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November 3, 2008

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

Re: City of Aledo; TCEQ Docket No. 2007-0020-MWD

Dear Ms. Castanuela:

Enclosed for filing, please find Applicant's Response to Protestant's Motion for Rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. Black", written over a horizontal line.

Douglas W. Black

DWB:as
Enc.

W:\Aledo\TCEQ-TNRCC\WWTP Permit\Amend TCEQ 2007-0020-MWD-Siegmund\Letters\Castanuela.dwb.11.3.08.wpd

cc: Mr. Martin Siegmund
10 Taylor Court
Aledo, Texas 76008
Certified Mail, Return Receipt Requested
and Regular Mail

cc: Mr. Christiaan Siano
Environmental Law Division
P. O. Box 13087, MC-173
Austin, Texas 78711-3087
VIA FACSIMILE and regular mail

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 NOV -5 AM 10:43
CHIEF CLERKS OFFICE

November 3, 2008

Page 2

cc: Mr. Garrett Arthur
Texas Commission on Environmental Quality
Office of Public Interest, MC-103
P. O. Box 13087
Austin, Texas 78711-3087
VIA FACSIMILE and regular mail.

TCEQ DOCKET NO. 2007-0020-MWD

APPLICATION OF
THE CITY OF ALEDO FOR TPDES
PERMIT NO. WQ0010847001

§
§
§

BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

2008 NOV -5 AM 10: 43

CHIEF CLERKS OFFICE

APPLICANT'S RESPONSE TO PROTESTANT'S MOTION FOR REHEARING

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND ALL PARTIES ON THE ATTACHED SERVICE LIST:

COMES NOW, Applicant, the City of Aledo, Texas ("Aledo"), and files this its Response to Protestant's Motion for Rehearing ("MFR") in the above referenced case.

I.

On September 30, 2008, the Texas Commission on Environmental Quality ("Commission") mailed the Commission's final order approving Aledo's application and issued the corresponding permit. On October 23, 2008, Protestant Martin Siegmund ("Protestant") filed a motion for rehearing, relying specifically on a finding of fact which had been removed by the Administrative Law Judge ("ALJ") when she filed her Amended Proposal for Decision and Amended Order.

For the limited purpose of correcting the Commission's Order, Aledo recommends that the MFR be granted.

II.

On July 2, 2008, the Executive Director ("ED") and Aledo filed Exceptions to the original Proposal for Decision, seeking, *inter alia*, a clarification to the Finding of Fact No. 21 regarding the distance of houses from the Wastewater Treatment Facility. In

response to the exceptions, on August 7, 2008 the ALJ issued her Amended PFD and Amended Order, completely removing Finding of Fact No. 21 from the original Order.

In Protestant's Motion for Rehearing, he relies on Finding of Fact No. 21 and the corresponding Finding of Fact No. 19 as grounds for his motion. Aledo respectfully urges that Finding of Fact No. 21 be removed from the Commission's order.

III.

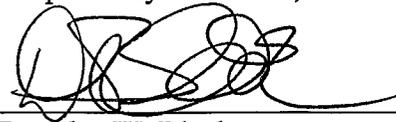
On October 30, 2008, the Office of Public Interest Counsel ("OPIC") filed its Reply to Motion for Rehearing. In it, OPIC argues that Finding of Fact No. 19 is now obsolete, referencing the actual permit language and citing the permit's Other Requirements Nos. 4 and 5 as provided on a replacement page issued at the Commission's Agenda on September 24, 2008. In the interest of judicial economy, Aledo adopts OPIC's argument and conclusion regarding Finding of Fact No. 19.

IV.

As noted above, Protestant timely filed his MFR. In it, he relies on two erroneous and/or inadvertently included findings of fact. Aledo submits that Protestant has waived any additional grounds for rehearing by failing to timely raise same.

ACCORDINGLY, for the reasons cited above, Aledo respectfully requests that the Commission grant Protestant's Motion for Rehearing for the limited purpose of correcting the order granting Aledo its permit by deleting Finding of Fact No. 21 and modifying Finding of Fact No. 19 as suggested by OPIC. Aledo further requests that the Commission adhere to the previously stated timelines for protests and that it order same.

Respectfully submitted,



Douglas W. Black
Texas Bar No. 24027152

A Member of the Firm of:
TAYLOR, OLSON, ADKINS, SRALLA
& ELAM, L.L.P.

6000 Western Place, Suite 200
Fort Worth, Texas 76107
(817) 332-2580
(817) 332-4740 Fax

ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of November, 2008, true and correct copies of the foregoing document were sent as indicated below, to:

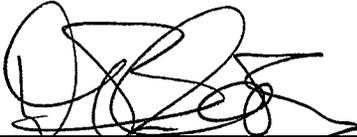
Mr. Martin Siegmund
10 Taylor Court
Aledo, Texas 76008
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