

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



Garrett T. Arthur, *Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 5, 2024

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: **IN THE MATTER OF THE APPLICATION BY LEPRINO FOODS  
COMPANY FOR TPDES PERMIT NO. WQ0005417000  
TCEQ DOCKET NO. 2024-1181-IWD**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing and Request for Reconsideration in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Pranjal".

Pranjal M. Mehta, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2024-1181-IWD

APPLICATION BY LEPRINO  
FOODS COMPANY FOR TPDES  
PERMIT NO. WQ005417000

§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE  
TO REQUESTS FOR HEARING AND REQUEST FOR RECONSIDERATION**

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response to requests for hearing and request for reconsideration in the above-referenced matter.

**I. Introduction**

**A. Summary of Position**

Based on the information submitted in the requests and a review of the information available in the Chief Clerk's file on this application, OPIC recommends the Commission grant the hearing request of Stop the Oppression of Our People (STOP). OPIC further recommends referring the issues specified in Section III.G for a contested case hearing at the State Office of Administrative Hearings (SOAH) with a maximum duration of 180 days. Finally, OPIC recommends the Commission deny the hearing request of Kathyl Anderson as well as the request for reconsideration submitted on behalf of STOP.

**B. Description of Application and Facility**

On September 30, 2022, Leprino Foods (Applicant) applied to TCEQ for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000 to authorize the discharge of process wastewater, utility

wastewater, and water treatment waste at a daily average flow not to exceed 2.0 million gallons per day (MGD) via Outfall 001; and disposal of high total dissolved solids water at an annual average flow not to exceed 0.08 MGD via evaporation.

The production facility would be located at 4301 East 19<sup>th</sup> Street, and the wastewater treatment facility would be located at 4502 East 4<sup>th</sup> Street, in the City of Lubbock, Lubbock County 79403. The effluent would be discharged via pipe to Canyon Lake #6, then to the North Fork Double Mountain Fork Brazos River, then to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin.

### **C. Procedural Background**

The TCEQ received the application on September 30, 2022, and declared it administratively complete on October 17, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on November 1, 2022, in the *Lubbock Avalanche Journal*, and the alternate language NORI was published on November 1, 2022, in *El Editor Newspaper*. A combined NORI and Notice of Application and Preliminary Decision (NAPD) was published on May 18, 2023, in the *Lubbock Avalanche Journal*, and the alternate language combined notice was published on May 18, 2023, in *El Editor Newspaper*. The notice of public meeting was published in English in the *Lubbock Avalanche Journal* on September 20, 2023, and in Spanish in *El Editor Newspaper* on September 21, 2023. A public meeting was held on October 24, 2023. The comment period was extended to the end of the public meeting on October 24, 2023. The Chief Clerk mailed the ED's

Decision and Response to Comments on June 10, 2024. The deadline for filing requests for a contested case hearing and requests for reconsideration of the ED's decision was July 10, 2024. The Commission received timely hearing requests from STOP and Kathyl Anderson. Also, the Commission received a timely request for reconsideration from STOP.

## **II. Applicable Law**

### **A. Hearing Requests**

The application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under Title 30 Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;

- (4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Under 30 TAC § 55.203(a), an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;

- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the executive director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Under 30 TAC § 55.205(b), a hearing request by a group or association may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission shall grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the RTC, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

**B. Request for Reconsideration**

Any person may file a request for reconsideration of the ED's decision under 30 TAC § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision and RTC. The request must expressly state that the person is requesting reconsideration of the decision and give reasons why the decision should be reconsidered.

**III. Analysis of Hearing Requests**

**A. Whether the requestors are affected persons**

STOP

The Commission received multiple timely comments and hearing requests submitted on behalf of STOP.<sup>1</sup> STOP is a small nonprofit membership organization that advocates for the health and safety of the community by

---

<sup>1</sup> Wendi Hammond and Mark Oualline, staff attorneys from Legal Aid of NorthWest Texas, submitted comments and hearing requests on behalf of STOP.

educating and addressing environmental concerns stemming from polluting industries that are concentrated in East Lubbock.

As required for group standing under 30 TAC § 55.205(b), STOP timely submitted comments; the interests STOP seeks to protect are germane to its purpose; neither the claim asserted nor the relief requested requires the participation of individual STOP members; and STOP's hearing requests identify, by name and address, a member who would otherwise have standing to request a hearing in her own right. The hearing request names Sonya Fair, treasurer of STOP, as the group member and explains that Ms. Fair's backyard overlooks the lake, with her property line approximately 300 feet from the water and less than a quarter-mile from the outfall pipe that will continuously discharge wastewater from Leprino to the lake. The map prepared by ED's staff confirms that Ms. Fair's property is in close proximity of the outfall and the lake. Ms. Fair is concerned that the proposed discharge will interfere with her use and enjoyment of her property, harm wildlife in and around the lake, and adversely impact the lake's use and enjoyment as a precious recreation area for the community. Ms. Fair's concerns regarding use and enjoyment of her property and the impacted natural resource are interests that are protected by the law under which this application is considered, and a reasonable relationship exists between those interests and regulation of the facility. Finally, the proximity of her property to the proposed outfall and the lake increases the likelihood of impacts to her use of property. Based on Ms. Fair's interests and her proximity to the proposed discharge, Ms. Fair has a personal justiciable interest in this matter which is not common to the



members of the general public. Because STOP member Ms. Fair would qualify as an affected person, OPIC finds that STOP meets the requirements for group standing and qualifies as an affected person under 30 TAC § 55.205(b).

*Kathyl Anderson*

Kathyl Anderson submitted a written hearing request at the public meeting on October 24, 2023. Her hearing request stated that she requests a contested case hearing and would like STOP to represent her as a member. The hearing request also stated that she raises all concerns raised during the public comment period. Ms. Anderson provided formal oral comments during the public meeting. Her comments included her concerns about brine disposal.

The hearing request does not explain how Ms. Anderson has an interest that differs from that of the general public, as required by 30 TAC § 55.201(d)(2). OPIC notes that the ED's RTC responded to Ms. Anderson's comments and explained that the brine wastewater will be sent to the evaporation ponds. The ED's map shows that Ms. Anderson's location is not within close proximity of the outfall or discharge route. OPIC must find that Ms. Anderson lacks the proximity needed to establish a reasonable relationship between any claimed interest and the regulated activity. Further, the intervening distance diminishes any likelihood that the regulated activity will impact her health, safety, or use of property. Without a personal justiciable interest, a hearing requestor cannot qualify as an affected person. Ms. Anderson stated that she would like STOP to represent her as a member. As previously explained, OPIC finds that STOP qualifies as an affected person. However, while STOP qualifies as an affected person, Ms.

Anderson, as a member of STOP, does not qualify as an affected person individually. Given that Ms. Anderson did not raise any personal justiciable interest protected by the law under which this application will be considered, OPIC finds that Ms. Anderson does not qualify as an affected person.

**B. Which issues raised in the hearing requests are disputed**

STOP raised the following disputed issues:

1. Whether the public notice fails to comply with applicable federal and state laws, rules, and regulations.
2. Whether the application or proposed permit would violate the provisions of any state or federal law, rule, or regulation.
3. Whether the application or draft permit fails to require the use of all reasonable methods to implement and prevent interference with the purpose of Chapter 5 and 26 of the Texas Water Code.
4. Whether the application or draft permit fails to maintain the quality of water in the state consistent with public health and enjoyment.
5. Whether the draft permit complies with applicable antidegradation requirements.
6. Whether the application or draft permit fails to maintain the propagation and protection of terrestrial and aquatic life.
7. Whether the application or draft permit fails to maintain the quality of water in the state consistent with the operation of existing industries, including but not limited to, protecting the public from cumulative risks in an area of concentrated operations.

8. Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state laws, rules, regulations, and policies.
9. Whether Applicant has commenced construction of a treatment facility prior to the issuance of a permit authorizing discharge of waste from Applicant's facility.
10. Whether the application or draft permit fails to properly consider the Applicant's and its operator's compliance history.
11. Whether the application or draft permit fails to properly consider the need for this proposed permit.
12. Whether any former TCEQ employees participated personally and substantially as a TCEQ employee in the commission's review, evaluation, or processing of the application before leaving TCEQ employment, and after leaving TCEQ employment, the former TCEQ employee then provided assistance with the application for its issuance.
13. Whether the application or draft permit fails to properly specify the maximum quantity of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations, and policies.
14. Whether the application or draft permit fails to properly specify the character and quality of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations, and policies.

15. Whether the application, draft permit or Executive Director fails to consider any unpleasant odor quality of the effluent and possible adverse effects that it might have on the receiving body of water and related recreational value, including the recreational value of the surrounding area.
16. Whether the application or draft permit fails to establish all monitoring, sampling, record-keeping and reporting requirements necessary to determine compliance with all applicable federal and state laws, rules, regulations and policies.
17. Whether TCEQ failed to properly use an approved water quality management plan (or a plan in progress but not completed or approved) when reviewing Applicant's application and issuing the draft permit.
18. Whether the application or draft permit fails to prevent a discharge of waste that is injurious to public health.
19. Whether the application is inadequate, incomplete, inaccurate and/or fails to include all necessary and required information.

**C. Whether the dispute involves questions of fact or of law**

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. 30 TAC § 55.211(c)(2)(A). The issues listed above are issues of fact.

**D. Whether the issues were raised during the public comment period**

All of the issues were raised by STOP during the public comment period.

**E. Whether the hearing request is based on issues raised solely in a withdrawn public comment**

The hearing requests are based on timely comments that have not been withdrawn.

**F. Whether the issues are relevant and material to the decision on the application**

To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny a permit. The Commission can only consider issues within its jurisdiction. Therefore, relevant and material issues include those governed by the substantive law relating to the permit at issue. *Anderson v. Liberty Mutual, Inc.*, 477 U.S. 242, 248-51 (1986).

*Water Quality, Antidegradation Review, Health Effects, and Protection of Wildlife*

The Commission is responsible for the protection of water quality under Texas Water Code (TWC) Chapter 26 and 30 TAC Chapters 307 and 309. These responsibilities include ensuring compliance with the Texas Surface Water Quality Standards. The purpose of these standards is to “maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state.” 30 TAC § 307.1. Also, “[a] permit must contain effluent limitations that protect existing uses and preclude degradation of existing water quality.” 30 TAC § 307.2(d)(5)(D). Additionally, surface waters must not be toxic to humans from ingestion, consumption of aquatic organisms,

or contact with the skin. 30 TAC § 307.4(d). Finally, 30 TAC § 307.5 requires the ED to conduct an antidegradation review of new discharge permit applications. Therefore, Issue Nos. 2, 3, 4, 5, 6, 7, 13, 14, 17, and 18 are relevant and material to the Commission's decision regarding this application and are appropriate for referral to SOAH.

#### Notice Requirements

As explained in the ED's RTC, the TCEQ's notice rules for a new permit require that the NORI and NAPD be mailed to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. Notice must also be provided by publication and otherwise as required by applicable statutes and agency rules. The issue of whether the public notice fails to comply with applicable rules and regulations is relevant and material to a decision on the application.

#### Need for the Facility

Texas Water Code § 26.0282 authorizes the Commission to alter or deny a wastewater discharge permit based on consideration of need. Therefore, Issue No. 11 regarding the need for the facility is relevant and material to a decision on this application.

#### Compliance History

Texas Water Code § 26.0281 and 30 TAC§ 60.1(c) require consideration of an applicant's compliance history in permitting decisions. Therefore, Issue No. 10 regarding the Applicant's compliance history is relevant and material to the Commission's decision on the draft permit.

### Complete and Accurate Application

STOP questions whether the application contains inaccuracies and omits relevant information. The Commission's Chapter 281 and Chapter 305 rules require an applicant for a TPDES permit to certify the accuracy of the information provided to TCEQ and to supplement or correct the application if an error is later discovered. Also, representations in the application become permit conditions. Therefore, Issue Nos. 8, 9, 12, and 19 are relevant and material.

### Monitoring and Reporting Requirements

TCEQ rules in 30 TAC Chapter 319 addresses requirements for monitoring and reporting, sampling frequency, quality assurance for sampling analyses, and laboratory testing methods that are required to verify permit compliance. Therefore, Issue No. 16 is relevant and material to the decision on this application.

### Odor

This permit would not authorize the discharge of domestic wastewater. Unlike a domestic wastewater treatment plant which must address the abatement and control of nuisance odor, TCEQ rules governing industrial discharges do not require odor mitigation. Therefore, Issue No. 15 regarding odor is not relevant and material to the Commission's decision on the application.

## **G. Issues Recommended for Referral**

For the reasons stated above, OPIC recommends referral of the following issues:

1. Whether the public notice fails to comply with applicable federal and state laws, rules, and regulations.
2. Whether the application or proposed permit would violate the provisions of any state or federal law, rule, or regulation.
3. Whether the application or draft permit fails to require the use of all reasonable methods to implement and prevent interference with the purpose of Chapter 5 and 26 of the Texas Water Code.
4. Whether the application or draft permit fails to maintain the quality of water in the state consistent with public health and enjoyment.
5. Whether the draft permit complies with applicable antidegradation requirements.
6. Whether the application or draft permit fails to maintain the propagation and protection of terrestrial and aquatic life.
7. Whether the application or draft permit fails to maintain the quality of water in the state consistent with the operation of existing industries, including but not limited to, protecting the public from cumulative risks in an area of concentrated operations.
8. Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state laws, rules, regulations, and policies.
9. Whether Applicant has commenced construction of a treatment facility prior to the issuance of a permit authorizing discharge of waste from Applicant's facility.



10. Whether the application or draft permit fails to properly consider the Applicant's and its operator's compliance history.
11. Whether the application or draft permit fails to properly consider the need for this proposed permit.
12. Whether any former TCEQ employees participated personally and substantially as a TCEQ employee in the commission's review, evaluation, or processing of the application before leaving TCEQ employment, and after leaving TCEQ employment, the former TCEQ employee then provided assistance with the application for its issuance.
13. Whether the application or draft permit fails to properly specify the maximum quantity of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations, and policies.
14. Whether the application or draft permit fails to properly specify the character and quality of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations, and policies.
15. Whether the application or draft permit fails to establish all monitoring, sampling, record-keeping and reporting requirements necessary to determine compliance with all applicable federal and state laws, rules, regulations and policies.

16. Whether TCEQ failed to properly use an approved water quality management plan (or a plan in progress but not completed or approved) when reviewing Applicant's application and issuing the draft permit.

17. Whether the application or draft permit fails to prevent a discharge of waste that is injurious to public health.

18. Whether the application is inadequate, incomplete, inaccurate and/or fails to include all necessary and required information.

#### **H. Maximum expected duration for the contested case hearing**

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. 30 TAC § 50.115(d)(2). To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

#### **IV. Request for Reconsideration**

The Commission received a timely request for reconsideration from STOP. STOP argued that the ED's decision must be reconsidered as the ED failed to properly respond to all of the timely, relevant and material, and significant public comments submitted on behalf of STOP. An evidentiary record would be necessary for OPIC to make a recommendation to the Commission on whether the ED's decision should be reconsidered. At this time, OPIC is recommending a hearing, but prior to development of an evidentiary record, OPIC cannot recommend reversal of the ED's decision or remand of the application to the ED. Therefore, OPIC respectfully recommends denial of STOP's request for reconsideration.

#### **V. Conclusion**

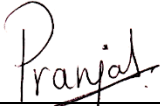
For the reasons discussed above, OPIC recommends the Commission grant the hearing request of STOP and refer the issues specified in Section III.G for a contested case hearing at SOAH with a maximum duration of 180 days. Finally, OPIC recommends the Commission deny the hearing request of Kathyl Anderson as well as the request for reconsideration submitted on behalf of STOP.<sup>2</sup>

---

<sup>2</sup> OPIC notes that if any hearing request is granted and not withdrawn prior to convening of a SOAH hearing, any person whose request is denied by the Commission may request party status at the preliminary hearing. 30 TAC § 55.211(e).


Respectfully submitted,

Garrett T. Arthur  
Public Interest Counsel

By:   
Pranjal M. Mehta  
Assistant Public Interest Counsel  
State Bar No. 24080488  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-0574

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2024, the foregoing document was filed with the TCEQ Chief Clerk, and copies were served to all parties on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

  
Pranjal M. Mehta

**MAILING LIST**  
**LEPRINO FOODS COMPANY**  
**TCEQ DOCKET NO. 2024-1181-IWD**

FOR THE APPLICANT

via electronic mail:

Hannah Bradish  
Environmental Compliance Engineer  
Leprino Foods Company  
1830 West 38<sup>th</sup> Avenue  
Denver, Colorado 80211  
[hbradish@leprinofoods.com](mailto:hbradish@leprinofoods.com)

Katie Jeziorski  
Trinity Consultants  
12700 Park Central Drive, Suite 600  
Dallas, Texas 75251  
[kjeziorski@trinityconsultants.com](mailto:kjeziorski@trinityconsultants.com)

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Kathy Humphreys, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606  
[kathy.humphreys@tceq.texas.gov](mailto:kathy.humphreys@tceq.texas.gov)

Thomas Starr, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4570 Fax: 512/239-4430  
[thomas.starr@tceq.texas.gov](mailto:thomas.starr@tceq.texas.gov)

Ryan Vise, Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

FOR ALTERNATIVE DISPUTE  
RESOLUTION

via electronic mail:

Kyle Lucas, Attorney  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0687 Fax: 512/239-4015  
[kyle.lucas@tceq.texas.gov](mailto:kyle.lucas@tceq.texas.gov)

FOR THE CHIEF CLERK

via eFiling:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300 Fax: 512/239-3311  
<https://www14.tceq.texas.gov/epic/eFiling/>

REQUESTER(S):

Kathyl Anderson  
2914 Ute Avenue  
Lubbock, Texas 79404-2038

Wendi Hammond  
Legal Aid of Northwest Texas  
400 South Zang Boulevard, Suite 1420  
Dallas, Texas 75208-6600

Mark Oualline  
Legal Aid of Northwest Texas  
1001 Main Street, Suite 502  
Lubbock, Texas 79401-3321