

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

November 5, 2015

TO: Persons on the attached mailing list.

RE: City of Temple Doshier Farm WWTP
Permit No. WQ0010470002

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 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 Department of Public Works, 3210 East Avenue H, Building A, Temple, 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/goto/comments> 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/lg

Enclosure

MAILING LIST
for
City of Temple Doshier Farm WWTP
Permit No. WQ0010470002

FOR THE APPLICANT:

Nicole Torralva, Public Works Director
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Lacy Borgeson, City Secretary
City of Temple
2 North Main Street, Suite 103
Temple, Texas 76501

Rick Kasberg, Consulting Engineer
Kasberg, Patrick and Associates
1 South Main
Temple, Texas 76501

PROTESTANTS/INTERESTED
PERSONS:

See Attached List.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Sonia Bhuiya, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic McWherter, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

BARCAK , MR & MRS EDDIE
17991 FM 940
ROGERS TX 76569-3713

BRUGGMAN , DARWIN
18801 CYCLONE BRANCH RD
BURLINGTON TX 76519-3104

CONCERNED CITIZEN ,
3121 RED BARN LN
TEMPLE TX 76501-7179

COUFAL , EDWARD
8576 FM 3117
TEMPLE TX 76501-7206

DENIO , JAMES
850 N HIGHWAY 77
CAMERON TX 76520-3636

DROZD , LINDA
12032 STAG RD
HOLLAND TX 76534-4081

ELDRED , JUNE
3709 ANTELOPE TRL
TEMPLE TX 76504-3603

FOWLER , CLYDE
4578 SHAW RD
TEMPLE TX 76501-7233

GREGER , LARRY JAMES
9330 STRINGTOWN RD
TEMPLE TX 76501-7246

GUNTER , THOMAS
9894 STRINGTOWN RD
TEMPLE TX 76501-7247

HENSON , BOBBY
11552 STRINGTOWN RD
TEMPLE TX 76501-7248

HILLMAN , WAYNE
30 CR 205
BUCKHOLTS TX 76518

HOELSCHER , ROBERT
17751 FM 940
ROGERS TX 76569-3713

JEZ , FRANK LYNN
7844 FM 3117
TEMPLE TX 76501-7205

KELM , WILLIAM
445 COUNTY ROAD 226
CAMERON TX 76520-5052

KLECKA , FRANK
2009 N AUSTIN AVE
CAMERON TX 76520-1626

KOSTROUN , JERRY
1229 COUNTY ROAD 208
CAMERON TX 76520-3155

KOSTROUN , THOMAS
205 E 9TH ST
CAMERON TX 76520-2714

LESIKAR , DANIEL
17117 TWISTER RD
BURLINGTON TX 76519-3026

LESIKAR , JEFF
6566 NEW COLONY LOOP
ROGERS TX 76569-3716

MACHICIK , ANDY
10799 OSCAR SCHOOL RD
TEMPLE TX 76501-7224

MIKESKA , MARGARET
3053 HOBBY CREEK RD
BURLINGTON TX 76519-3116

MOTL , TED
13101 WOODFORD RD
TEMPLE TX 76501-3425

ORSAG , BROTHERS
2311 FM 1600
CAMERON TX 76520-3581

PECHAL , CLARENCE
10350 OSCAR SCHOOL RD
TEMPLE TX 76501-7218

PRICE , GINGER D
108 POST OAK CIR
TEMPLE TX 76502-3502

PROVASEK , E J
1606 N DAVIS AVE
CAMERON TX 76520-2030

PSENCIK , WAYNE
12860 WOODFORD RD
TEMPLE TX 76501-3424

RACHUI , CALVIN
244 COUNTY ROAD 116A
ROGERS TX 76569-3836

SCHILLER , GENE
10864 OSCAR SCHOOL RD
TEMPLE TX 76501-7218

SEBEK , DAVID
3910 RED RANGER RD
TEMPLE TX 76501-3413

SEBEK , JOE
4910 RED RANGER RD
TEMPLE TX 76501

SKALA JR , HENRY E
10611 STRINGTOWN RD
TEMPLE TX 76501-7253

SKALA , RONNIE G
10081 STRINGTOWN RD
TEMPLE TX 76501-7253

SKALA , SHIRLEY
10480 STRINGTOWN RD
TEMPLE TX 76501-7247

SMETANA , BILL & CAROL
7422 FM 3117
TEMPLE TX 76501-7205

SMETANA , BILL
7422 FM 3117
TEMPLE TX 76501-7205

SPANHEL , JIMMY
2752 SEATON RD
TEMPLE TX 76501-7229

STERMER , WILLIE
7306 FM 3117
TEMPLE TX 76501-7462

TSCHOERNER , AGNES
3121 RED BARN LN
TEMPLE TX 76501-7179

TSCHOERNER , FRANKLIN
3121 RED BARN LN
TEMPLE TX 76501-7179

TYROCH , WAYNE
13092 WOODFORD RD
TEMPLE TX 76501-3424

VRAZEL , ANTON
6710 N FM 1915
BUCKHOLTS TX 76518-2540

WELBES , SUSAN LANGE
10820 PONDEROSA TIMBERS DR
CONROE TX 77385-4825

WILLIAMS , JANE
12135 E HWY 53
TEMPLE TX 76501