Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2009

TO: Persons on the Attached Mailing List

RE: Docket No. 2009-0896-MWD
Aqua Water Supply Corporation
Request(s) filed on Permit No. WQ0014833001

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 **September 9, 2009**. 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 on or before 5:00 p.m. on **August 17, 2009**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **August 31, 2009**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at http://www10.tceq.state.tx.us/epic/efilings/ or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing 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,

LaDonna 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
AQUA WATER SUPPLY CORPORATION
DOCKET NO. 2009-0896-MWD; PERMIT NO. WQ0014833001

FOR THE APPLICANT:
Carol Kostelka
Aqua Water Supply Corporation
P.O. Box P
Bastrop, Texas 78602-1989
Tel: (512) 303-3943
Fax: (512) 303-7238

David Klein
Lloyd Gosselink
816 Congress Avenue, Ste. 1900
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR:
Celia Castro, 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

Michael Redda, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4631
Fax: (512) 239-4430

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. Bridget Bohac, 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

See attached list of Requesters/Interested Persons.

REQUESTER(S)

BILL PENDELL & MARCY BERNASCONI
PO BOX 3485
AUSTIN TX 78764-3485

DARREN S CARROLL
295 COLORADO DR
CEDAR CREEK TX 78612-3488

RICK CLEMENS
142 LLANO CT
CEDAR CREEK TX 78612-3405

BRYCE A JOHNSON & CATHERINE E ROBERTS
PO BOX 3485
AUSTIN TX 78764-3485

DARLENE & WILLIAM PENDELL
205 SABINE DR
CEDAR CREEK TX 78612-3585

DARLENE PENDELL
205 SABINE DR
CEDAR CREEK TX 78612-3585

DINAH VAN PESKI
PO BOX 3485
AUSTIN TX 78764-3485

BENNIE H & ELIZABETH F WALLACE
450 COLORADO DR
CEDAR CREEK TX 78612-3580

LORI ZIMMERMAN
141 LLANO CT
CEDAR CREEK TX 78612-3405

WITHDRAW OF REQUEST(S)

WILLIAM MEDAILLE
PO BOX 220
AUSTIN TX 78767-0220

LEIGH SEBASTIAN
ASSOCIATE GENERAL COUNSEL, LCRA
PO BOX 220
AUSTIN TX 78767-0220

PUBLIC OFFICIALS - INTERESTED PERSON(S)

THE HONORABLE ROBERT L "ROBBY" COOK
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

INTERESTED PERSON(S)

SHIRLEY ADAMS
164 SALDANA DR
CEDAR CREEK TX 78612-3394

MARCY BERNASCONI
534 COLORADO DR
CEDAR CREEK TX 78612-3557

NELL CARROLL
RIVER CROSSING
295 COLORADO DR
CEDAR CREEK TX 78612-3488

DEE CZORA
BASTROP COUNTY DEVELOPMENT
806 WATER ST
BASTROP TX 78602-3832

ROBERT & SONJA EAGLE
138 TRINITY ST
CEDAR CREEK TX 78612-3563

MR EARL & MRS EARL GILLUM
179 PALO DURO DR
CEDAR CREEK TX 78612-3415

DAVID GONZALES
384 COLORADO DR
CEDAR CREEK TX 78612-3487

DON HELLER
130 SABINE DR
CEDAR CREEK TX 78612-3408

MADISON JECHOW
ASSOCIATE GENERAL COUNSEL, LCRA
3700 LAKE AUSTIN BLVD MAIL STOP H-424
AUSTIN TX 78703-3504

JEFF LONG
316 OLD 71
CEDAR CREEK TX 78612-3490

SHELLEY & STEFAN LUBINSKI
161 COLORADO DR
CEDAR CREEK TX 78612-3401

CHAD & GWEN MARTIN
229 ESTATE ROW
CEDAR CREEK TX 78612-3902

CHAD MARTIN
229 ESTATE ROW
CEDAR CREEK TX 78612-3902

ROBERT MARTINEZ
207 PAVILION DR
CEDAR CREEK TX 78612-3907

FREDERICK MENDES
111 TRINITY ST
CEDAR CREEK TX 78612-3400

ROBYNE & SCOTT REBMAN
143 COLORADO BLF
CEDAR CREEK TX 78612-3562

KAY REID
456 POPE BND N
CEDAR CREEK TX 78612-3429

JULIE SALEM & REGIS STEVENSON
520 POPE BEND RD
CEDAR CREEK TX 78612

DIANA SHACKELFORD
114 PECOS ST
CEDAR CREEK TX 78612-3407

DEENA SPELLMAN
316 OLD 71
CEDAR CREEK TX 78612-3490

GREG WIELAND
222 COLORADO DR
CEDAR CREEK TX 78612-3488