

ORIGINAL

TCEQ DOCKET NO. 2007-0020-MWD
SOAH DOCKET NO. 582-07-3998

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 OCT 23 PM 2: 41

APPLICATION OF THE CITY OF ALEDO § BEFORE THE CHIEF CLERKS OFFICE
TO AMEND TPDES PERMIT § STATE OFFICE OF
NO. WQ00110847001 § ADMINISTRATIVE HEARINGS

PROTESTANT'S MOTION FOR REHEARING

Martin O. Siegmund, Protestant, files this motion for rehearing on the Commission's order in this matter dated September 29, 2008 and would show the following:

1. The Commission erred in its finding of fact no. 21, because there is at least one existing home within the one-hundred fifty foot buffer zone, which is part of a large house addition containing numerous other homes which are less than 1,000 feet from the facility. Although this fact was found based on the City Engineer's testimony, the Landowner Map admitted into evidence as Exhibit no. 4 at the SOHA hearing and attached hereto conclusively contradicts this testimony, as would an on-site observation or an inspection of publicly or commercially available satellite imagery of the location.

2. The City cannot practically comply with the requirement in finding/conclusion no. 19, because at least one residential structure already exists within the 150 buffer zone. The home is identified with the number 5 on the Landowner Map on Exhibit 4 and owned by the corresponding individual on the attached property owner list.

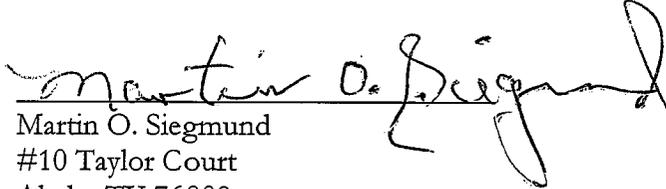
3. As indicated in finding no. 23, part of Protestant's part of property, which is well suited for residential development (finding no. 24) is located within the buffer zone. At the moment there is no legal restriction on that property prohibiting residential construction within the buffer zone.

4. Without condemning some or all of the necessary land, the City lacks the legal authority to prohibit residential structures within the buffer zone on land that it does not own as required by finding/conclusion no. 19.

5. Protestant believes that the Commission would not issue the subject permit based upon inaccurate facts or legal conclusions and that the matter should be reconsidered on these grounds.

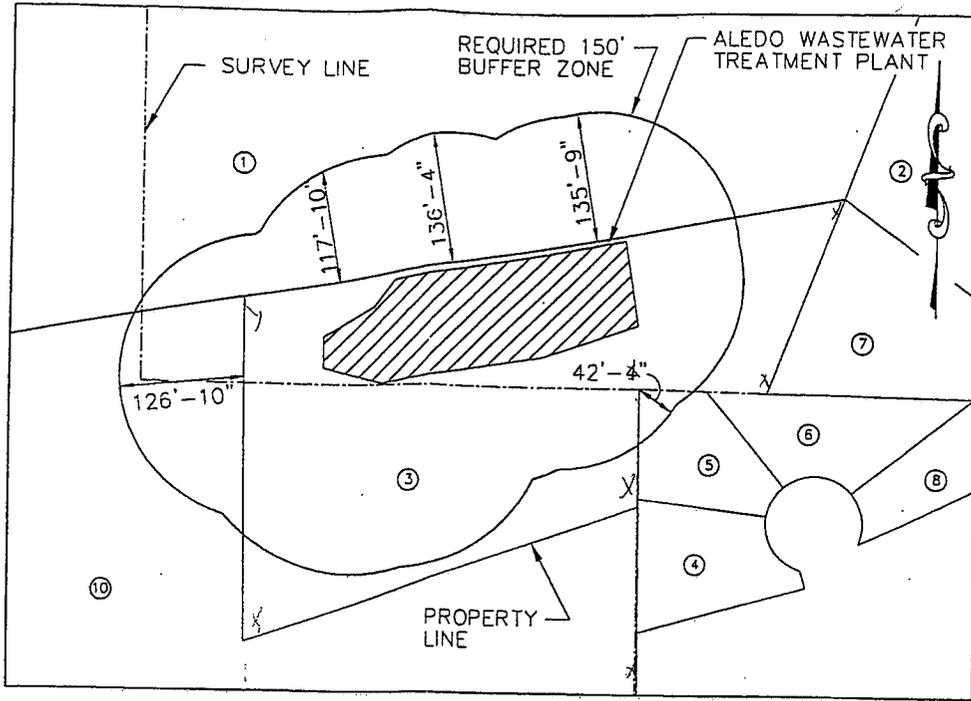
ACCORDINGLY, Protestant respectfully request that a new hearing be granted on these limited issues.

Respectfully submitted,



Martin O. Siegmund
#10 Taylor Court
Aledo, TX 76008

PROTESTANT



INSET "A"
SCALE: 1" = 100'

NOTE:

1. SEE EXHIBIT 5 FOR CROSS REFERENCED LANDOWNER NAMES AND ADDRESSES.
2. SEE EXHIBIT 6 FOR LANDOWNERS MAILING LIST.

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND ARE NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.
GARY, L. BURTON, III
TEXAS P.E. NO. 56643
DATE: 03-27-06

GARY BURTON ENGINEERING, INC.
CONSULTING - PLANNING - PERMITTING - DESIGN - MANAGEMENT
14531 HWY. 155 S TYLER, TEXAS 75703
PHONE (903) 561-6984 FAX (903) 561-6757

DESIGNED BY JSB CHECKED BY GLB
DRAWN BY JSB REVIEWED BY GLB

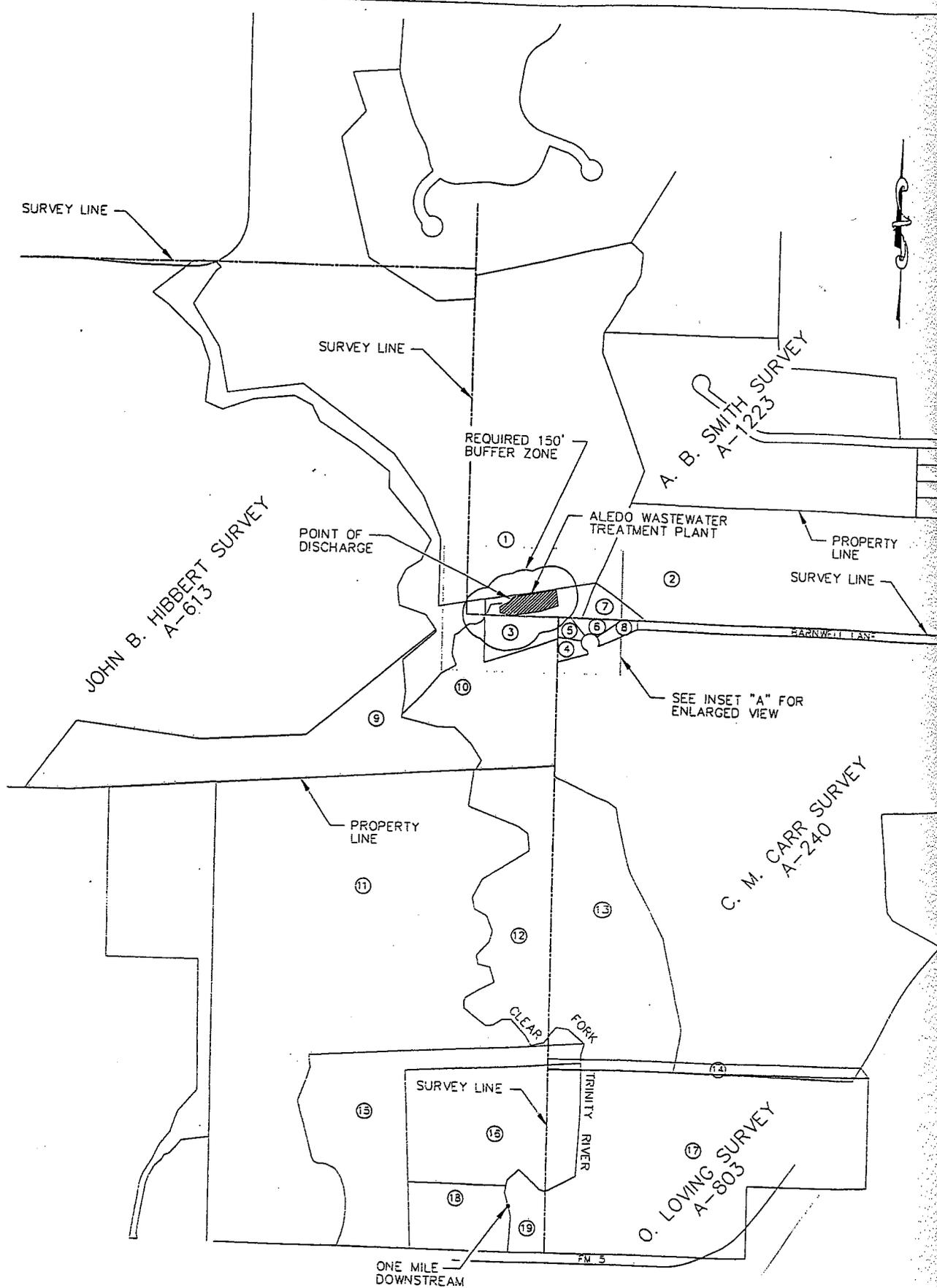
NO.	DATE	REVISION

CITY OF ALEDO
WASTEWATER TREATMENT PLANT
2006 PERMIT APPLICATION

EXHIBIT 4
LANDOWNER
MAP

Proj 02205010:

Page 00



1/4" IS ONE INCH IN LENGTH
 ORIGINAL DRAWING. CHECK
 AND ADJUST ACCORDINGLY.

ONE INCH

LANDOWNER MAP
 SCALE: 1" = 400'

Permit NO. 10847-001, City of Aledo, Texas

1. MARTIN O SIEGMUND
10 TAYLOR CT
ALEDO, TX 76008
2. KIMBALL TRENT SMITH
2420 CROSS TIMBERS
ARLINGTON, TX
3. PARKER COUNTY UTILITY DISTRICT
CITY OF ALEDO
200 OLD ANNETTA ROAD
ALEDO, TEXAS 76008
4. BILL AND ROBERTA SHELTON
406 VALLEY VIEW COURT
WEATHERFORD, TEXAS 76008
5. LEO WENTZ
4025 WOODLAND PARK BLVD NO. 250
ARLINGTON, TX 76013
6. KENMARK HOMES LLC
A TEXAS LIM LIABILITY CO
PO BOX 1326
ALEDO, TEXAS 76008
7. CITY OF ALEDO
200 OLD ANNETTA ROAD
ALEDO, TEXAS 76008
8. FIRST AMERICAN BANK SSB
8401 N CENTRAL EXPRWY STE 500
DALLAS, TEXAS 75225
9. ALEDO 46, LTD.
% REILLY BROTHERS PROPERTY COMPANY
1017 S FM ROAD 5
ALEDO, TX 76008
10. CHAD & LACI DANNHEIM
PO BOX 974
ALEDO, TX 76008

11. J.T. & CAROLYN PASS
1010 S FM 5
ALEDO, TX 76008-4556
12. ROBERT R. & GUYLENE DAUGHERTY
PO BOX 14
ALEDO, TX 76008
13. ROBERT R. & GUYLENE DAUGHERTY
PO BOX 14
ALEDO, TX 76008
14. ROBERT R. & GUYLENE DAUGHERTY
PO BOX 14
ALEDO, TX 76008
15. J.T. & CAROLYN PASS
1010 S FM 5
ALEDO, TX 76008-4556
16. SCOTT D. & REBECCA S. LAW
PO BOX 72
ALEDO, TX 76008
17. ROBERT R. & GUYLENE DAUGHERTY
PO BOX 14
ALEDO, TX 76008
18. SCOTT D. & REBECCA S. LAW
PO BOX 72
ALEDO, TX 76008
19. ROBERT R. & GUYLENE DAUGHERTY
PO BOX 14
ALEDO, TX 76008

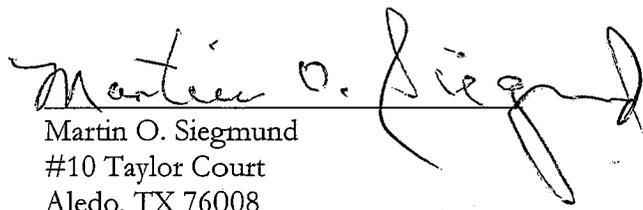
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NO. WQ00110847001 §

CERTIFICATE OF SERVICE

The undersigned hereby certifies that his Motion for Rehearing along with a copy of this certificate was served on the individuals on the attached mailing list this 22 day of October, 2008.



Martin O. Siegmund
#10 Taylor Court
Aledo, TX 76008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 OCT 23 PM 2:41
CHIEF CLERKS OFFICE

City of Aledo
TCEQ Docket No. 2007-0020-MWD
SOAH Docket No. 582-07-3998

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State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

* Courtesy Copy