

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



*Vic McWherter, Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 14, 2015

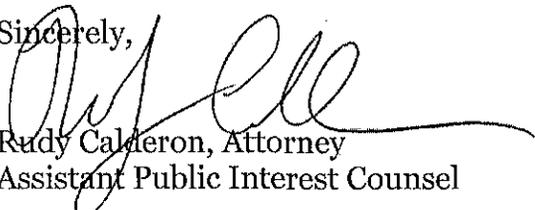
Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

**RE: TXI OPERATIONS, LP**  
**TCEQ DOCKET NO. 2015-1269-IWD**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing in the above-entitled matter.

Sincerely,

  
Rudy Calderon, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

Enclosure

**TCEQ DOCKET NO. 2015-1269-IWD**

**IN THE MATTER OF THE  
APPLICATION OF TXI  
OPERATIONS, LP, FOR TPDES  
PERMIT NO. WQ0005092000**

**BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO  
REQUESTS FOR HEARING**

To the Honorable Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Requests for Hearing in the above-referenced matter and respectfully shows the following.

**I. Introduction**

**A. Background of Facility**

TXI Operations, LP (Applicant) has applied to the TCEQ for proposed new TPDES Permit No. WQ000509200, which authorizes the discharge of stormwater and certain allowable non-stormwater discharges associated with this industrial activity on an intermittent and flow variable rate via Outfall 001.

The daily average effluent limits in the draft permit are: Flow: Report million gallons per day (MGD); Total Suspended Solids: 45 milligrams per Liter (mg/L); Total Arsenic: 0.1 mg/L; Total Cadmium: 0.05 mg/L; Total Chromium: 0.5 mg/L; Total Copper: 0.04 mg/L; Total Lead: 0.35 mg/L; Total Manganese: 1.0 mg/L; Total Mercury: 0.002 mg/L; Total Nickel: 1.0 mg/L; Total Selenium: 0.02 mg/L; Total Silver: 0.03 mg/L; Total Zinc: 0.31 mg/L.

The proposed operation will be located on New Tin Top Road, approximately 10 miles south of the intersection of Tin Top Road and Interstate 20 near the City of

Weatherford, in Parker County, Texas. The discharge route is via Outfall 001 to a man-made tributary of Spring Creek; then to farm pond 1; then to a man-made tributary of Spring Creek; then to farm pond 2; then to Spring Creek; then to Lake Granbury in Segment No. 1205 of the Brazos River Basin. The designated uses for the unclassified receiving waters are: minimal aquatic life use for the man-made unnamed tributary of Spring Creek; limited aquatic life use for the farm ponds; and high aquatic life use for Spring Creek. The designated uses for Segment No. 1205 are primary contact recreation, public water supply, and high aquatic life use.

## **B. Procedural Background**

TCEQ received this application on July 11, 2013. On August 23, 2013, the Executive Director (ED) declared the application administratively complete. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on September 10, 2013, in the *Fort Worth Star Telegram* and the alternative language NORI was published in Spanish in *La Prensa Cominidad*. The Notice of Application and Preliminary Decision for a Water Quality Land Application Permit (NAPD) was published on April 10, 2015, in the *Fort Worth Star Telegram* and the alternative language NAPD was published in Spanish in *La Prensa Cominidad*. The public comment period ended on May 11, 2015. On July 10, 2015, the ED filed his Response to Public Comment, and on July 14, 2015, the Chief Clerk mailed notice of the ED's decision and Response to Comments. The deadline to request a contested case hearing was August 13, 2015.

TCEQ received timely comments and requests for a contested case hearing from Ann Anderson, Christi Linney and Stephen Linney, Steve Hard, Barbara Hard, Jane Morgan, Susan and Gary Rosenbach, Larry E. Boyd, Marrietta Hagemann and Robert

Hagemann, Jim Stevens and Sandy Stevens, Jami Winturroth, Peggy Young and William Young, Lee Felts, Bonnie Ferrell and Ken Ferrell, Bruce Basden, Brian McGrew, Cardle Bray and Chris Bray, Nancy Hard and Meredith Hard, Jack Buckley and Pat Buckley, Connie Hahn, Mary Jordan and B.E. Jordan, Daniel Simmons and Melisa Ashford, Stan Elmore, Susan Vaughan and Roper Vaughan, Don Heep and Gail Heep, Jenks Garrett and Denise Garrett, Christy Smith and P. Smith, Brian Moffitt and Hedi Moffitt, Tony and Shelby Graham, Garry McCarthy, Jeanenne Kienle, and Todd and Gayla Spitz. Additionally, hearing requests were received from two concerned citizens who failed to provide their names and Cindy Murdock who failed to provide an address.

For the reasons stated below, OPIC recommends granting affected person status to Christi Linney and Stephen Linney, Steve Hard, Barbara Hard, Jane Morgan, Susan and Gary Rosenbach, and Larry E. Boyd. Additionally, OPIC recommends, for the reasons stated below, denying the hearing requests of Ann Anderson, Marrietta Hagemann and Robert Hagemann, Jim Stevens and Sandy Stevens, Jami Winturroth, Peggy Young and William Young, Lee Felts, Bonnie Ferrell and Ken Ferrell, Bruce Basden, Brian McGrew, Cardle Bray and Chris Bray, Nancy Hard and Meredith Hard, Jack Buckley and Pat Buckley, Connie Hahn, Mary Jordan and B.E. Jordan, Daniel Simmons and Melisa Ashford, Stan Elmore, Susan Vaughan and Roper Vaughan, Don Heep and Gail Heep, Jenks Garrett and Denise Garrett, Christy Smith and P. Smith, Brian Moffitt and Hedi Moffitt, Tony and Shelby Graham, Garry McCarthy, Jeanenne Kienle, Todd and Gayla Spitz, concerned citizen 1, concerned citizen 2, and Cindy Murdock.

## II. Applicable Law

The ED declared this application administratively complete on August 23, 2013. Because the application was declared administratively complete after September 1, 1999, a person may request a contested case hearing on the application pursuant to the requirements of House Bill 801, Act of May 30, 1999, 76th Leg., R.S., § 5 (codified at TEX. WATER CODE (TWC) § 5.556).

Under the applicable statutory and regulatory requirements, a hearing request must substantially comply with the following: give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request; identify the requestor's personal justiciable interest affected by the application showing why the requestor is an "affected person" who may be adversely affected by the proposed facility or activity in a manner not common to members of the general public; request a contested case hearing; list all relevant and material disputed issues of fact that were raised during the comment period that are the basis of the hearing request; and provide any other information specified in the public notice of the application.

*30 TAC § 55.201(d).*

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." *30 TAC § 55.203(a).* This justiciable interest does not include an interest common to the general public. *Id.* Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. *Id.* Relevant factors considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

*30 TAC § 55.203(c).*

The Commission shall grant an affected person's timely filed hearing request if:

- (1) the request is made pursuant to a right to hearing authorized by law; and (2) the request raises disputed issues of fact that were raised during the comment period and that are relevant and material to the Commission's decision on the application. *30 TAC*

*§ 55.211(c).*

Accordingly, responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the Chief Clerk prior to the filing of the Executive Director's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

*30 TAC § 55.209(e).*

### **III. Discussion**

#### **A. Determination of Affected Person Status**

##### *Christi Linney and Stephen Linney*

Christi and Stephen Linney timely filed a request for a contested case hearing. The Linney's hearing request states that they own property located at 5224 Tin Top Road, Weatherford, Parker County, Texas. According to a map furnished to OPIC by the ED, the Linneys' own property adjacent to the proposed operation. The proposed discharge route would also partially flow through their property. According to their hearing request, the Linneys' raised issues related to water quality, dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration.

As to the Linneys' assertion that the proposed operation will have an adverse effect on the water quality of the receiving stream, for reasons discussed in Section F below, OPIC finds that this issue is within the TCEQ's jurisdiction to consider and is proper for referral to an administrative hearing.

The Linneys' also raise the issues of dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration as issued they are concerned about. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Christi and Stephen Linney are affected persons based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists

between the Linney's concerns about water quality and the issuance of this new TPDES permit.

Jane Morgan

Jane Morgan timely filed a request for a contested case hearing. Ms. Morgan's hearing request states that she owns property located at 5215 Tin Top Road, Weatherford, Parker County, Texas. According to a map furnished to OPIC by the ED, Ms. Morgan owns property approximately half a mile from the proposed operation. According to her hearing request, Ms. Morgan raised issues related to water quality, dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration.

As to Ms. Morgan's assertion that the proposed operation will have an adverse effect on the water quality of the receiving stream, for reasons discussed in Section F below, OPIC finds that this issue is within the TCEQ's jurisdiction to consider and is proper for referral to an administrative hearing.

Ms. Morgan also raises the issues of dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration as issued they are concerned about. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Jane Morgan is an affected person based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists between Ms. Morgan's concerns about water quality and the issuance of this new TPDES permit.

Larry E. Boyd

Larry E. Boyd timely filed a request for a contested case hearing. Mr. Boyd's hearing request states that he owns property located at 749 Tin Top Road, Weatherford, Parker County, Texas. According to a map furnished to OPIC by the ED, Mr. Boyd owns property adjacent to the proposed operation. According to his hearing request, Mr. Boyd raised issues related to water quality, dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration.

As to Mr. Boyd's assertion that the proposed operation will have an adverse effect on the water quality of the receiving stream, for reasons discussed in Section F below, OPIC finds that this issue is within the TCEQ's jurisdiction to consider and is proper for referral to an administrative hearing.

Mr. Boyd also raises the issues of dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration as issued they are concerned about. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Larry E. Boyd is an affected person based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists between Mr. Boyd's concerns about water quality and the issuance of this new TPDES permit.

Barbara Hard

Barbara Hard timely filed a request for a contested case hearing. Mrs. Hard's hearing request states that she owns property located at 5255 Tin Top Road,

Weatherford, Parker County, Texas. According to a map furnished to OPIC by the ED, Mrs. Hard owns property adjacent to the proposed operation. The proposed discharge route would also partially flow through her property. According to her hearing request, Mrs. Hard raised issues related to water quality, dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration.

As to Mrs. Hard's assertion that the proposed operation will have an adverse effect on the water quality of the receiving stream, for reasons discussed in Section F below, OPIC finds that this issue is within the TCEQ's jurisdiction to consider and is proper for referral to an administrative hearing.

Mrs. Hard also raises the issues of dust pollution, noise pollution, surface and groundwater usage, decreased property value, increased truck traffic, and increased roadway deterioration as issued they are concerned about. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Barbara Hard is an affected person based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists between Mrs. Hard's concerns about water quality and the issuance of this new TPDES permit.

Steve Hard

Steve Hard timely filed a request for a contested case hearing. Mr. Hard's hearing request states that he owns property located at 5255 Tin Top Road, Weatherford, Parker County, Texas. According to a map furnished to OPIC by the ED, Mr. Hard owns property adjacent to the proposed operation. The proposed discharge

route would also partially flow through his property. According to his hearing request, Mr. Hard raised issues related to water quality, dust pollution, property value, and reclamation of the land after the proposed operations have ceased.

As to Mr. Hard's assertion that the proposed operation will have an adverse effect on the water quality of the receiving stream, for reasons discussed in Section F below, OPIC finds that this issue is within the TCEQ's jurisdiction to consider and is proper for referral to an administrative hearing. Additionally, Mr. Hard raised the issue of reclamation after operations have ceased and runoff from the proposed operation onto his property which could affect stock ponds and agricultural land. OPIC finds that these issues go to the technical review process conducted by the ED and for reasons discussed in Section F below, and are within the TCEQ's jurisdiction to consider and are proper for referral to an administrative hearing.

Mr. Hard also raises the issues of dust pollution and property value. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Steve Hard is an affected person based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists between Mr. Hard's concerns about water quality, reclamation, and runoff and the issuance of this new TPDES permit.

*Susan and Gary Rosenbach*

Susan and Gary Rosenbach timely filed a request for a contested case hearing. The Rosenbachs' hearing request states that they owns property within one mile of the proposed operation. According to a map furnished to OPIC by the ED, the Rosenbachs'

own property adjacent to the proposed operation. The proposed discharge route would also flow through their property. According to their hearing request, the Rosenbach's raised issues related to water quality, dust pollution, noise pollution, decreased property value, reclamation, and runoff.

As to the Rosenbachs' assertions that the proposed operation will have an adverse effect on the water quality of the receiving stream, that there will be potential for runoff onto their property affecting stock ponds and agricultural land, and concerns about reclamation once operations cease, for reasons discussed in Section F below, OPIC finds that these issue are within the TCEQ's jurisdiction to consider and are proper for referral to an administrative hearing.

The Rosenbachs' also raise the issues of dust pollution, noise pollution, and property value. For reasons discussed in Section F below, these issues are not within the jurisdiction of the TCEQ in the context of these proceedings, and cannot be considered in evaluating whether to grant the new permit requested by the Applicant.

OPIC finds that Susan and Gary Rosenbach are affected persons based on the factors set forth in 30 TAC §§ 55.203(b) and (c) and that a reasonable relationship exists between the Rosenbach's concerns about water quality, reclamation, and runoff and the issuance of this new TPDES permit.

Marrietta Hagemann and Robert Hagemann, Ann Anderson, Jim Stevens and Sandy Stevens, Jami Winturroth, Peggy Young and William Young, Lee Felts, Bonnie Ferrell and Ken Ferrell, Bruce Basden, Brian McGrew, Cardle Bray and Chris Bray, Nancy Hard and Meredith Hard, Jack Buckley and Pat Buckley, Connie Hahn, Mary Jordan and B.E. Jordan, Daniel Simmons and Melisa Ashford, Stan Elmore, Susan Vaughan and Roper Vaughan, Don Heep and Gail Heep, Jenks Garrett and Denise

Garrett, Christy Smith and P. Smith, Brian Moffitt and Hedi Moffitt, Tony and Shelby Graham, Garry McCarthy, Jeanenne Kienle, Todd and Gayla Spitz, concerned citizen 1, concerned citizen 2, and Cindy Murdock.

OPIC recommends denying the hearing requests of the above mentioned individuals. All above requestors do not live on the discharge route and live such a distance away from the proposed operation, that their interests are not distinguishable from interests of the general public. Additionally, concerned citizens 1 and 2 failed to supply their name in the hearing request as required by 30 TAC § 55.201(d)(1) and Cindy Murdoch failed to supply her address in her hearing request as required by 30 TAC § 55.201(d)(1).

#### **B. Issues Raised in the Hearing Request**

The following issues have been raised in the hearing requests:

- (1) Whether the proposed operation will cause runoff onto adjacent land owner's property.
- (2) Whether the proposed operation will affect water quality in the discharge route.
- (3) Whether the Final Stabilization Report contained in the proposed draft permit is adequate.
- (4) Whether the proposed operation will cause dust pollution.
- (5) Whether the proposed operation will cause noise pollution.
- (6) Whether the proposed operation will increase truck traffic and road degradation in the area.
- (7) Whether the proposed operation will affect property values.
- (8) Whether the proposed operation will reduce ground and surface water.

#### **C. Issues Raised in the Comment Period**

All of the issues raised in the hearing request were raised in the comment period and have not been withdrawn. 30 TAC §§ 55.201(c) and (d)(4), 55.211(c)(2)(A).

#### **D. Disputed Issues**

There is no agreement between the hearing requesters and the ED on the issues raised in the hearing requests.

#### **E. Issues of Fact**

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. *30 TAC § 55.211(c)(2)(A)*. All of the issues presented are issues of fact appropriate for referral to SOAH.

#### **F. Relevant and Material Issues**

The hearing requests raise issues relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4) and 55.211(c)(2)(A). In order to refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–51 (1986) (in discussing the standards applicable to reviewing motions for summary judgment the Court stated “[a]s to materiality, the substantive law will identify which facts are material . . . it is the substantive law's identification of which facts are critical and which facts are irrelevant that governs”). Relevant and material issues are those governed by the substantive law under which this permit is to be issued. *Id.*

#### Runoff

The requests of Mr. Hard and the Rosenbachs' raise the issue of runoff. Runoff is addressed in the draft permit through the use of structural controls and inspection requirements of such controls. Since such controls are required and reviewed by the

ED, OPIC finds that this issue goes to the technical review process conducted by the ED and therefore concludes the issue of runoff raised by Mr. Hard and the Rosenbachs' is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH for a contested case hearing on this matter.

#### Water Quality

All requestors raised the issue of water quality in their hearing request. The TCEQ is responsible for the protection of water quality under Chapter 26 of the TWC and 30 TAC Chapters 305, 307 and 309, as well as under specific rules related to wastewater systems found at 30 TAC Chapters 30 and 217. The Texas Surface Water Quality Standards in 30 TAC Chapter 307 require the proposed permit "maintain the quality of water in the state consistent with public health and enjoyment." 30 TAC § 307.1. Therefore, OPIC concludes the issue of water quality raised by the requestors is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH for a contested case hearing on this matter.

#### Reclamation

The requests of Mr. Hard and the Rosenbachs' raise the issue of reclamation. The draft permit requires the Applicant to prepare a Final Stabilization Report (Attachment B of the draft permit), prior to cancelling the permit. Since such a plan is required and reviewed by the ED, OPIC finds that this issue goes to the technical review process conducted by the ED and concludes the issue of reclamation raised by Mr. Hard and the Rosenbach's is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH for a contested case hearing on this matter.

Dust Pollution, Noise pollution, Truck Traffic, Road Deterioration, Property Value, and Water Usage

The TCEQ's jurisdiction in a discharge permit application is limited to the issues set out in Chapter 26 of the Texas Water Code. Chapter 26 does not provide the TCEQ with the authority to consider the availability of surface water or ground water in evaluating an application for a water quality permit, nor does it grant the TCEQ the jurisdiction to address or consider property values or the marketability of adjacent property in its determination of whether or not to issue a water quality permit.

Similarly, traffic, dust pollution, noise pollution, and road deterioration are not set out in Chapter 26 of the Texas Water Code as items that can be considered in determining whether to issue a discharge permit.

OPIC therefore concludes that Issues nos. 1, 2, and 3 related to runoff, water quality, and reclamation are relevant and material.

**G. Issues Recommended for Referral**

OPIC recommends that the following disputed issues of fact be referred to SOAH for a contested case hearing:

- (1) Whether the proposed operation will cause runoff onto adjacent land owner's property.
- (2) Whether the proposed operation will affect water quality in the discharge route.
- (3) Whether the Final Stabilization Report contained in the proposed draft permit is adequate.

**H. Maximum Expected Duration of Hearing**

Commission Rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule

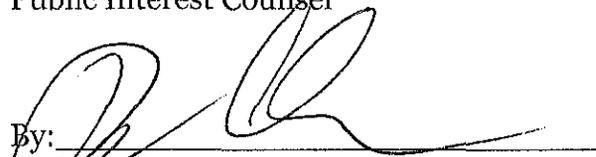
further provides that no hearing shall be longer than one year from the first day of the preliminary hearing to the date the proposal for decision is issued. To assist the Commission in stating a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(d)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be six months from the first date of the preliminary hearing until the proposal for decision is issued.

#### **IV. Conclusion**

OPIC recommends granting the hearing request from Christi Linney and Stephen Linney, Steve Hard, Barbara Hard, Jane Morgan, Susan and Gary Rosenbach, and Larry E. Boyd on the issues referenced in Section III.G above. OPIC further recommends a hearing duration of nine months.

Respectfully submitted,

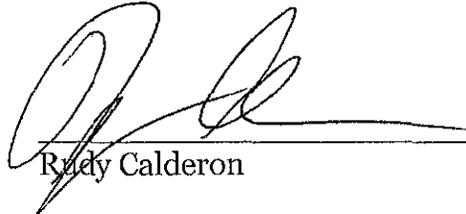
Vic McWherter  
Public Interest Counsel

By: 

Rudy Calderon  
Assistant Public Interest Counsel  
State Bar No. 24047209  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-3144 Phone  
(512) 239-6377 Fax

## CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2015 the original and seven true and correct copies of the Office of Public Interest Counsel's Response to Requests for Hearing were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.



Rudy Calderon

**MAILING LIST  
TXI OPERATIONS, LP  
TCEQ DOCKET NO. 2015-1269-IWD**

FOR THE APPLICANT:

Edwin J. Gerik, Jr.  
TXI Operations, LP  
1503 LBJ Freeway, Suite 400  
Dallas, Texas 75234-6007  
Tel: 972/647-6700 Fax: 972/647-3737

Debbi Mathews  
Westward Environmental, Inc.  
P.O. Box 2205  
Boerne, Texas 78006-3602  
Tel: 830/249-8284 Fax: 830/249-0221

Curt G. Campbell, P.E.  
Westward Environmental, Inc.  
P.O. Box 2205  
Boerne, Texas 78006-3602  
Tel: 830/249-8284 Fax: 830/249-0221

FOR THE EXECUTIVE DIRECTOR

Robert Brush, Staff Attorney  
TCEQ Environmental Law Division  
MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606

Dan Siebeniecher, Technical Staff  
TCEQ Water Quality Division, MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4749 Fax: 512/239-4430

Brian Christian, Director  
TCEQ Environmental Assistance  
Division, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678

FOR ALTERNATIVE DISPUTE  
RESOLUTION

Kyle Lucas  
TCEQ 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 Bohac  
TCEQ Office Of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300 Fax: 512/239-3311

REQUESTERS:

Ann Anderson  
807 Driftwood Ranch Trl  
Weatherford, Texas 76087-0720

Bruce Basden  
1323 Driftwood Ranch Trl  
Weatherford, Texas 76087-0717

Larry Eugene Boyd  
749 Tin Top Estates Rd  
Weatherford, Texas 76087-6849

Cardle & Chris Bray  
140 E El Camino Real  
Weatherford, Texas 76087-6544

Jack & Pat Buckley  
151 E El Camino Real  
Weatherford, Texas 76087-6533

Concerned Citizen  
198 W El Camino Real  
Weatherford, Texas 76087-6571

Concerned Citizen  
1111 Driftwood Ranch Trl  
Weatherford, Texas 76087-0725

Stan Elmore  
124 W El Camino Real  
Weatherford, Texas 76087-6571

Lee Felts  
2318 Vienna Dr  
Granbury, Texas 76048-1468

Lee Felts  
807 Driftwood Ranch Trl  
Weatherford, Texas 76087-0720

Bonnie & Ken Ferrell  
1101 Driftwood Ranch Trl  
Weatherford, Texas 76087-0725

Denise & Jenks Garrett  
8131 Tin Top Hwy  
Weatherford, Texas 76087-1769

Shelly & Tony Graham  
124 Hillcroft Dr  
Weatherford, Texas 76087-6854

Marietta & Robert Hagemann  
103 Silver Sage Ct  
Weatherford, Texas 76087-0709

Connie Hahn  
2318 Vienna Dr  
Granbury, Texas 76048-1468

Dr. Steve and Barbara Hard  
5255 New Tin Top Rd  
Weatherford, Texas 76087-7438

Meredith & Nancy Hard  
149 E El Camino Real  
Weatherford, Texas 76087-6533

Don & Gale Heep  
291 N Blue Stem Ct  
Weatherford, Texas 76087-0707

B E & Mary Jo Jordan  
161 E El Camino Real  
Weatherford, Texas 76087-6533

Jeanenne Kienle  
178 W El Camino Real  
Weatherford, Texas 76087-6571

Christi & Stephen Linney  
5224 Tin Top Rd  
Weatherford, Texas 76087-7460

Gary McCarty  
192 W El Camino Real  
Weatherford, Texas 76087-6571

Brian McGrew  
1475 Driftwood Ranch Trl  
Weatherford, Texas 76087-0715

Brian & Hedi Moffitt  
108 Montclair Dr  
Weatherford, Texas 76087-6564

Jane Morgan  
5215 Tin Top Rd  
Weatherford, Texas 76087-7438

Cindy Murdock  
PO Box 9  
Sonora, Texas 76950-0009

Daniel E Simmons & Melisa Ashford  
166 E El Camino Real  
Weatherford, Texas 76087-6545

Christy & P Smith  
300 Hillcroft Dr  
Weatherford, Texas 76087-6503

Gayla & Todd Spitz  
281 E El Camino Real  
Weatherford, Texas 76087-6552

Jim & Sandy Stevens  
124 Lakewood Dr  
Weatherford, Texas 76087-6528

Lewis T Stevens  
Law Offices of Lewis T Stevens  
131 E Exchange Ave Ste 204  
Fort Worth, Texas 76164-8244

Roper & Susan Vaughan  
255 N Blue Stem Ct  
Weatherford, Texas 76087-0707

Jami Winturroth  
124 Lakewood Dr  
Weatherford, Texas 76087-6528

Peggy A & William J Young  
661 Driftwood Ranch Trl  
Weatherford, Texas 76087-0722