

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

January 28, 2015

TO: Persons on the Attached Mailing List

RE: Docket No. 2014-1720-MWD

City of Liberty Hill

Request(s) filed on Permit No. WQ0014477001

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 **March 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 **February 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 **February 23, 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, flowing style.

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
CITY OF LIBERTY HILL
DOCKET NO. 2014-1720-MWD; PERMIT NO. WQ0014477001**

FOR THE APPLICANT:

Brian W. Kirk
City of Liberty Hill
P.O. Box 1920
Liberty Hill, Texas 78642-1920
Tel: (512) 745-7960

Aaron J. Laughlin, P.E.
Steger Bizzell
1978 South Austin Avenue
Georgetown, Texas 78626-7835
Tel: (512) 930-9412
Fax: (512) 930-9416

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Stefanie Skogen, 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

Julian Centeno, Jr., P.E., Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4608
Fax: (512) 239-4430

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-5678

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic Mcwherter, Public Interest Counsel
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 ALTERNATIVE DISPUTE
RESOLUTION**

via electronic mail:

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:

Bridget C. Bohac

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

REQUESTERS / INTERESTED PERSONS:

See attached list.

REQUESTER(S)

SHARON H CASSADY
1541 ORCHARD DR
LEANDER TX 78641-1370

TERRY CASSADY
1541 ORCHARD DR
LEANDER TX 78641-1370

PAIGE H SAENZ
KNIGHT & PARTNERS
223 W ANDERSON LN STE A105
AUSTIN TX 78752-1115

PAIGE SAENZ
KNIGHT & PARTNERS
11005 GALLERIA CV A105
AUSTIN TX 78759-5134

AUDREY SWEARINGEN
1104 S GABRIEL DR
LEANDER TX 78641-1377

PUBLIC OFFICIALS - INTERESTED PERSON(S)

THE HONORABLE MARSHA FARNEY
STATE REP, TX HOUSE OF REPRESENTATIVES
DISTRICT 20
PO BOX 2910
AUSTIN TX 78768-2910

THE HONORABLE CHARLES SCHWERTNER
STATE SENATOR, THE SENATE OF THE STATE OF
TEXAS
PO BOX 12068
AUSTIN TX 78711-2068

INTERESTED PERSON(S)

SALLY & WENDELL BARRICK
1305 ORCHARD DR
LEANDER TX 78641-1412

SUZY BATES
16249 W STATE HIGHWAY 29
LIBERTY HILL TX 78642-3803

LIZ BRANIGAN
405 LOOP 332
LIBERTY HILL TX 78642-4205

CARL BURNHAM
1501 ORCHARD DR
LEANDER TX 78641-1370

KENT CAGLE
200 W WILLIS ST
LEANDER TX 78641-1781

CASEY CALLAHAN
1101 S GABRIEL DR
LEANDER TX 78641-1364

JOHN J CALLAHAN
1101 S GABRIEL DR
LEANDER TX 78641-1364

JACKSON CASSADY
110 NW 31ST ST
CORVALLIS OR 97330-5151

SUE COUCHMAN
107 ARROYO CIR
LEANDER TX 78641-9709

MRS LAURA CUTRER
717 S GABRIEL DR
LEANDER TX 78641-1358

TORRIAS HEADS
1311 WILBURFORCE ST
HOUSTON TX 77091-2073

DAVID HOWELL
5001 SPRING VALLEY RD STE 500W
DALLAS TX 75244-8211

MARY JO HUMPHREYS
1102 S GABRIEL DR
LEANDER TX 78641-1377

TIM HUMPHREYS
1102 S GABRIEL DR
LEANDER TX 78641-1377

DAVID S MORGAN
350 COUNTY ROAD 258
LIBERTY HILL TX 78642-6260

STEPHANIE MORRIS
1409 ORCHARD DR
LEANDER TX 78641-1368

BETTY JO & RAY PHILLIPS
353 SAN GABRIEL OAKS DR
LIBERTY HILL TX 78642-6219

AUDREY & DEAN SWEARINGEN
1104 S GABRIEL DR
LEANDER TX 78641-1377

JEFF ULMANN
223 W ANDERSON LN STE A105
AUSTIN TX 78752-1115

TERRY VANCE
617 CEREZO DR
LEANDER TX 78641-3401

WAYNE WATTS
CITY OF LEANDER
PO BOX 319
LEANDER TX 78646-0319