

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*



Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 17, 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

CHIEF CLERKS OFFICE

2007 SEP 17 PM 4:41

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**RE: TEXAS LONGHORN EQUITIES CORPORATION II
TCEQ DOCKET NO. 2007-1001-MWD**

Dear Ms. Castañuela:

Enclosed for filing is the Public Interest Counsel's Supplemental Response to Requests for Hearing 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 DOCKET NO. 2007-1001-MWD

2007 SEP 17 PM 4:41

IN THE MATTER OF
THE APPLICATION OF
TEXAS LONGHORN
EQUITIES
CORPORATION II FOR
WATER QUALITY
PERMIT NO.
WQ0014681001

§
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§

BEFORE THE TEXAS
CHIEF CLERKS OFFICE
COMMISSION ON
ENVIRONMENTAL
QUALITY

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S
SUPPLEMENTAL RESPONSE TO REQUESTS FOR HEARING**

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
Supplemental Response to Requests for Hearing in the above-referenced matter.

OPIC has received a faxed withdrawal of all hearing requests by Clydenne
Gunnerson, Lorene Green, and the Ray Green Family Trust.¹ No other requesters have
withdrawn their hearing requests. Therefore, OPIC recommends finding Philip Pope, Ella
Dean, and the Petitioners² to be affected persons.

However, in response to this filing, OPIC recommends that the following disputed
issues of fact be referred to the State Office of Administrative Hearings for a contested
case hearing duration of nine months:

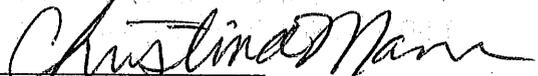
¹ Attachment A.

² Keith Barnes, Beverly Beckman, Ted Beckman, Bernard G. Bowyer, Sr., Gene Bowyer, Rebecca Bowyer, Concerned Citizen (name illegible) at 1915 Tarver Road, Franklin Cooper, Linda Cooper, Chip Farrar, Virginia Farrar, Eric Fletcher, Jesse Garvin, Carlos Hamblen, James Harris, Sheryl Harris, Jamie Kellett, Richard Kellett, James McAldo, Carolyn Sigler, Jim Sigler, Chrisann Slusser, Lee Slusser, and Robert Wright.

- 1) Has the flood plain near or surrounding the proposed facility been properly identified?^{3 4}
- 2) Will the proposed activities negatively affect surface water quality in the receiving waters?
- 3) Will the proposed activities cause odor problems?⁵
- 4) Does the permit adequately protect against unauthorized discharges of raw or inadequately treated sewage?⁶
- 5) Is the proposed discharge route inappropriate because it will often contain no fluid other than the discharge from the wastewater treatment plant?⁷

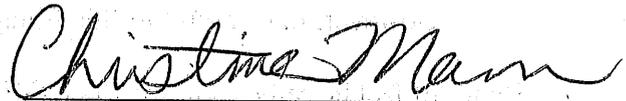
Respectfully submitted,

Blas J. Coy, Jr.
Public Interest Counsel

By 
Christina Mann
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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2007 the original and eleven true and correct copies of the Office of the Public Interest Counsel's Response to Requests for Reconsideration and Requests for Hearing and 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

³ Petitioners raise this issue in their hearing request dates March 31, 1006, received by the Chief Clerk on April 6, 2006.

⁴ Philip Pope requests a hearing on this issue, as well. See Mr. Pope's hearing request dated March 9, 2006, date stamped by the Office of Public Assistance on March 17, 2006.

⁵ *Id.*

⁶ *Id.*

⁷ Ella Dean requests raises this issue in her hearing request, as she states that the proposed discharge route is a dry creek approximately 80 percent of the time.

ATTACHMENT A

TCEQ DOCKET NO. 2007-1001-MWD

IN THE MATTER OF THE APPLICATION	§	BEFORE THE TEXAS
OF TEXAS LONGHORN EQUITIES	§	COMMISSION ON
CORPORATION II FOR TPDES	§	
PERMIT NO. WQ0014681001	§	ENVIRONMENTAL QUALITY

**WITHDRAWAL OF HEARING REQUEST BY CLYDENE GUNNERSON,
LORENE GREEN AND THE RAY GREEN FAMILY TRUST**

Clydene Gunnerson, Lorene Green, and the Ray Green Family Trust (hereinafter referred to as "Gunnerson") previously filed hearing requests on the above-referenced application. By this filing, Gunnerson withdraws all of its requests for a contested case hearing on the above-referenced permit.

Sincerely,



Eric Allmon

Attorney for Clydene Gunnerson, Lorene
Green, and the Ray Green Family Trust

MAILING LIST
TEXAS LONGHORN EQUITIES CORPORATION II
TCEQ DOCKET NO. 2007-1001-MWD

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FOR ALTERNATIVE DISPUTE

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