

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 31, 2024

TO: Persons on Attached Mailing List

RE: **White Oaks Municipal Utility District of Denton County; Requests filed regarding Creation; TCEQ Docket No. 2023-1587-DIS; Internal Control No. D-09262022-049**

The above-referenced application and all timely filed hearing requests 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 6, 2024**. The meeting will begin at 9:30 a.m. Due to an ongoing construction project, the agenda meeting may be held in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas or in an alternate location. The agenda meeting may be held in person, virtually, or both in person and virtually. To confirm where and 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 request(s) have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these requests on **February 12, 2024**. Persons who filed requests (Requesters) may file a written reply to responses on **February 26, 2024**. All responses and replies must be filed with the Chief Clerk of the TCEQ and sent on the same day to all individuals on the attached mailing list. Responses and replies may be filed with the Chief Clerk electronically at: <https://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's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311).

The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§1.10-1.11. The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h).

The Commissioners will not take oral argument or public comment on this matter, but may wish to ask questions of the Applicant, Requesters, or staff. The Commissioners will make their decision based on the requests, written responses to the requests, any written replies to those responses, and any response to questions.

Copies of all requests have also been referred to the Alternative Dispute Resolution Program, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand public participation and the processing of requests. Individual members of the public may seek further information concerning the application, public participation, the processing of requests, copies of Commission rules, or the attachment, by calling the Public Education Program toll free, 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis". The signature is written in black ink and is positioned above the printed name and title.

Laurie Gharis
Chief Clerk

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

Public Participation in TCEQ Proceedings

The Commission encourages public participation. The Commission's Public Education Program provides individual members of the public information on applications, and on Commission procedures. The Public Education Program may respond to your inquiries in writing and provide you with information. They may be reached, toll free, at 1-800-687-4040.

The formal way for public participation is through the contested case hearing. The law allows for holding contested case hearings on certain types of applications; the remainder of this document provides an overview of the processing of requests for a contested case hearing. It describes the requirements for a hearing request and how the Commission processes hearing requests.

A hearing request must:

- (1) give the name, address, and daytime telephone number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- (2) identify the person's personal justiciable interest affected by the application;
- (3) request a contested case hearing;
- (4) provide any other information specified in the public notice of application;
- (5) be timely filed with the Chief Clerk, as set out in the public notice; and
- (6) be pursuant to a right to hearing authorized by law.

The three Commissioners determine the validity of hearing requests, and vote to approve or deny the hearing requests during a public meeting, which are usually held every other Wednesday in Austin. Leading up to the meeting, the following occurs:

- (1) the written hearing requests are distributed to the Executive Director, the Public Interest Counsel, and the Applicant; these persons may file a response to the hearing requests 23 days before the meeting;
- (2) the hearing requester may then file a reply to the responses nine days before the meeting; this is the hearing requester's opportunity to correct any deficiencies in the hearing request that have been identified by TCEQ staff or the applicant. The hearing requester should be sure to submit any information (for example, maps or diagrams showing the requestor's location relative to the applicant's proposed activities) by this deadline he or she wishes the Commissioners to consider; and
- (3) the Commissioners read the hearing requests, the responses to the hearing requests, and the replies, before the public meeting. Then during the public meeting the Commissioners discuss the application and the hearing requests, and vote to grant or deny the hearing requests.

If the Commissioners deny the hearing requests then they often will proceed and vote to approve or deny the application. If the Commissioners grant the hearing requests they will refer the application to the State Office of Administrative Hearings (SOAH), which will conduct a contested case hearing. A SOAH judge will then submit a recommendation to the Commission to approve or deny the application.

The Commission's evaluation of a hearing request is based on Texas Water Code Chapter 5, which provides the Commission need not grant a hearing request if the requester does not have a personal justiciable interest. The Commission's rules on processing hearing requests are at 30 Texas Administrative Code, Chapter 55. The "personal justiciable interest" requirement means that a hearing requester must be impacted personally, not just as a member of the general public, by the Commission's decision on the application. Also, the hearing requester's interest must be "justiciable," meaning the Commission will grant hearing requests only if the requester complains of matters within the Commission's authority. A hearing request complaining of other matters outside the Commission's authority would be denied.

The Alternative Dispute Resolution Program may contact hearing requesters to learn if they would participate in informal discussions with the applicant and a mediator. The Public Interest Counsel may also provide information on the processing of hearing requests.

By necessity this document gives a very general description of Commission procedures. Please call 1-800-687-4040 to get answers about your specific questions.

MAILING LIST
White Oaks Municipal Utility District of Denton County
Docket No. 2023-1587-DIS; Internal Control No. D-09262022-049

FOR THE APPLICANT

via electronic mail:

Mindy Koehne, Attorney
Coats Rose PC
16000 Dallas Parkway, Suite 350
Dallas, Texas 75248

Stephanie D. White, Engineer
Kimley-Horn and Associates, Inc.
400 North Oklahoma Drive, Suite 105
Celina, Texas 75009

REQUESTER(S)/INTERESTED
PERSON(S):

See attached list.

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

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

James Walker, Technical Staff
Texas Commission on Environmental
Quality
Water Supply Division, MC-152
P.O. Box 13087
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Garrett T. Arthur, Public Interest Counsel
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

<https://www.tceq.texas.gov/goto/efilings>

ADAS , ROBERT
10020 BLUFFVIEW CIR
PILOT POINT TX 76258-7438

ALAGOOD , R SCOTT
2ND FL
3900 MORSE ST
DENTON TX 76208-6333

AMBORSE, BONNIE A & AMBROSE,DONALD F
9824 BLUERIDGE CIR
PILOT POINT TX 76258-7451

ATCHISON , MARK & TERRY L
9229 HUB CLARK RD
PILOT POINT TX 76258-6246

BONZON , AMY
9546 OAK MEADOW LN
PILOT POINT TX 76258-6663

BOURLAND, RON & MODEN,JOLEEN
9918 FOUR HORSE TRL
PILOT POINT TX 76258-7444

BRESLIN , JANENE
10695 STAGECOACH PASS
PILOT POINT TX 76258-7453

BROCK , AMY
13069 SAINT JOHN RD
PILOT POINT TX 76258-7452

BROCK , CLINT
13069 SAINT JOHN RD
PILOT POINT TX 76258-7452

BROCK , LYNN
13069 SAINT JOHN RD
PILOT POINT TX 76258-7452

BROCK , CHRISTINA M
13069 SAINT JOHN RD
PILOT POINT TX 76258-7452

CALEY , KIM & MICHAEL
10155 STAGECOACH PASS
PILOT POINT TX 76258-7469

CAMPBELL , BERNADINE & BRIAN D
9627 SAINT JOHNS CT
PILOT POINT TX 76258-6628

CAMPBELL , HANNA
SPENCER FANE LLP
STE 1200
816 CONGRESS AVE
AUSTIN TX 78701-2442

CHAMBERS , MARIS MARSHALL
SPENCER FANE LLP
STE 1200
816 CONGRESS AVE
AUSTIN TX 78701-2442

DEWITT , JOYCE & KENNETH
9481 YELLOW ROSE LN
PILOT POINT TX 76258-6607

DONATO, ITALO & MUNOZ,ZAHIRA
9427 YELLOW ROSE LN
PILOT POINT TX 76258-6607

DONNELL, ALAN D & SALISBURY,APRIL H
10783 STAGECOACH PASS
PILOT POINT TX 76258-7442

EGGERS , KELLY & PHILLIP
STE 250
5800 GRANITE PKWY
PLANO TX 75024-6614

ELVRUM , KAY
7351 COLTON LN
PILOT POINT TX 76258-3651

FORD , JUDY
7545 COLTON LN
PILOT POINT TX 76258-7346

FOTF , TOMMY A
7545 COLTON LN
PILOT POINT TX 76258-7346

FREEMAN , DARLENE
8908 HUB CLARK RD
PILOT POINT TX 76258-6208

HICKS , JOHN
7300 COLTON LN
PILOT POINT TX 76258-3650

HICKS , NANCY
7300 COLTON LN
PILOT POINT TX 76258-3650

HODAK , MR MARC
10654 SAINT JOHN RD
PILOT POINT TX 76258-6602

HOW , JESSICA
11761 MASSEY RD
PILOT POINT TX 76258-3616

HUCCABY , JAMES
9530 YELLOW ROSE LN
PILOT POINT TX 76258-6608

KAISER , ROBERT
6435 VALLEY CRK
PILOT POINT TX 76258-7455

KINNEY , MARK
10763 SAINT JOHN RD
PILOT POINT TX 76258-6648

L'HEUREUX , GRETEL MARY
9440 YELLOW ROSE LN
PILOT POINT TX 76258-6606

LANTRIP, JULIE & PENCE, MATTHEW
9213 SCENIC DR
PILOT POINT TX 76258-7429

LANTRIP , DR. JULIE
9213 SCENIC DR
PILOT POINT TX 76258-7429

LINDE , COURTNEY
LIBERTY PERFORMANCE HORSES LLC
11000 SAINT JOHN RD
PILOT POINT TX 76258-6665

MCCRACKEN II , MR ALLEN L
PO BOX 1200
PILOT POINT TX 76258-1200

MCDERMED , JUANITA & MARTIN MEHRLE
9424 OAK MEADOW LN
PILOT POINT TX 76258-6612

MCGRAW , HELEN & ROBERT
32 BRAEWOOD PL
DALLAS TX 75248-7901

MIDKIFF , ADRIANA
6716 FM 455 E
PILOT POINT TX 76258-7339

MILLS JR , DENNIS
7
9605 YELLOW ROSE LN
PILOT POINT TX 76258-6611

MILLS , MRS SHAUN
9605 YELLOW ROSE LN
PILOT POINT TX 76258-6611

MORGAN , DONNA
10491 SAINT JOHN RD
PILOT POINT TX 76258-6623

NEWTON , STEVEN COLLEEN
9839 BLUERIDGE CIR
PILOT POINT TX 76258-7451

POOL , JASON
10334 PARKSIDE LN
PILOT POINT TX 76258-4196

QUEEN , DOROTHY
763 ORCHARD RD
WHITESBORO TX 76273-4505

QUEEN , PAUL
138 NATCHES TRCE
COPPELL TX 75019-7903

RENSHAW , TODD
13429 SAINT JOHN RD
PILOT POINT TX 76258-7476

ROBERTS , BLAIR
11320 SAINT JOHN RD
PILOT POINT TX 76258-6604

RUSSELL , JOSEPH
10385 SAINT JOHN RD
PILOT POINT TX 76258-6622

SCAMARDO JR , ANTHONY
9440 SAINT JOHNS CT
PILOT POINT TX 76258-6614

SCHMIDT , JOE & MEGAN
12906 SAINT JOHN RD
PILOT POINT TX 76258-7408

SCHMIDT , STEVE
6436 VALLEY CRK
PILOT POINT TX 76258-7454

SELBY FUNK , ROWLAND
9624 YELLOW ROSE LN
PILOT POINT TX 76258-6610

SENTLINGAR , JACOB & SUE
9520 OAK MEADOW LN
PILOT POINT TX 76258-6663

SILVA , BONNIE & DAVID
10896 SAINT JOHN RD
PILOT POINT TX 76258-6603

SLAY , LUTHER & WANDA
PO BOX 206
PILOT POINT TX 76258-0206

STREET , JIM & MELINDA
13336 SAINT JOHN RD
PILOT POINT TX 76258-7406

WALKER , BRUCE & JULIE
10184 STAGECOACH PASS
PILOT POINT TX 76258-7468

WELLMON , BRIAN
8230 FM 455 E
PILOT POINT TX 76258-7320

WILLIAMS , RYAN COMMISSIONER
DENTON COUNTY PRECINCT 1
3RD FL
1 COURTHOUSE DR
DENTON TX 76208-1582

WILSON , PHILIP
9601 OAK CREEK DR
PILOT POINT TX 76258-6249

WOODRUFF , MRS DEBBIE
9531 YELLOW ROSE LN
PILOT POINT TX 76258-6609

WOODRUFF , MICHAEL
9531 YELLOW ROSE LN
PILOT POINT TX 76258-6609