

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 24, 2023

TO: Persons on the Attached Mailing List

**RE: Docket No. 2023-0163-MWD
Undine Texas Environmental, LLC (Applicant)
Request(s) filed on Permit No. WQ0016046001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **March 31, 2023**. The meeting will begin at 9:30 a.m. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at:

https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html
eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **March 8, 2023**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **March 22, 2023**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the

commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

MAILING LIST

Undine Texas Environmental, LLC

TCEQ Docket No. 2023-0163-MWD; TPDES Permit No. WQ0016046001

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FOR PUBLIC INTEREST COUNSEL

via electronic mail:

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RICHWOOD TX 77531-2020

O'BRIEN JR , MR MICHAEL K
609 ORANGEWOOD DR
CONROE TX 77302-1179

OLIVER , DEBRA
221 COUNTY ROAD 839
ANGLETON TX 77515-8601

OWENS , DOUGLAS
804 AKERS ST
ANGLETON TX 77515-5611

PARKER , CINDY
521 EDGEWATER ST
CLUTE TX 77531-2020

PAYNE , DONALD
STE 408A
111 E LOCUST ST
ANGLETON TX 77515-4642

PELITER , GERALD
2045 COUNTY ROAD 220
ANGLETON TX 77515-8656

PEROUTY , JAMES W
419 REDFISH DR
FREEPORT TX 77541-7997

PEROUTY , MRS MATTIE MOORE
419 REDFISH DR
FREEPORT TX 77541-7997

PFEFFER , MR JAMES
2827 BAYOU DR
ANGLETON TX 77515-9127

PHILLIPS , AMY
507 BAYOU WOODS DR
ANGLETON TX 77515

PHILLIPS , JAMES & SHIRLEY
507 COUNTY ROAD 687
ANGLETON TX 77515-8689

PLATO , KENNETH M
415 REDFISH DR
FREEPORT TX 77541-7997

POLASEK , DAVID P
12011 COUNTY ROAD 596
ANGLETON TX 77515-8252

POLASEK , PATTI LYNN
12011 COUNTY ROAD 596
ANGLETON TX 77515-8252

POSPISIL , LISA
12007 ANNETTE RD
ANGLETON TX 77515-8106

PRIHODA , EMIL E
313 RIVERSIDE DR
ANGLETON TX 77515-9111

PRUETT , JAVAN
3130 N FAIRWAY DR
ANGLETON TX 77515-8162

PURNELL , BOB & MELODY
12006 COUNTY ROAD 596
ANGLETON TX 77515-8251

PURNELL , MELODY
12006 COUNTY ROAD 596
ANGLETON TX 77515-8251

PURNELL , ROBERT
12006 COUNTY ROAD 596
ANGLETON TX 77515-8251

PURSWELL , KENNETH
12022 WALDEMAR DR
HOUSTON TX 77077-4957

PURSWELL , KENNETH R
12027 WALDEMAR DR
HOUSTON TX 77077-4956

PURVIS , KYLE
32226 BAYOU BND
RICHWOOD TX 77515-7078

RABORN , HELEN
12238 ANNETTE RD
ANGLETON TX 77515-8108

REICH , BRAD
310 EDGEWATER ST
RICHWOOD TX 77531-2017

REICH , BRUNO
403 EDGEWATER ST
CLUTE TX 77531-2018

REYES , GILBERT
153 HOUSTON ST
ANGLETON TX 77515-4136

REYES , MR RUBEN
7 ROBINHOOD LN
RICHWOOD TX 77531-2026

REYNOLDS , BARRY T
45 TROUT LN
FREEPORT TX 77541-7914

REYNOLDS , LAWANA
45 TROUT LN
FREEPORT TX 77541-7914

REYNOLDS , MS LAWANA J
8702 ANDANTE DR
HOUSTON TX 77040-2541

RIDENOUR , LISA
4722 COUNTY ROAD 459D
FREEPORT TX 77541-7932

ROBERTS , CINDY
17402 CATHEDRAL PINES DR
HUMBLE TX 77346-3908

ROBERTS , GENE
228 E HOSPITAL DR
ANGLETON TX 77515-4114

ROULSTON , EUNICE
4545 COUNTY ROAD 227
FREEPORT TX 77541-9662

RUSO III , BILL JOSEPH
367 REDFISH DR
FREEPORT TX 77541-7995

RUSO , JENNIFER
367 REDFISH DR
FREEPORT TX 77541-7995

RUSO III , BILL JOSEPH
BILL RUSSO
376 REDFISH DR
FREEPORT TX 77541-7994

RUTLEDGE , FRANK
722 PORT RD
ANGLETON TX 77515-8374

SAWYER , WILLIAM
201 SMILIE RD
ANGLETON TX 77515-2137

SCHILLER , RAYMOND
513 COUNTY ROAD 698D
ANGLETON TX 77515-7896

SCHULTZ , FRANCES
642 COUNTY ROAD 605
ANGLETON TX 77515-7667

SEBESTA JR , L M
STE 102A
111 E LOCUST ST
ANGLETON TX 77515-4642

SHAPLEY , MICHAEL
803B PORT RD
ANGLETON TX 77515-9397

SHINE , MARY
BRAZORIA CO CRIMINAL DISTRICT ATTORNEY'S
OFFICE
STE 408A
111 E LOCUST ST
ANGLETON TX 77515-4642

SHOCKLEY , DAVID
623 PORT RD
ANGLETON TX 77515-8373

SHOCKLEY , GAYE
623 PORT RD
ANGLETON TX 77515-8373

SILVERS , JIMMIE
31410 BAYOU BND
RICHWOOD TX 77515-7091

SLUIS , KENNETH
32362 BAYOU BND
RICHWOOD TX 77515-7080

SPARKMAN , JUSTIN
140 DOVE TRL
RICHWOOD TX 77531-2248

STOCKMAN , JAMES
12113 FM 523
ANGLETON TX 77515-2001

STOCKMAN , LYN TIGNER
12113 FM 523
ANGLETON TX 77515-2001

STRAWN , JOSH
33219 BLUE MARLIN DR
RICHWOOD TX 77515-7290

STRICKLAND , LINDA S
726 RIVERSIDE DR
ANGLETON TX 77515-9118

STRICKLAND , TIMOTHY
726 RIVERSIDE DR
ANGLETON TX 77515-9118

STRICKLAND , LINDA & TIMOTHY
726 RIVERSIDE DR
ANGLETON TX 77515-9118

STRICKLAND , TYLER
1997 KINGSTON CV
LEAGUE CITY TX 77573-4988

STROTHA , DIXIE
12007 ANNETTE RD
ANGLETON TX 77515-8106

STUCKMAN , ED
PO BOX 1894
ANGLETON TX 77516-1894

TAYLOR , THE HONORABLE LARRY STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 11
PO BOX 12068
AUSTIN TX 78711-2068

THOMPSON , THE HONORABLE ED STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 29
PO BOX 2910
AUSTIN TX 78768-2910

THOMPSON , THE HONORABLE ED STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 29
2205 BROADWAY ST
PEARLAND TX 77581-6403

TILLEY , KEVIN
371 REDFISH DR
FREEPORT TX 77541-7995

TREYBIG , GERALD
730 RIVERSIDE DR
ANGLETON TX 77515-9118

TUMLINSON , JANE
30 TROUT LN
FREEPORT TX 77541-7914

TUMLINSON , MR PAT
30 TROUT LN
FREEPORT TX 77541-7914

VASUT , THE HONORABLE CODY THANE STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 25
STE 25
222 N VELASCO ST
ANGLETON TX 77515-4566

VASUT , THE HONORABLE CODY THANE STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 25
PO BOX 2910
AUSTIN TX 78768-2910

VINCENT , BRUCE
403 REDFISH DR
FREEPORT TX 77541-7997

WAITE , BILL
131 BASTROP BAYOU DR
ANGLETON TX 77515-8371

WAITE , JANET
131 BASTROP BAYOU DR
ANGLETON TX 77515-8371

WALCIK , MR BILLY JOE
913 OAK RIDGE DR
ANGLETON TX 77515-9254

WALKER , DONNA
119 REDFISH DR
FREEPORT TX 77541-7907

WALTHALL , MS JANIE
706 GRIFFIN DR
FREEPORT TX 77541-9499

WATTS , MARK
149 LEGEND LN
ANGLETON TX 77515-7558

WEAVER , HUNTER
11 TROUT LN
FREEPORT TX 77541-7914

WEBB , MARK A
32811 AMBERJACK DR
RICHWOOD TX 77515-7361

WEIDNER , BRANDY
139 COUNTY ROAD 458D
ANGLETON TX 77515

WELLS , JAMES
2711 BAYOU DR
ANGLETON TX 77515-9125

WELLS , PAUL
3410 E FM 2237
MULDOON TX 78949-5107

WESTFALL , CONSTANCE
473 COUNTY ROAD 687
ANGLETON TX 77515-8691

WHITE , NORMAN
107 E SANDPIPER RD
ANGLETON TX 77515

WIEGEL , JAMES
32026 BAYOU BND
RICHWOOD TX 77515-7074

WILLINGHAM , BRET
31 TROUT LN
FREEPORT TX 77541-7914

WILLIS , JUSTIN
104 COUNTRY RD
ANGLETON TX 77515-9457

WILLIS III , REVEREND ROBERT V
711 COUNTY ROAD 687
ANGLETON TX 77515-9673

WILSON , MS MICKYE MICHELLE
685 COUNTY ROAD 687
ANGLETON TX 77515-8687

WOLLAM , NANCY
222 N VELASCO ST
ANGLETON TX 77515-4566

WOMACK , LINIZE
2003 FAIRWAY DR
ANGLETON TX 77515-9383

WOOSLEY III , GLEN M
1320 GLENVIEW LN
ANGLETON TX 77515-3633

YANEZ , ALEX
354 REDFISH DR
FREEPORT TX 77541-7994

ZIEBER , CAROLE J
3418 SURREY LN
DEER PARK TX 77536-5292

ZIEBER , CHARLES & TAMMI
2515 BAYOU DR
ANGLETON TX 77515-9121

ZIEBER III , CHARLES E
3112 MISTY SHORE DR
LEAGUE CITY TX 77573-5989

ZIEBER , MR CHRIS
239 RIVERSIDE DR
ANGLETON TX 77515-9109

ZIEBER , HEATHER
3112 MISTY SHORE DR
LEAGUE CITY TX 77573-5989

ZIEBER , JAMES K
7248 AVENUE L 1/2
SANTA FE TX 77510-9527

ZIEBER , TAMMI
2515 BAYOU DR
ANGLETON TX 77515-9121

ZIEBER , CHRIS
243 RIVERSIDE DR
ANGLETON TX 77515-9109

ZIEHL , JODI
317 COUNTY ROAD 201
ANGLETON TX 77515-7635

ZLEBIS , CAROLE & RILEY
3418 SURREY LN
DEER PARK TX 77536-5292

ZLEBIS , HARPER L
3418 SURREY LN
DEER PARK TX 77536-5292