



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 4, 2015

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: The Commission's rescheduled consideration of the timely-filed hearing requests/requests for reconsideration and the application filed by North Texas Municipal Water District for Permit No. WQ0004996000; TCEQ Docket No. 2014-1662-IWD

By letter dated July 27, 2015, the Office of General Counsel responded to the Applicant's third motion for continuance by continuing the matter from the prior-scheduled Agenda meeting to the Commission's Agenda meeting on Friday, October 9, 2015, starting at 9:30 a.m. Since that letter, the Commission has rescheduled that Agenda from October 9, 2015, to Wednesday, October 7, 2015.

This letter is to notify the parties that the Commission will consider the above-referenced matter at the Commission's rescheduled Agenda meeting on **Wednesday, October 7, 2015**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

The deadlines for the parties to file written responses and replies as noticed by the General Counsel's letter dated July 27, 2015, will remain the same. The Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ are entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on September 9, 2015. 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 September 23, 2015.

If you have any questions concerning this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

Mailing List

Mailing List
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TCEQ Docket No. 2014-1662-IWD

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 27, 2015

- To: Persons on the attached mailing list (by mail and facsimile as indicated)
- Re: The Commission's consideration of the timely-filed hearing requests/requests for reconsideration and the application filed by North Texas Municipal Water District for Permit No. WQ0004996000; TCEQ Docket No. 2014-1662-IWD

The Texas Commission on Environmental Quality ("Commission") has scheduled the above-referenced matter for consideration at its Agenda meeting on August 19, 2015, at 9:30 a.m., as noticed by the General Counsel's letter dated March 25, 2015. On July 24, 2015, the Applicant filed a third motion for continuance of the matter in order to continue to facilitate negotiation through the Commission's Alternative Dispute Resolution Program in an attempt to resolve the concerns raised by the hearing requesters. The motion indicates that the Executive Director and the Public Interest Counsel have not expressed opposition to the motion. The motion also describes the attempts to contact the hearing requesters in this matter, resulting in some being unopposed to the third request and others having not indicated a position.

The Office of General Counsel has determined to continue the matter from the scheduled Agenda meeting pursuant to 30 TAC § 10.4. Accordingly, this matter is continued to the Commission's Agenda meeting on **Friday, October 9, 2015**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

Pursuant to 30 TAC §§ 10.3 and 55.209, the Office of General Counsel has determined to extend the deadlines for the parties to file written responses and replies as noticed by the General Counsel's letter dated March 25, 2015. Accordingly, the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ are entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **September 9, 2015**. 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 **September 23, 2015**.

If you have any questions concerning this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

Mailing List

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TCEQ Docket No. 2014-1662-IWD

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TCEQ DOCKET NO. 2014-1662-IWD

**APPLICATION BY NORTH TEXAS § BEFORE THE TEXAS COMMISSION
MUNICIPAL WATER DISTRICT FOR § ON
TPDES PERMIT NO. WQ0004996000 § ENVIRONMENTAL QUALITY**

THIRD MOTION FOR CONTINUANCE

TO THE HONORABLE COMMISSIONERS:

The North Texas Municipal Water District (herein referenced as the "District") hereby moves to continue the above-referenced matter currently set to be heard at the August 19, 2015 Commissioners' Agenda, as well as the corresponding dates for the responses and replies to the hearing requests.

By this continuance, the District desires to continue to facilitate negotiation through the Commission's Alternative Dispute Resolution ("ADR") program in an attempt to resolve the concerns raised by the designated hearing requestors. In order to do so, a continuance is necessary. The District has contacted Kyle Lucas at the Commission's ADR program and Mr. Lucas is available and willing to assist in this regard.

The District and Mr. Lucas have spoken with the ED and OPIC and both are unopposed to the continuance. Mr. Lucas has represented to the District that he contacted the designated hearing requestors and Mr. Witcher and Mrs. Crawford are unopposed to the continuance. Mr. Bradshaw, Mr. and Mrs. Schultz, Mr. Gibbs and Mr. McCraw have not responded to Mr. Lucas' attempt to contact them; however, none of these five protestants have opposed any prior continuance requests.

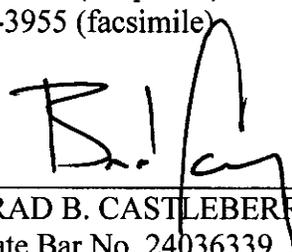
Therefore, the District respectfully requests that the matter be continued to the September 23, 2015 Commissioners' Agenda and that the dates for the deadlines to file the responses to hearing requests and replies to the responses be adjusted accordingly. Moreover, the District seeks to continue to engage the services of Mr. Kyle Lucas to facilitate resolution of this matter.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

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Austin, Texas 78701
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(512) 874-3955 (facsimile)

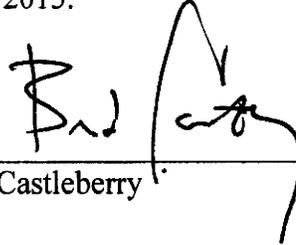
By: _____


BRAD B. CASTLEBERRY
State Bar No. 24036339
ASHLEY D. THOMAS
State Bar No. 24090430

**ATTORNEYS FOR APPLICANT
NORTH TEXAS MUNICIPAL WATER
DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Requests for Contested Case Hearing was sent by hand delivery, United States Postal Service, or electronic mail to the individuals identified below on this, the 24th day of July, 2015.



Brad B. Castleberry

For the Executive Director
via Electronic Mail:

Michael Parr, Staff Attorney
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via Electronic Mail:

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For the Alternative Dispute Resolution
Program via Electronic Mail:

Kyle Lucas
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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 25, 2015

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: The Commission's consideration of the timely-filed hearing requests/requests for reconsideration and the application filed by North Texas Municipal Water District for Permit No. WQ0004996000; TCEQ Docket No. 2014-1662-IWD

The Texas Commission on Environmental Quality ("Commission") has scheduled the above-referenced matter for consideration at its Agenda meeting on April 29, 2015, at 9:30 a.m., as noticed by the General Counsel's letter dated January 7, 2015. On March 13, 2015, the Applicant filed a second motion for continuance of the matter in order to continue to facilitate negotiation through the Commission's Alternative Dispute Resolution Program in an attempt to resolve the concerns raised by the hearing requesters. The motion indicates that the Executive Director and the Public Interest Counsel have not expressed opposition to the motion. The motion also describes attempts to contact the hearing requesters in this matter.

The Office of General Counsel has determined to continue the matter from the scheduled Agenda meeting pursuant to 30 TAC § 10.4. Accordingly, this matter is continued to the Commission's Agenda meeting on **Wednesday, August 19, 2015**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

Pursuant to 30 TAC §§ 10.3 and 55.209, the Office of General Counsel has determined to extend the deadlines for the parties to file written responses and replies as noticed by the General Counsel's letter dated January 7, 2015. Accordingly, the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ are entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **July 27, 2015**. 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 10, 2015**.

If you have any questions concerning this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

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TCEQ DOCKET NO. 2014-1662-IWD

**APPLICATION BY NORTH TEXAS § BEFORE THE TEXAS COMMISSION
MUNICIPAL UTILITY DISTRICT FOR § ON
TPDES PERMIT NO. WQ0004996000 § ENVIRONMENTAL QUALITY**

SECOND MOTION FOR CONTINUANCE

TO THE HONORABLE COMMISSIONERS:

The North Texas Municipal Water District (herein referenced as the “District”) hereby moves to continue the above-referenced matter currently set to be heard at the April 29, 2015 Commissioners’ Agenda to the August 19, 2015 Commissioners’ Agenda, as well as the corresponding dates for the responses and replies to the hearing requests.

By this continuance, the District desires to continue to facilitate negotiation through the Commission’s Alternative Dispute Resolution (“ADR”) program in an attempt to resolve the concerns raised by the designated hearing requesters. In order to do so, a continuance is necessary. The District has contacted Kyle Lucas at the Commission’s ADR program and Mr. Lucas is available and willing to assist in this regard.

The District and Mr. Lucas have spoken with the ED and OPIC and both are unopposed to the continuance. Mr. Lucas has represented to the District that he contacted the designated hearing requesters and none of the designated hearing requesters are opposed to the motion. Mr. Lucas has represented that he did not contact Mr. Gibbs as Mr. Gibbs did not provide a telephone number with his hearing request and, further, that his hearing request was filed by Mr. McCraw who was not opposed to the continuance.

Therefore, the District respectfully requests that the matter be continued to the August 19, 2015 Commissioners’ Agenda and that the dates for the deadlines to file the responses to hearing requests and replies to the responses be adjusted accordingly. Moreover, the District seeks to continue to engage the services of Mr. Kyle Lucas to facilitate resolution of this matter.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

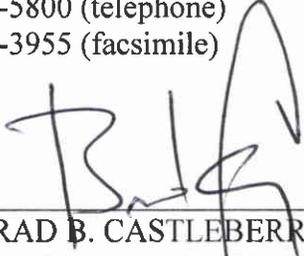
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By: _____


BRAD B. CASTLEBERRY

State Bar No. 24036339

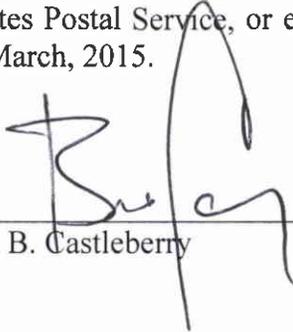
ASHLEY D. THOMAS

State Bar No. 24090430

**ATTORNEYS FOR APPLICANT
NORTH TEXAS MUNICIPAL WATER
DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Requests for Contested Case Hearing was sent by hand delivery, United States Postal Service, or electronic mail to the individuals identified below on this, the 13th day of March, 2015.



Brad B. Castleberry

For the Executive Director
via Electronic Mail:

Michael Parr, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
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For the Office of Public Interest Counsel
via Electronic Mail:

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For the Alternative Dispute Resolution
Program via Electronic Mail:

Kyle Lucas
Alternative Dispute Resolution
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For the Office of General Counsel:

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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2015

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: The Commission's consideration of the timely-filed hearing requests/requests for reconsideration and the application filed by North Texas Municipal Water District for Permit No. WQ0004996000; TCEQ Docket No. 2014-1662-IWD

The Texas Commission on Environmental Quality ("Commission") has scheduled the above-referenced matter for consideration at its Agenda meeting on February 4, 2015, at 9:30 a.m., as noticed by the Commission's letter dated December 30, 2014. On January 6, 2015, the Applicant filed a motion for continuance of the matter in order to facilitate negotiation through the Commission's Alternative Dispute Resolution Program in an attempt to resolve the concerns raised by the hearing requesters. The motion indicates that the Executive Director and the Public Interest Counsel have not expressed opposition to the motion. The motion also describes attempts to contact the hearing requesters in this matter.

The Office of General Counsel has determined to continue the matter from the scheduled Agenda meeting pursuant to 30 TAC § 10.4. Accordingly, this matter is continued to the Commission's Agenda meeting on **Wednesday, April 29, 2015**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

Pursuant to 30 TAC §§ 10.3 and 55.209, the Office of General Counsel has determined to extend the deadlines for the parties to file written responses and replies as noticed by the Commission's letter dated December 30, 2014. Accordingly, the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ are entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **April 6, 2015**. 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 **April 20, 2015**.

If you have any questions concerning this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

Mailing List

Mailing List
North Texas Municipal Utility District
TCEQ Docket No. 2014-1662-IWD

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Kyle Lucas
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512/239-4010 FAX 512-239-4015

TCEQ DOCKET NO. 2014-1662-IWD

APPLICATION BY NORTH TEXAS § BEFORE THE TEXAS COMMISSION
MUNICIPAL UTILITY DISTRICT FOR § ON
TPDES PERMIT NO. WQ0004996000 § ENVIRONMENTAL QUALITY

MOTION FOR CONTINUANCE

TO THE HONORABLE COMMISSIONERS:

The North Texas Municipal Water District (herein referenced as the “District”) hereby moves to continue the above-referenced matter currently set to be heard at the February 4, 2015 Commissioners’ Agenda to the April 29, 2015 Commissioners’ Agenda, as well as the corresponding dates for the responses and replies to the hearing requests.

By this continuance, the District desires to facilitate negotiation through the Commission’s ADR program in an attempt to resolve the concerns raised by the designated hearing requesters. In order to do so, a continuance is necessary. The District has contacted Kyle Lucas at the Commission’s ADR program and Mr. Lucas is available and willing to assist in this regard.

The District has spoken with the ED and OPIC and both are unopposed to the motion. Counsel for the District has attempted to contact the designated hearing requesters and Mr. Bradshaw, Ms. Crawford and Mr. Witcher were not opposed to the motion. As of 4:05 PM on this date, the District’s counsel has been unable to speak with Mr. McCraw, and Mr. and Mrs. Schultz, but has left voice messages. Counsel has been unable to contact Mr. Gibbs as Mr. Gibbs did not provide a telephone number with his hearing request.

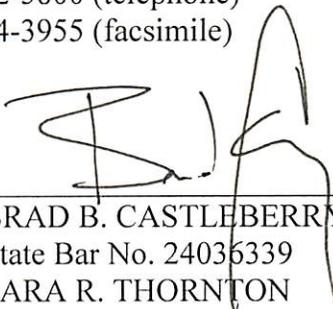
Therefore, the District respectfully requests that the matter be continued to the April 29, 2015 Commissioners’ Agenda and that the dates for the deadlines to file the responses to hearing requests and replies to the responses be adjusted accordingly. Moreover, the District seeks to engage the services of Mr. Kyle Lucas to facilitate resolution of this matter.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800 (telephone)
(512) 874-3955 (facsimile)

By: _____

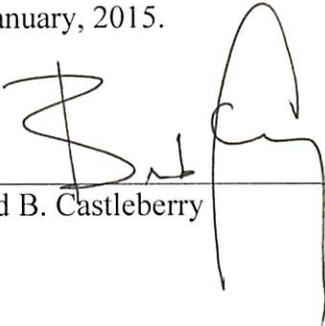


BRAD B. CASTLEBERRY
State Bar No. 24036339
SARA R. THORNTON
State Bar No. 24066192

**ATTORNEYS FOR APPLICANT
NORTH TEXAS MUNICIPAL WATER
DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Requests for Contested Case Hearing was sent by hand deliver, United States Postal Service, or electronic mail to the individuals identified below on this, the 6th day of January, 2015.



Brad B. Castleberry

For the Executive Director
via Electronic Mail:

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For the Office of Public Interest Counsel
via Electronic Mail:

Aaron Tucker
Office of Public Interest Counsel, MC-103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

For the Alternative Dispute Resolution
Program via Electronic Mail:

Kyle Lucas
Alternative Dispute Resolution
Program, MC-222
Texas Commission on Environmental Quality
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For the Office of General Counsel:

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Environmental Law Division MC-173
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All Hearing Requestors of Record as
Identified by the Chief Clerk on the
Attached Mailing List

MAILING LIST
NORTH TEXAS MUNICIPAL WATER DISTRICT
DOCKET NO. 2014-1662-IWD; PERMIT NO. WQ0004996000

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See attached list.

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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2014

TO: Persons on the Attached Mailing List

**RE: Docket No. 2014-1662-IWD
North Texas Municipal Water District
Request(s) filed on Permit No. WQ0004996000**

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 **February 4, 2015**. 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 **January 12, 2015**. 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 **January 26, 2015**.

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://www.tceq.texas.gov/goto/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 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, 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 filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program 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 Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive style with a prominent dot over the 'i' in "Bridget".

Bridget C. Bohac
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, 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 the Public Education Program toll free at 1-800-687-4040.

MAILING LIST
NORTH TEXAS MUNICIPAL WATER DISTRICT
DOCKET NO. 2014-1662-IWD; PERMIT NO. WQ0004996000

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via electronic mail:

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**FOR ALTERNATIVE DISPUTE
RESOLUTION**

via electronic mail:

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See attached list.

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BRADSHAW LAND & LIVESTOCK LLC
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GRANT OK 74738-5003

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WITHDRAW OF REQUEST(S)

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