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MATTHEW T. TAPLETT

September 25, 2008

VIA FEDERAL EXPRESS

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
12100 Park 35 Circle
Room 1101, Building F
Austin, TX 78753

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 SEP 26 PM 2:23
CHIEF CLERKS OFFICE

Re: Application by Julie Ann Thames for discharge of treated wastewater
TPDES Permit No. WQ0014753001

To The Honorable Texas Commission on Environmental Quality:

As previously noted in our letters to you of March 14, 2007 and May 7, 2008, we represent Crestview Farm 250, L.P. ("Crestview"), a party interested in the referenced application. We write to you today to reply to the Response to Requests for Hearing filed by the Applicant, the Executive Director, and the Office of Public Interest Counsel.

The Applicant's Response adds no additional information to the record and contains no substantive response to Crestview's request for contested case hearing. Instead, Applicant sent copies of documents previously filed. In reply to her Response, Crestview relies upon its previous filings, comments, and requests for hearing filed with the Commission.

In reply to the Response of the Office of Public Interest Counsel, Crestview agrees with the characterization of affected person status regarding Crestview and Duval Anglin and takes no position regarding the requests of other persons, though it agrees that if the Commission grants a contested case hearing of this matter, other persons may appear at the preliminary hearing before SOAH and request party status. Crestview respectfully requests that if the Commission grants a contested case hearing of this matter that it allow all persons to participate as parties who requested such a hearing and who otherwise would be an "affected person" but for an untimely hearing request. Crestview agrees with the Response's characterization of issues raised in the comment period, disputed issues, issues of fact, and relevant and material issues. Crestview agrees that the issues recommended for referral are among those which should be referred to the State Office of Administrative Hearings ("SOAH") for a contested case hearing.

In reply to the Response of the Executive Director, Crestview agrees with recommendation numbers 1 and 3 (to the extent that issues #1 through #3 at a minimum should

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be referred to SOAH). For the reasons stated in its previous letters to the Commission, Crestview submits that the matters described in those letters should be referred to SOAH in addition to those recommended by the Executive Director.

Crestview respectfully disagrees with recommendation 2. With regard to itself, Crestview respectfully submits that it is an "affected person" due to its proximity to the proposed point of discharge and its use of Rock Creek for agricultural and recreational purposes, water supply, and for ultimate development of riparian lands for residential use. Although the exact distance from the proposed point of discharge is not known, Crestview believes that its property is located approximately two river miles downstream. Even if that distance is actually closer to three miles, as suggested by the Executive Director, Crestview will still be directly and adversely impacted by the proposed discharge facility because agricultural activities will be negatively impacted, residential uses may be constrained, and current recreational uses of the creek would be impaired.

Crestview also respectfully submits that if the Commission refers the application to SOAH for a contested case hearing, Crestview should be permitted to participate as a party in that hearing because of its justiciable interest in the outcome. For that same reason, the other parties who requested a hearing and have a justiciable interest should be permitted to participate in the hearing, although their requests for hearing may not have been timely made.

So that I may have evidence of your receipt of this Reply, please file-mark the enclosed extra copy of this letter and return it to me in the enclosed, self-addressed and stamped envelope.

Thank you very much for your consideration. Please do not hesitate to contact the undersigned should you have any questions or require additional information.

Respectfully submitted,



Hal R. Ray, Jr.

HRR/vlw

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cc: FOR THE APPLICANT

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