case. This case, should have been processed by the Executive Director pursuant to 30TAC subchapter B Location Standards section 309.10 and section 309.13, unsuitable site characteristics along with all applicable provisions regarding a new plant permit. If the Executive Director would have made the City of Aledo comply with all legal requirements for permitting a new plant, there would be no case as I would be protected by the Law the Legislature passed for my protection.

II.

I fail to see what a 1998 case has to do with this matter. The Applicants comments about the case are inaccurate. I believe various changes were made. In regard to mediation in April 2007, it did not fail due to Protestants outrageous monetary demands. I never was able to find out who requested mediation or who paid for it. I welcomed the opportunity to participate in it. It of course was supposed to be in good faith by both parties. Since the Executive Director's office had a number of employees attend I assumed the Executive Director had requested the mediation. I stated my

Response to Austin/Protestant

position and attempted to ask the City Engineer a question, but the City Attorney instructed him not to answer. The Applicant did not participate in the mediation or respond in any manner. The mediation did not last long, and I ask the two mediators to report that the Applicant was guilty of appearing in bad faith, but they refused. As to outrageous monetary demands for a buffer zone that should have been discussed and mediated the Applicant refused to comment.

III.

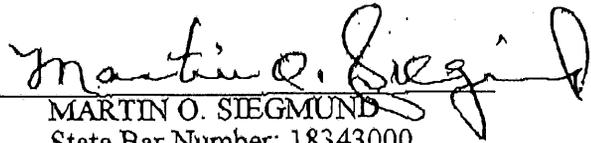
Applicant states that they have money to fund the proposed improvement to control both noise and odor although specific improvements have not been designed yet. That is open ended and not in compliance with Applicants request, and gives them a right to determine what is good for me rather than have the Executive Director be responsible for the plant operation pursuant to the law. Applicant states they may not eliminate the chlorine as their application provided, but makes changes on their own later. Where is my protection if they can just do as they see fit. They also say the site is in the flood plain, but they will elevate the location although the permit does not require it.

IV.

Based on the forgoing, I request that the Executive Director's decision be reconsidered and the Executive Director be required to apply the proper legal requirements on the basis, for a permit on a new plant.

Respectfully submitted,

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By: 
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