



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 JUL 30 AM 10:12

OFFICE OF THE CITY MANAGER

CHIEF CLERKS OFFICE

July 27, 2010

*IWD
70874*

WHR **OPA**
JUL 30 2010

Office of the Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

BY DM

Re: Applicant: CEMEX Cement of Texas, L.P.
Application: Water Quality TPDES Permit Amendment with Renewal
For Industrial Wastewater
Permit No.: WQ0002179000

Withdrawal of Request for Hearing

Dear Madam/Sir:

By letter dated May 24, 2010, the City of New Braunfels submitted a Request for a Contested Case Hearing with regard to the above-referenced Application by CEMEX Cement of Texas, L.P. (the "Application"). Since the time of the submission of our Request for a Contested Case Hearing, we have met with representatives of CEMEX and such meetings have resulted in the City obtaining the information necessary to make an informed decision about the Application.

At this time, the City of New Braunfels withdraws its Request for a Contested Case Hearing. If you have any questions about this submission, please contact me.

Sincerely,

Michael E. Morrison
City Manager

cc: Mayor R. Bruce Boyer and Members of the City Council
Mike Gonzales, Plant Manager, CEMEX Cement of Texas, L.P.
Ms. Leslie White, General Counsel, CEMEX, Inc.
Alan C. Wayland, City Attorney
Martin C. Rochelle, Lloyd Gosselink Rochelle & Townsend, P.C.

DM



OFFICE OF THE CITY MANAGER

May 24, 2010

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BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAY 27 AM 10:00
CHIEF CLERKS OFFICE

Re: Applicant: CEMEX Cement of Texas, L.P.
Application: Water Quality TPDES Permit Amendment with Renewal
For Industrial Wastewater
Permit No.: WQ0002179000

Dear Madam/Sir:

Please accept this letter as a **Request for a Contested Case Hearing** from the City of New Braunfels with regard to the Application by CEMEX Cement of Texas, L.P. (the "Application") for a major amendment to TPDES Permit No. WQ0002179000. The information concerning the contestant is as follows:

Name: City of New Braunfels, Texas
c/o Michael E. Morrison, City Manager

Address: P.O. Box 311747
424 S. Castell Avenue
New Braunfels, Texas 78131-1747

Phone: 830-221-4280
Fax: 830-626-5578

Applicant's Name: CEMEX Cement of Texas, L.P.
Permit No.: WQ0002179000

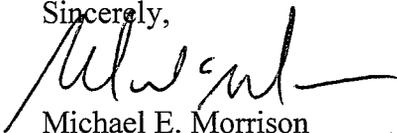
The City of New Braunfels (the "City") is a home rule city located in the area of two pristine rivers, the Comal River and the Guadalupe River (the "Rivers"). The Rivers are visited by numerous persons each year to enjoy water recreation activities in and around the City. In addition, New Braunfels is home to Schlitterbahn Water Park, which operates a water amusement park along and adjacent to the Comal River and uses the water of the Comal River in connection with its amusement park activities. The Comal River attracts many tubers each year and the City of New Braunfels operates a "tube shoot" which is located in the Comal River and is a popular attraction to the numerous tubers that float the Comal River. The Comal River is also used as a training location

for fire and EMS departments throughout the State to conduct practice and develop techniques in swift water rescue, and the City assists those other agencies in conducting their training on the Comal River. The City also holds water rights authorizing the diversion of state water from the Comal River, and these diversions could be impacted by the Application, if granted. The uses of the Comal River and Guadalupe River by the City, Schlitterbahn, other government entities, and citizens and visitors to New Braunfels are downstream from the discharge point of the effluent from the Applicant's plant and quarry and could be impacted by the Application, if granted. Additionally, New Braunfels is a governmental entity with authority and interests under its home rule charter and state law over issues that are raised by the Application, including its authority and interest in water quality and water supply, and the health and safety of its citizens.

The Applicant proposes expanding its operation in Comal County five-fold. Although the Applicant has a good record of compliance with regard to its discharge under the existing TPDES Permit No. WQ0002179000, the City is concerned with the magnitude of the plant expansion and the increase of discharge that the amendment will allow, if granted, the need for such increase, whether the discharge as proposed will jeopardize its interests in water supplies, and the quality of the waters, of the Comal River and the Guadalupe River, and whether such quality will negatively impact the uses of said streams by the City, Schlitterbahn, other governmental entities, and citizens and visitors to the City of New Braunfels.

The City requests a contested case hearing on this Application so that it, its citizens and customers, and the public, will have the opportunity to review the documentation presented by Applicant, contest and question the same, and assure itself, and its citizens and customers, that no degradation of the Rivers that impacts the uses of these streams will occur as a result of the major amendment to TPDES Permit No. WQ0002179000.

Sincerely,



Michael E. Morrison
City Manager

cc: Mayor R. Bruce Boyer and Members of the City Council
Mike Gonzales, Plant Manager, CEMEX Cement of Texas, L.P.
Ms. Leslie White, General Counsel, CEMEX, Inc.
Alan C. Wayland, City Attorney
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