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April 27, 2010

LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of Chief Clerk, MC-105  
Austin, Texas 78711-3087

*via e-file*

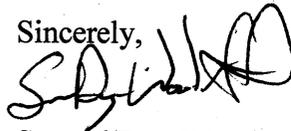
Re: SOAH Docket No. 582-09-2895; TCEQ Docket No. 2008-1305-MWD; In the  
Matter of the Application of Farmersville Investors, L.P. for TPDES Permit No.  
WQ0014778001.

To Ms. Castañuela:

Please find enclosed for electronic filing Protestants James A. and Shirley  
Martin's Reply to Applicant's Response to Motion to Reopen the Record.

If you have any questions, please do not hesitate to call.

Sincerely,



Samuel Day-Woodruff  
Legal Assistant

Enclosures

cc: Service List

SOAH DOCKET NO. 582-09-2895  
TCEQ DOCKET NO. 2008-1305-MWD

APPLICATION OF FARMERSVILLE  
INVESTORS, L.P. FOR TPDES PERMIT  
NO. WQ0014778001

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§

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**PROTESTANTS JAMES A. AND SHIRLEY MARTIN'S**  
**REPLY TO APPLICANT'S RESPONSE TO MOTION TO REOPEN THE RECORD**

**TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY:**

Come now, James A. and Shirley Martin, Protestants in the above styled matter, and submit this Reply to Applicant Farmersville Investors, L.P.'s Response to Motion to Reopen the Record for the Limited Purpose of Offering the Final Wastewater Feasibility Report on the Lavon Lake East Side **Regional** Wastewater System, and would respectfully show the following:

Protestants do not offer the Report for delay. Including this report in the evidence can be done with no delay.

Applicant's objection to the inclusion in the record is what may cause delay.

The Commission could grant the Motion and admit the Report into the evidence.

Protestants are not asking for a remand or further filings of exceptions or briefs

Moreover, Applicant's position, as it stated in its Response, is that that the Report would not change anything in the Administrative Law Judge's PFD.

All Protestants are asking is that the Commissioners have the right to know that there is a final report and know what it says when the Commissioners consider the PFD and exceptions or anything else.

Protestants believe the Commission should have the final Report, because only a draft Report was available during the hearing on the merits, and the final Report provides the

definitive decision on the feasibility of a regional treatment facility and the feasible timing for such a plant.

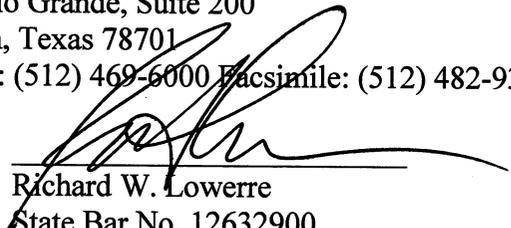
A certified copy of the final Feasibility Report ("Report") is now available if this motion is granted.

## **VI. CONCLUSION & PRAYER**

WHEREFORE, PREMISES CONSIDERED, Protestants pray that the Commission reopen the record to admit the final Feasibility Report as Martin Exhibit 40 and close the record.

Respectfully Submitted,

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By: 

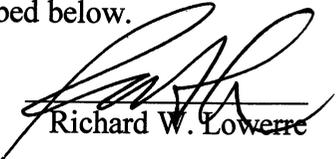
Richard W. Lowerre

State Bar No. 12632900

For Protestants James A. and Shirley Martin

## CERTIFICATE OF SERVICE

By my signature, below, I certify that on the 27<sup>th</sup> day of April, 2010, a true and correct copy of Protestants James A. and Shirley Martin's Reply to Applicant's Response to Motion to Reopen the Record was served upon the following in the methods described below.



Richard W. Lowerre

**FOR THE EXECUTIVE DIRECTOR:**

Kathy Humphreys  
Environmental Law Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
*via facsimile transmission and U.S. mail*

**FOR THE CHIEF CLERK:**

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*via e-file*

**FOR THE APPLICANT:**

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Moore  
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**FOR PUBLIC INTEREST COUNSEL:**

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Office of Public Interest Counsel, MC 103  
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*via facsimile transmission and U.S. mail*

**FOR THE ADMINISTRATIVE LAW  
JUDGE:**

The Honorable Sharon Cloninger  
Administrative Law Judge  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025  
*via facsimile transmission and U.S. mail*