

**TCEQ DOCKET NO. 2023-0546-MWD**

**APPLICATION BY  
GILDEN BLAIR BLACKBURN FOR  
TPDES PERMIT NO. WQ0016104001**

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**BEFORE THE  
TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

**BARTLETT RANCH OWNERS' REPLY TO RESPONSES TO HEARING REQUESTS**

COMES NOW the Bartlett Ranch Owners and files this Reply to Responses to Hearing Requests and Motion for Reconsideration (“Reply”) in this docket for the Application filed by Gilden Blair Blackburn (“Applicant”) for a Texas Pollution Discharge Elimination System permit. In Reply to the Responses to Hearing Requests previously filed, the Bartlett Ranch Owners would show as follows:

**I. Reply**

The Commission received two responses to the Bartlett Ranch Owners’ request for a contested case hearing. The respondents were: the Executive Director and the Office of Public Interest Counsel. The Bartlett Ranch Owners will address each response in turn.

**OPIC**

The Office of Public Interest Counsel (“OPIC”) found that the Bartlett Ranch Owners met the definition of an affected person and recommends that their request for a contested case hearing be granted. The Bartlett Ranch Owners fully support the OPIC’s analysis and recommendation as to the Bartlett Ranch Owners’ status as an affected person.

**EXECUTIVE DIRECTOR**

The Executive Director claims that because the Bartlett Ranch Owners failed to include a physical address, and that since their names are omitted from the Applicant’s mailing list, they are

not affected persons. As asserted in the Bartlett Ranch Owners' previously filed comments and requests, the Bartlett Ranch Owners believe that Applicant's mailing list was defective, so the Executive Director's reliance on that list is in error. As the OPIC observed, a quick search of Bartlett Ranch LLC yields a finding that the Bartlett Ranch Owners' property is within one mile of Applicant's proposed facility. Indeed, to remove all doubt, attached is a map showing the Bartlett Ranch Owners' property, which is within 0.5 miles from Applicant's proposed facility. Hence the Bartlett Ranch Owners satisfy the distance restrictions set forth in 30 T.A.C. § 55.203(c)(2) and should be deemed an affected person.

## **II. Conclusion**

The Bartlett Ranch Owners reassert and incorporate by reference all the concerns and issues raised in their Request for Reconsideration and Contested Case Hearing filed with the Commission on November 17, 2022. Thus, the Bartlett Ranch Owners respectfully request the Commission:

- (1) Grant the Bartlett Ranch Owners' Motion to Reconsider; and
- (2) In the alternative, name the Bartlett Ranch Owners as an affected person and grant their request for a contested case hearing; and
- (3) Grant the Bartlett Ranch Owners all other and further relief to which they are justly entitled.

Respectfully submitted,

/s/ J. Andrew Scott

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Dated: June 5, 2023

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