

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

May 30, 2013

TO: Persons on the attached mailing list.

RE: Walton Texas, L.P.
Permit No. WQ0014439001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Amended Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Umland Community Center, 15 North Old Spanish Trail, Umland, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and

- (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.texas.gov/about/comments.html> or by mail to the following address:

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac
Chief Clerk

BCB/ka

Enclosure

MAILING LIST
for
Walton Texas, L.P.
Permit No. WQ0014439001

FOR THE APPLICANT:

H. Tyler Johnston
Walton Texas, L.P.
515 North Congress Avenue, Suite 2050
Austin, Texas 78701

Casey Wauters, P.E.
Bury + Partners
221 West Sixth Street, Suite 600
Austin, Texas 78701

PROTESTANTS/INTERESTED
PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental
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P.O. Box 13087
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Kathy J. Humphreys, Staff Attorney
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Donald J. Camp, P.E., Technical Staff
Texas Commission on Environmental
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental
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Office of Chief Clerk MC-105
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Austin, Texas 78711-3087

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MAXWELL TX 78656

BURKLUND , HOLLIS W
403 W SAN ANTONIO ST
LOCKHART TX 78644

BURRHUS , TERESA
6628 STATE HIGHWAY 142
LOCKHART TX 78644-3750

CARL , CARLTON
105 AUSTIN ST
MARTINDALE TX 78655-5800

CHESSER , DON
360 BRUSHY BRANCH RD
LOCKHART TX 78644-4068

CHRISTIAN , JANET
110 HAROLDS RD
LOCKHART TX 78644-2898

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LOCKHART TX 78644-3421

DORNAK , NICK
STE B
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DALE TX 78616-2726

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MAXWELL TX 78656

HANCEN , WAYNE
716 GRAPEVINE TRL
LOCKHART TX 78644-4926

HANNAN , JESSICA
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MAXWELL TX 78656

HOWARD , KENNIS
6282 FM 2720
MAXWELL TX 78656-4236

HUNTER , PHILIP
505 CARIBBEAN DR
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MAGIN , DEBBIE
G B R A
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SEGUIN TX 78155-5819

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LOCKHART TX 78644-2919

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6790 FM 3237
DRIFTWOOD TX 78619-9408

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506 BRUSHY BRANCH RD
LOCKHART TX 78644-4394

PETERS , CAROL
36 MILL RD
MAXWELL TX 78656-4363

REINHARD , WALTER
715 GRAPEVINE TRL
LOCKHART TX 78644-4540

SATAGAJ , SALLIE ANN
715 GRAPEVINE TRL
LOCKHART TX 78644-4540

SIEFEL , ROD
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LOCKHART TX 78644-4394

SMILEY , SCOTT
3401 PEARCE RD
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STEBING , DORIS & WILLIAM L
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MAXWELL TX 78656-4221

STEVENSON , DIANNE
423 W PRAIRIE LEA ST
LOCKHART TX 78644-2620

STRAHAN , MARCELLA
1216 BRUSHY BRANCH RD
LOCKHART TX 78644-4070

STRAHAN , ROY W
1216 BRUSHY BRANCH RD
LOCKHART TX 78644-4070

WOLFE, MARK EXECUTIVE DIRECTOR
TEXAS HISTORICAL COMMISSION
PO BOX 12276
AUSTIN TX 78711-2276

ZAFFIRINI , THE HONORABLE JUDITH STATE SENATOR
TEXAS SENATE
PO BOX 12068
AUSTIN TX 78711-2068