

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
FML SAND, LLC
SOAH Docket No. 582-17-1840
TCEQ Docket No. 2016-1210-IWD
Permit No. WQ0005166000**

APPLICATION.

FML Sand, LLC, P.O. Box 238, Voca, Texas 76887, which operates FML Voca Sand Plant, an industrial sand mining and processing facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005166000, to authorize the discharge of process wastewater commingled with stormwater at an intermittent and variable flow via Outfall 001. The TCEQ received this application on June 12, 2015.

The facility is located at 300 Private Road 685, south of the intersection of State Highway 71 and County Road 216 and west of County Road 216, in McCulloch County, Texas 76887. The effluent will be discharged via Outfall 001 to an unnamed tributary, thence to Tiger Creek, thence to San Saba River in Segment No. 1416 of the Colorado River Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed tributary and Tiger Creek. The designated uses for Segment No. 1416 are high aquatic life use, primary contact recreation, and public water supply.

In accordance with Title 30 Texas Administrative Code (TAC) Section 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach accessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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 F.M. Richards Memorial Library, 1106 South Blackburn Street, Brady, Texas. As a public courtesy, we

have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.965555&lng=-99.216388&zoom=13&type=4>. For the exact location, refer to the application.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

**10:00 a.m. – February 21, 2017
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 26, 2016. In addition to these issues, the judge may consider additional issues if certain factors are met.

The 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 hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the 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 hearing and request to be a party. Only persons named as parties may participate at the 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 FML Sand, LLC at the address stated above or by calling Mr. Mark Redlin at 325-239-5600.

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: January 3, 2017



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