



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 15, 2016

TO: Persons on the attached mailing list.

RE: Texas Department of Transportation  
TPDES Permit No. WQ0005011000

### 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 Pharr District, 600 West Interstate 2, Pharr, Texas 78577.

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/ms

Enclosure

MAILING LIST  
for  
Texas Department of Transportation  
TCEQ Docket No. WQ0005011000

FOR THE APPLICANT:

Rodney Concienne, P.G.  
Texas Department of Transportation  
Environmental Affairs Division  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701

James Crisp  
Texas Department of Transportation  
477 East Highway 80  
Mesquite, Texas 75150

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

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

Hanne Nielsen, 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

BLOOM , MICHAEL  
R G MILLER ENGINEERS INC  
16340 PARK TEN PL STE 350  
HOUSTON TX 77084-5147

DAVIS , KELLY D  
SAVE OUR SPRINGS ALLIANCE  
905 W OLTORF ST STE A  
AUSTIN TX 78704-5369

DRUMMOND , HELEN  
HOUSTON AUDUBON  
440 WILCHESTER BLVD  
HOUSTON TX 77079-7329

EMMONS , RONALD C  
7286 DIETZ ELKHORN RD  
FAIR OAKS RANCH TX 78015-4707

JONES , SCOTT A  
GALVESTON BAY FOUNDATION  
17330 HIGHWAY 3  
WEBSTER TX 77598-4133

LONG , PRISCILLA  
3009 ARBOR ST  
HOUSTON TX 77004-6103

MAREK , ALYSSA JORDAN  
3831 COUNTY ROAD 949  
ALVIN TX 77511-6556

MAST , BRIAN S  
SAN ANTONIO RIVER AUTHORITY  
PO BOX 839980  
SAN ANTONIO TX 78283-3980

METZGER , LUKE  
ENVIRONMENT TEXAS  
815 BRAZOS ST  
AUSTIN TX 78701-2562

POWIS , JEN  
THE POWIS FIRM PLLC  
2010 NORTH LOOP W STE 275  
HOUSTON TX 77018-8137

RAMIREZ , KENNETH  
BARTON OAKS PLAZA ONE  
901 S MOPAC EXPY STE 300  
AUSTIN TX 78746

RUIZ , COLE  
SAN ANTONIO RIVER AUTHORITY  
PO BOX 839980  
SAN ANTONIO TX 78283-3980

WEBER , THOMAS W MANAGER  
TRANSPORTATION AND NATURAL RESOURCES DI  
PO BOX 1748  
AUSTIN TX 78767-1748