

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

April 26, 2023

TO: Persons on the Attached Mailing List

**RE: Docket No. 2023-0529-SLG
North Texas Municipal Water District (Applicant)
Request(s) filed on Permit No. WQ0005323000**

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 **May 31, 2023**. The meeting will begin at 9:30 a.m. 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/goto/agendas> 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 **May 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 **May 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
North Texas Municipal Water District
TCEQ Docket No. 2023-0529-SLG; Permit No. WQ0005323000

FOR THE APPLICANT:

Jerry Allen, Environmental Manager
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Travis Markham, Program Manager
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Ryan Pierce, Program Manager
Plummer Associates, Inc.
6300 La Calma Drive, Suite 400
Austin, Texas 78752

REQUESTER(S)/INTERESTED
PERSON(S):

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Michael Parr, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Brian Sierant, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE
RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711

REQUESTER(S)

Russell Coones
5961 Fm 547
Farmersville, TX 75442-6775

Jennifer & Scott Dafft
Po Box 538
Prosper, TX 75078-0538

Mrs Neha King
3016 Adrian Creek Dr
Little Elm, TX 75068-2921

Peter Koelsch
5003 County Road 644
Farmersville, TX 75442-6807

Dianna Lawrence
303 Patina St
Josephine, TX 75189-6019

Wilson Lee
Po Box 851284
Richardson, TX 75085-1284

Futrell Linsey
507 Silo Cir
Josephine, TX 75189-5193

Michael Lorra
5706 E Mockingbird Ln
Ste 115
Dallas, TX 75206-5460

Preston Nutt
403 Pine Hollow Way
Josephine, TX 75189-5317

Jane Ridgway
Po Box 127
Caddo Mills, TX 75135-0127

Mr Charles L Ruple
5909 Fm 547
Farmersville, TX 75442-6775

Michael Stubbe
5144 County Road 644
Farmersville, TX 75442-6800

Jim F Wall
5757 Fm 547
Farmersville, TX 75442-6921

Bethanie Wallgren
316 Main St
Josephine, TX 75173-1211

Robert Williams
5226 County Road 644
Farmersville, TX 75442-6801

INTERESTED PERSON(S)

Tina Aguilar
903 Saddle Horn Way
Josephine, TX 75189-3949

Diana Aldana
513 Windrow Dr
Josephine, TX 75189-3847

Mrs Olivia Beaz
1930 S 3Rd St
Garland, TX 75040-8421

Linda C Dedmon
1503 Harvest Ln
Nevada, TX 75173-7037

Stephen D'Onofrio
22476 County Road 850
Farmersville, TX 75442-6601

Melissa Jo Fain
Envision
410 Wrangler Dr
Josephine, TX 75189-5441

Britni Fitzgerald
414 Silo Cir
Josephine, TX 75189-5186

Monica Fornasoro
1316 Cotton Gin Ct
Josephine, TX 75189-3843

Mrs Andrea Garcia
1000 Cotton Gin Ct
Josephine, TX 75189-3926

Mrs Rebecca Gipson
5200 County Road 644
Farmersville, TX 75442-6801

Kaleb Hamil
1302 Community Way
Josephine, TX 75189-3817

Sheree Henry
Po Box 369
Nevada, TX 75173-0369

Bryana Hernandez
313 Knapsack Ln
Josephine, TX 75189-3834

Joseph Hooks
717 Meadow Creek Ln
Josephine, TX 75189-5279

Dana Huntoon
Lj Homes Llc
5610 Williams St
Nevada, TX 75173-8240

Shawn Hurst
701 Windmill St
Josephine, TX 75189-5294

Mrs Sheila Hurst
701 Windmill St
Josephine, TX 75189-5294

Mrs Rose M Hutchison
1317 Bushel Dr
Josephine, TX 75189-3825

Mr Cecil King
3016 Adrian Creek Dr
Little Elm, TX 75068-2921

William Magedson
816 Turnbuckle Ct
Josephine, TX 75189-7407

Marcy Maleh
1101 Blessed Ln
Josephine, TX 75189-3954

Veselka Margie
1503 Harvest Ln
Nevada, TX 75173-7037

Austin James Martin
116 Center St
Nevada, TX 75173-7124

Alejandro Medina
301 Saw Mill Rd
Josephine, TX 75189-5188

Larry Parker
412 Shiplap Ln
Josephine, TX 75189-5181

Jason Ramsey
21711 Private Road 5455
Farmersville, TX 75442-8315

Jan Richburg
2051 County Road 645
Farmersville, TX 75442-7360

Sydnor Ron
408 Jasmine Cir
Josephine, TX 75173-8440

Caroline Rose
717 Meadow Creek Ln
Josephine, TX 75189-5279

Larson Samantha
408 Milo Way
Josephine, TX 75189-3753

Beebe Sharon
505 Farmhouse Ln
Josephine, TX 75189-5308

Clarke Trish
1314 Community Way
Josephine, TX 75189-3817

Megan Whitaker
606 Magnolia Ct
Josephine, TX 75173-8442

Ricky Whitaker
606 Magnolia Ct
Josephine, TX 75173-8442