

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
TXI OPERATIONS, LP
SOAH Docket No. 582-16-0966
TCEQ Docket No. 2015-1269-IWD
Proposed Permit No. WQ0005092000**

APPLICATION.

TXI Operations, LP, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234, proposes to operate a sand and gravel quarry located within one mile of a water body within a water quality protection area in the John Graves Scenic Riverway. TXI Operations, LP has applied to the Texas Commission on Environmental Quality (TCEQ) for new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005092000, to authorize the discharge of stormwater associated with an industrial activity, construction stormwater and certain non-stormwater discharges on an intermittent and flow variable rate via Outfall 001. This application was submitted to the TCEQ on July 11, 2013. On June 11, 2014 the applicant requested a revision of its address from TXI Operations, LP, 1341 West Mockingbird Lane, Suite #700W, Dallas, Texas 75247 to TXI Operations, LP, 1503 LBJ Freeway Suite 400, Dallas, Texas 75234 and a revision to change Old Tin Top Road and I-20 near the City of Weatherford to Tin Top Road and I-20 near the City of Weatherford.

The facility is located on New Tin Top Road, west of the intersection of Old Tin Top Road and New Tin Top Road and approximately 10 miles south of the intersection of Tin Top Road and I-20 near the City of Weatherford, in Parker County, Texas, 76087. The discharge route is via Outfall 001 to a man-made tributary of Spring Creek; thence to farm pond 1; thence to a manmade tributary of Spring Creek; thence to farm pond 2; thence to Spring Creek; thence 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 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.

In accordance with Title 30 Texas Administrative Code (TAC) Section 307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, it has been preliminarily determined that where permit requirements, which may include best management practices and/or technology-based effluent limitations, are properly implemented, no significant degradation is expected and existing uses will be maintained and protected.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the City of Weatherford Public Library, 1014 Charles Street, Weatherford, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.587755&lng=-97.820861&zoom=13&type=r>

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application at:

**10:00 a.m. – December 15, 2015
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on October 16, 2015. In addition to these issues, the judge may consider additional issues if certain factors are met.

The purpose of the preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, provide an opportunity for settlement discussions, and address other matters as determined by the administrative law judge.

The contested case hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The preliminary hearing and contested case hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the preliminary hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the preliminary hearing and request to be a party. Only persons named as parties may participate at the contested case hearing.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from TXI Operations, LP at the address stated above or by calling Mr. Curt Campbell, with Westward Environmental, Inc., at 830-249-8284.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: November 3, 2015

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive style with a large initial 'B' and a long, sweeping tail on the 'c'.

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality