

DOCKET NO. \_\_\_\_\_

RULEMAKING PETITION OF QUADVEST, §  
INC., AQUA TEXAS, INC., SOUTHERN §  
WATER CORPOATION, SOUTHWEST §  
WATER COMPANY, AND SOUTH CENTRAL §  
WATER COMPANY §

BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY



ORIGINAL PETITION FOR RULEMAKING

COME NOW, Quadvest, Inc., Aqua Texas, Inc., Southern Water Corporation, SouthWest Water Company, and South Central Water Corporation (Petitioners) on behalf of themselves and similarly situated water quality permit holders and file their rulemaking petition with the Texas Commission on Environmental Quality (TCEQ) seeking to amend Chapter 305, Subchapter F, Rule 305.127 1.C(i).

1. Petitioners

Each of the petitioners is a retail public utility and/or the parent of a retail public utility holding a state-issued water quality permit pursuant to Texas Water Code Chapter 26. Each utility has independent standing to bring this petition.

2. Legal Authority

This petition is brought pursuant to Texas Water Code §§ 5.103 and Texas Government Code § 2001.021.

3. Current Rule

Chapter 305, Subchapter F, Rule 305.127 1.C(i) currently states:

Texas pollutant discharge elimination system (TPDES) permits, including sludge permits, shall be for a term not to exceed five years.

4. Proposed Rule

Texas pollutant discharge elimination system (TPDES) permits, including sludge permits, shall become effective on the issue date for new and amended permits and on the expiration date for renewal permits (if the issue date precedes the expiration date) for a term not to exceed five years.

5. Reason for Rule Change

The rule as written punishes the permittee for being prompt in submitting the renewal application, and cheats them out of a full permit term. If the application is processed and is ready for issue prior to the expiration date, the permit is issued for a term of 4 years rather than 5, which in turn takes the permit which was previously on the basin cycle off of the basin cycle. Additionally, the five year term would help small communities and municipalities save significant tax dollars and individuals save significant utility resources by alleviating expenses associated with more frequent permit renewals.

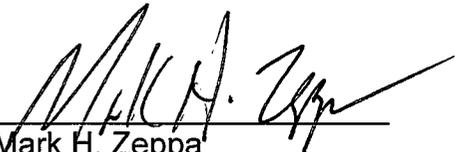
Keeping permits on a five year cycle, rather than on some shorter cycle, would also reduce TCEQ workload and make the basin cycle concept work more effectively.

In addition, it is Petitioners' understanding that EPA uses the issue date/effective date concept on all of the NPDES permits that they still handle directly, and that many of the other states use this concept as well.

6. Prayer

For the reasons stated above, the Petitioners request the TCEQ to initiate a rulemaking proceeding and amend 30 TAC 305.127 1.C(i) to insure that water quality permits have a full five year term.

Respectfully submitted,

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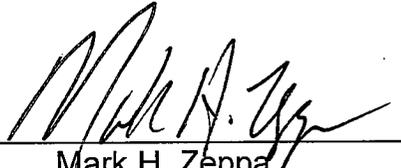
CERTIFICATE OF SERVICE

I, Mark Zeppa, attorney for the petitioners, certify that an original and 11 copies of the foregoing pleading was served on the TCEQ Chief Clerk on ~~December 30, 2008~~,  
Courtesy copies were served on: *Jan 12, 2009*

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