

## Ellie Guerra

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, June 9, 2023 9:03 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016162001  
**Attachments:** Req. for Contested Hearing.6.8.233.pdf

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Marisa – please note there are some potential mail list adds in the first paragraph of the attached letter.

**From:** vanessa.ramirez@mansfieldtexas.gov <vanessa.ramirez@mansfieldtexas.gov>  
**Sent:** Thursday, June 8, 2023 4:58 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016162001

**REGULATED ENTY NAME** MANSFIELD TRACT WWTF

**RN NUMBER:** RN111496998

**PERMIT NUMBER:** WQ0016162001

**DOCKET NUMBER:**

**COUNTY:** JOHNSON

**PRINCIPAL NAME:** MEGATEL HOMES LLC

**CN NUMBER:** CN605490937

**NAME:** Vanessa Ramirez

**EMAIL:** [vanessa.ramirez@mansfieldtexas.gov](mailto:vanessa.ramirez@mansfieldtexas.gov)

**COMPANY:** City of Mansfield

**ADDRESS:** 1200 E BROAD ST  
MANSFIELD TX 76063-1805

**PHONE:** 8172764274

**FAX:**

**COMMENTS:** On behalf of the City of Mansfield, please accept the attached request for contested hearing - Attachments to follow since this exceeds the allotted file space.



June 8, 2023

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

RE: Application by Megatel Homes, L.L.C., to the Texas Commission on Environmental Quality for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001 (the "Permit").

Dear Chief Clerk:

I am sending this correspondence on behalf of the City of Mansfield, Texas (the "City"). Please direct all future correspondence on this application to me, Vanessa Ramirez at 1200 E. Broad St., Mansfield, Texas 76063. My daytime phone number is (817) 276-4274. The law firm of Taylor Olson Adkins Sralla & Elam, LLP serves as general counsel and city attorney to the City and should be copied on any and all correspondence relating to this matter, with attorney in charge designated as Bradley Anderle, 6000 Western Place, Ste. 200, Fort Worth, Texas 76107.

Megatel Homes, L.L.C. is applying to the Texas Commission on Environmental Quality (the "TCEQ") for creation of a new Texas Pollutant Discharge Elimination System ("System") to serve property within Johnson County, Texas and wholly within the extraterritorial jurisdiction of the City of Mansfield, Texas. The City of Mansfield opposes the issuance of the TPDES Permit for the new System.

**I/We (the City) request a contested case hearing.**

The City is an "affected person" entitled to a contested hearing on the issues raised in this hearing request because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public and is an affected person under 30 TEX. ADMIN. CODE § 55.256. Further, the City is a local government with authority under state law over issues contemplated by the application and may be considered affected persons under 30 TEX. ADMIN. CODE § 55.256(b).

The proposed System will be located and will serve property wholly within the extraterritorial jurisdiction of the City. The City has authority to protect the public health and safety within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. TEX. LOC. GOV'T. CODE §§ 42.001, 212.003, 212.044, 242.001(d). Various city

functions and services, including sanitary sewer services, fall squarely under the authority of the City within its extraterritorial jurisdiction. Further, as a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalizes with existing systems to the greatest extent possible in order to protect the public health, safety, and welfare of persons residing in and adjacent to the city, as well as other cities and persons in the region. *See* Texas Water Code § 26.081(a). Thus, the City has authority under state law over the issued contemplated by this application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.256(a) & (b).

The City continues its assertion that the creation of the new System is not in furtherance of the public interest as previously asserted because the City believes that the Executive Director's comments do not adequately address the issues. The City of Mansfield believes that it is consistent with the public interest to limit the number of wastewater treatment facilities and their attendant discharge activities to regional and sub-regional areas where they can be carefully managed and monitored by experienced governmental operators. The governmental entities have experience in managing these facilities and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit. The City of Mansfield does not believe that a discharge permit for this facility should be authorized unless there is an evidentiary hearing held in which the applicant provides substantive competent evidence that it cannot acquire wastewater utility service under commercially reasonable terms from any existing entity.

In the Executive Director's Response to Public Comment ("Response"), it was concluded that the application shows that there are no existing permitted domestic wastewater treatment facilities or collection systems located within three (3) miles of the proposed facility. The City disputes this fact. The City owns and operates an existing sanitary sewer line that is roughly calculated by the City to be within 2.4 miles of the proposed location of the proposed facility. A map representing the location of the line in relation to the proposed facility is attached to this letter. Not only is there a currently existing collection system within three (3) miles of the proposed facility, but the City is currently well into the design of an additional sanitary sewer line that would bring access to the sanitary sewer service to within approximately one (1) mile of the proposed facility. It appears that Megatel did not provide any of this information to support its application. The lack of completeness of the application from an informational standpoint justifies a contested case hearing to ensure that full and complete information related to this application can be received and considered by TCEQ. To state the City's objections specifically: (1) the City disputes the fact that there are no wastewater collection systems located within three (3) miles of the proposed facility; and (2) the City would dispute the implied conclusion that any such facilities are not sufficient to serve the proposed development; and (3) the City would dispute the conclusion that the City providing sanitary sewer services to the development could not be done in a cost-effective manner.

In the Response, the Executive Director detailed communications provided to TCEQ by Megatel to support a conclusion that the City was not responsive to Megatel's request for sanitary sewer service from the City. This City disputes the fact that the City was not responsive, and the City disputes the conclusion that the City was not responsive to Megatel. The City further disputes

the fact that the communications submitted to TCEQ by Megatel accurately represent the communications between the City and Megatel.

In addition to and during the same timeframe that Megatel represents that the City was not responsive, the following communications occurred between Megatel and the City, which were not detailed in the Response.

- Megatel submitted a preliminary plat for the development to the City on September 2, 2022.
- The City submitted Engineering Department comments to Megatel on the preliminary plat application dated September 20, 2022, that stated the City's intention to provide sanitary sewer services to the development, identified the location that the sewer would eventually flow and the general anticipated route/plan for handling the sewer flow. These comments then invited a meeting between Megatel and the City to discuss specifics for the provision of sanitary sewer service to the development. A copy of these comments have been attached to this letter.
- The City and Megatel later had an in-person meeting on October 31, 2022, at City Hall to discuss the development, including the provision of sanitary sewer service to the development by the City. This meeting was not the meeting specifically anticipated by the Engineering Comments, but it was a conversation in furtherance of the City's support and participation in serving the development.
- Megatel later submitted a response to these City's comments on the preliminary plat application on December 22, 2022, through its engineer McAdams. Megatel's response to number 7 under Engineering Department indicates that the City and Megatel are evaluating sewer to serve this development. A copy of this response has been attached to this letter.
- The City provided further comments to Megatel on the preliminary plat application on January 13, 2023, which comments did not have to address the sanitary sewer service because the parties had both indicated they would be considering how to provide sanitary sewer service to the development. A copy of these comments have been attached to this letter.

Since the latest comments were provided, the City and Megatel have had numerous communications both in writing and in-person discussing details of the development, including the provision of sanitary sewer services by the City. One such communication was an in-person meeting on March 30, 2023, at City Hall between the City and Megatel that again included a conversation of the provision of sanitary sewer services by the City to the development. As a part of that meeting or directly after, the City received a Budget/Phasing Plan for the development. This Budget/Phasing Plan included costs for sanitary sewer improvements to serve the development, as well as a depiction of a possible route for the sanitary sewer improvements to connect to the City's existing sanitary sewer line. This Budget/Phasing Plan is attached to this letter.

The City would represent to TCEQ that, based upon negotiations and conversations between the City and Megatel, neither party questions whether the City will provide sanitary sewer service to the development and both parties intend for the City to provide sanitary sewer service to the development. All of the information presented in this letter appears to be new information that was not communicated to TCEQ by Megatel. The lack of completeness of the information

provided in support of this application justifies a contested case hearing to ensure that full and complete information related to this application can be received and considered by TCEQ, in particular in light of the fact that the Executive Director's decision seems to be based specifically on facts that have been shown to be incomplete and inaccurate by this letter.

To state the City's objections specifically: (1) the City disputes the fact that the City has not been responsive to Megatel's request for service because the communications detailed above show otherwise; (2) the City disputes the conclusion that the City was not responsive to Megatel's request for service because the communications detailed above show otherwise; (3) the City disputes the fact that the communications submitted to TCEQ by Megatel accurately represent the communications between the City and Megatel because the communications detailed above show otherwise; (4) the City disputes the conclusion that Megatel was not able to pursue the route of receiving sanitary sewer services from the City because Megatel is actively pursuing this route, as is demonstrated by the communications detailed above; (5) the City disputes the conclusion that the issuance of the Permit is consistent with the TCEQ's regionalization policy because adding a new System is not necessary for adequate and cost-effective services to be provided to this development; (6) the City disputes the conclusion that the issuance of the Permit is consistent with TCEQ's regionalization policy because the information that supported the Executive Director's conclusion was demonstrably incomplete and inaccurate, as shown by the communications detailed above; and (7) the City disputes the conclusion that the issuance of the Permit is consistent with the TCEQ's regionalization policy for all of the reasons set forth in this letter and because the City is ready and willing to provide sanitary sewer service to the development in a cost-effective manner.

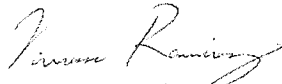
The City would also reassert its comment and request a contested case hearing for consideration of whether the discharge of treated water at the proposed location will not negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream from that point. While the Executive Director's response concludes that the discharge will not negatively impact the environment, the City would assert that having no discharge is better for the environment than having the discharge, even if the discharge could arguably be tolerated by the environment. For this reason, the City disputes the conclusion that the discharge will not negatively impact the environment because a solution that maintains regionalization of sanitary sewer services in this area would prevent the discharge in this location and would be better for the environment.

The City would also reassert its previous comment and request a contested case hearing to acquire evidence showing that Megatel has the appropriate level of experience, managerial competence and financial resources to demonstrate that it can effectively construct and manage the proposed System. The City disputes the conclusion that Megatel is capable of such operation in the absence of evidence to establish the same.

Finally, as overarching objections to the Response: (1) the City disputes that there is a need for the issuance of the Permit or for the creation of the new System; and (2) the City disputes the conclusion that the issuance of the Permit is in the best interest of the public and that it is favorable in light of the State's interest in promoting the regionalization of services, including the waste collection, treatment, and disposal systems.

For these reasons, the City requests that TCEQ find that the City is an affected person, grant the City's request for a contested case hearing for all of the reasons set forth in this letter, and deny the application for creation of a new Texas Pollutant Discharge Elimination System.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vanessa Ramirez".

Vanessa Ramirez  
Assistant City Manager

cc (via email): Joe Smolinski, City Manager (joe.smolinski@mansfieldtexas.gov)  
Jeff Price, Executive Director of Public Works (jeff.price@mansfieldtexas.gov)  
Bradley Anderle, City Attorney (banderle@toase.com)

## Ellie Guerra

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, June 9, 2023 9:03 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016162001  
**Attachments:** Exhibits(Cont. Hrg - Mansfield).pdf

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**From:** vanessa.ramirez@mansfieldtexas.gov <vanessa.ramirez@mansfieldtexas.gov>  
**Sent:** Thursday, June 8, 2023 5:02 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016162001

**REGULATED ENTY NAME** MANSFIELD TRACT WWTF

**RN NUMBER:** RN111496998

**PERMIT NUMBER:** WQ0016162001

**DOCKET NUMBER:**

**COUNTY:** JOHNSON

**PRINCIPAL NAME:** MEGATEL HOMES LLC

**CN NUMBER:** CN605490937

**NAME:** Vanessa Ramirez

**EMAIL:** [vanessa.ramirez@mansfieldtexas.gov](mailto:vanessa.ramirez@mansfieldtexas.gov)

**COMPANY:** City of Mansfield

**ADDRESS:** 1200 E BROAD ST  
MANSFIELD TX 76063-1805

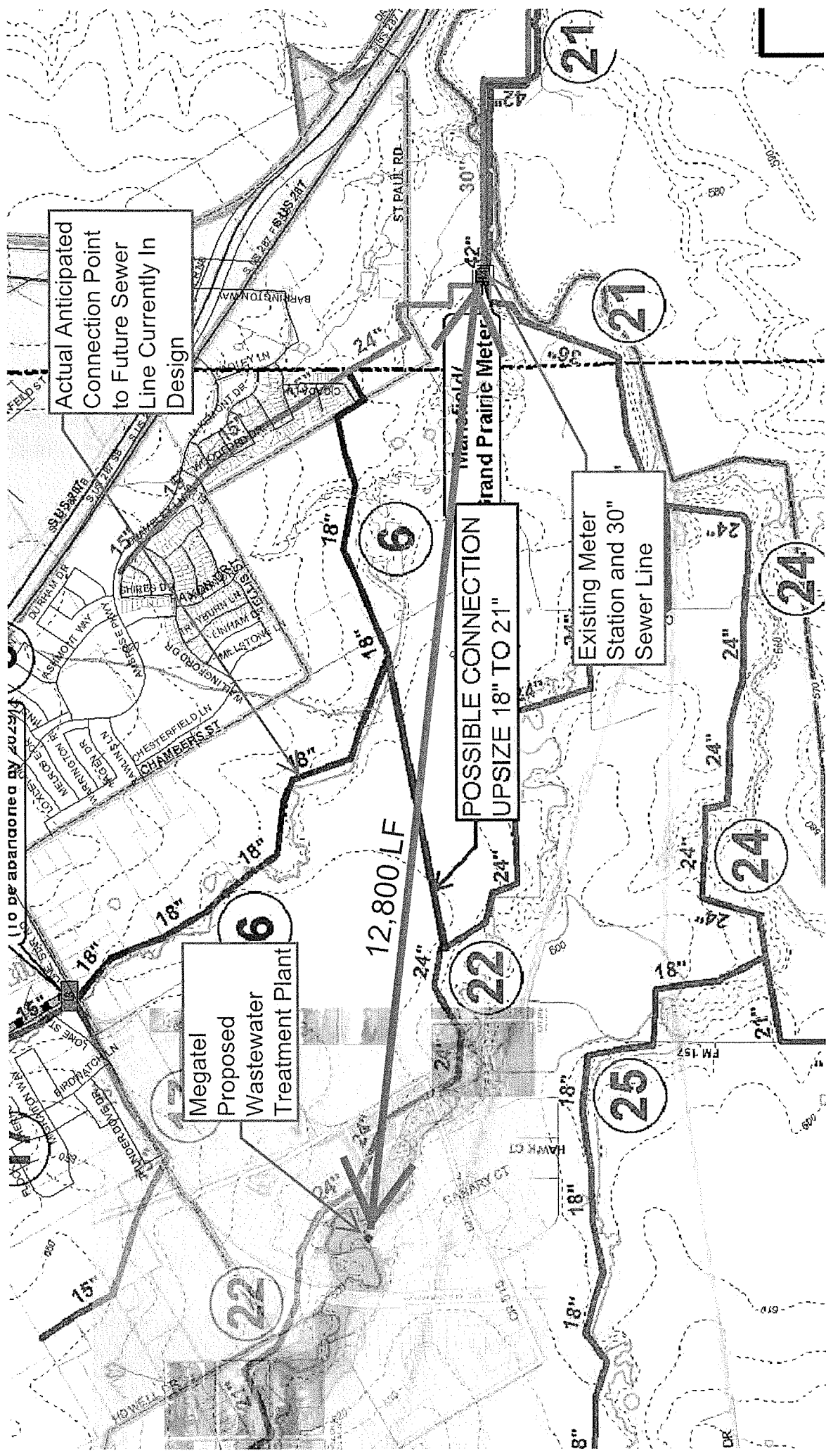
**PHONE:** 8172764274

**FAX:**

**COMMENTS:** Attachments for the City of Mansfield's Contested Hearing Request

**Map Showing Location of  
Existing Sanitary Sewer Line  
in Relation to Proposed Facility**





Actual Anticipated Connection Point to Future Sewer Line Currently In Design

POSSIBLE CONNECTION UPSIZE 18" TO 21"

Existing Meter Station and 30" Sewer Line

Megatel Proposed Wastewater Treatment Plant

22

24

25

21

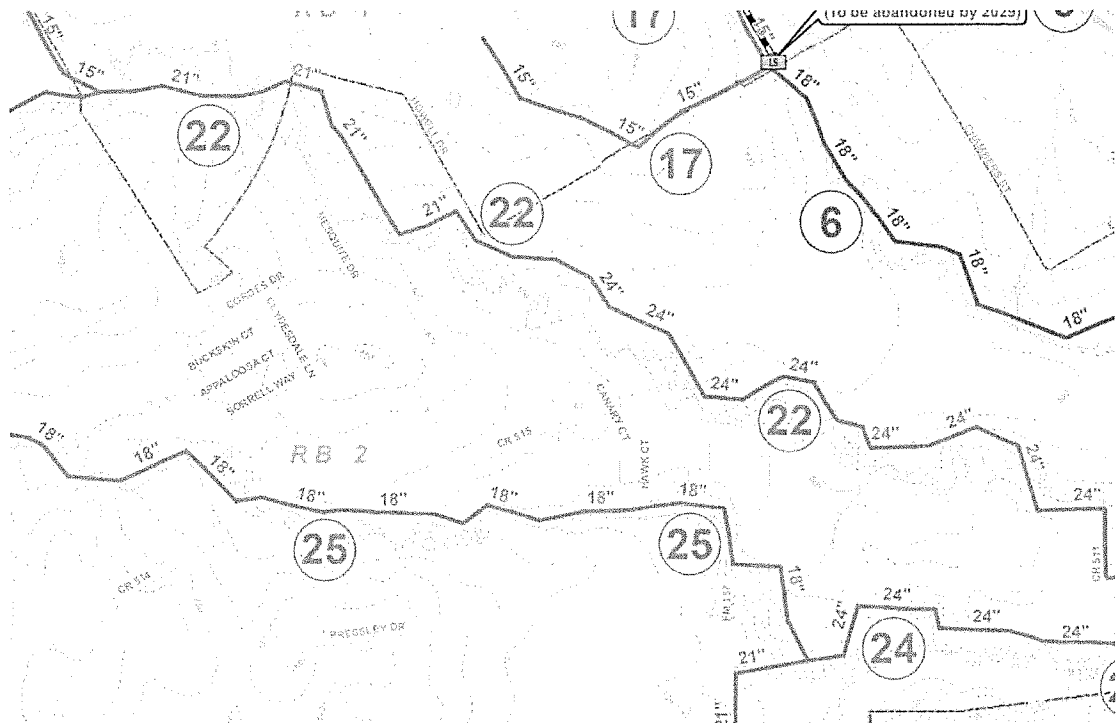
21

**City's Engineering Department Comments  
to Megatel's Preliminary Plat**

**September 20, 2022**

**Megatel Mansfield**  
**Engineering Comments – Rev.**  
**Mohammed Howlader**  
**9/20/2022**

1. Show 10' utility easement along street frontages.
2. Show and label all utility easements and drainage easements. All anticipated easements must be shown on the preliminary plat.
3. The preliminary drainage plan to support the preliminary plat must have enough detail to confirm drainage easements necessary to accommodate storm drain systems, detention facilities and post-construction water quality facilities.
4. Show how required postconstruction water quality will be addressed. Demonstrate and make sure that it is in a drainage easement.
5. Provide an overall utility plan including sizes.
6. An update to the city's Water Master Plan model will be necessary to confirm required water supply can be met. The water main along Lonestar Rd. will be located on the south side of the roadway and will connect to the city's 30" water line.
7. It is the City of Mansfield's intention for this project to obtain sanitary sewer service from the city. This gravity sewer basin will service to the Mountain Creek meter station through a portion of Project 22 as shown on the city's Wastewater Master Plan below. Please set up a meeting with the Engineering Department to coordinate and discuss details.



8. Label all existing streets.

9. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. The information needs to include the current roadways alignments and ROW.
10. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward.
11. A ROW reserve for FM 157 must be provided for any need ROW width greater than 120 feet.
12. Streets, especially thoroughfare streets, must intersect at 90 degrees.
13. 10'x10' ROW corner clips must be provided at all local street/local street intersections. 15'x15' corner clips must be provided at all other intersections.
14. 70 foot ROW radius is required at the intersection of Street "HHH"/CR CR 617.
15. Dimension the ROW width of CR 617 between Street "EEE" and Street "DDD". 90 feet of width needs to be provided.
16. Minimum centerline radius of a local street is 175 feet. The intersection of Street "RR"/"HHH" does not appear to meet this criteria.
17. Minimum roadway centerline offset is 125'. There are several roadways that do not appear to meet this minimum (i.e. Street "DD"/Street "JJ")
18. The ROW needs to be dimensioned on CR515 north of street "II" and between Street "Y" and "MMM"
19. On Sheet 10 the ROW for CR 515 needs to be clearly labeled and dimensioned. This road should intersect FM 157 at 90 degrees or as close as possible
20. A 70 foot ROW radius is required at the intersection of FM 157/CR 515.
21. Label Lone Star Road as "Future FM 157"
22. Street "Y" should be a collector roadway - 60' ROW from Lone Star Road to the west.
23. It appears the ROW eyebrow for Street "F" infringes into the future FM 157 ROW.
24. The ROW for Bedford Road (Street "III") should be 70 feet.
25. The ROW for Street "A" south of the roundabout needs to be included in this plat.
26. A concept design will need to be submitted for the roundabout to verify the proposed ROW.
27. All phases will require 2 points of access.
28. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.

**Megatel's Response to  
City's Comments to Preliminary Plat**

**December 22, 2022**

December 22, 2022

City of Mansfield  
Planning and Development Department  
1200 E. Broad Street  
Mansfield, Texas 76063

**RE: 5401 North Lots 20 & 21, Phases 13-21**  
**Case Number: SD 22-049**  
**Response to 1<sup>st</sup> Preliminary Plat Plan Review Comments**  
**MEH-2021310747**

The following are the response comments for the above-mentioned project. Our response comments are in **bold**.

## **PLANNING DEPARTMENT**

Jason Alexander

1. Provide the following label in the bottom right corner of the plat: **SD#22-049**  
**McAdams Response: Label added to cover sheet C0.00**
2. The City Attorney has advised staff on issues related to drill sites being platted as part of a subdivision. As an owner of real property interest, the gas well operator must be party to the plat if the plat includes a drill site and any surrounding land under their control by surface use agreement. This plat includes drill sites. Provide a Property Owner's Representation Form for the gas well operator(s) and add them as owners on the plat (in the opening of the legal description, add the company name and address, etc.).

Alternatively, you may save and except the drill sites from the subdivision, provided that there is an access easement through an HOA lot to provide access to the sites. For this option, remove the area of the drill sites from the legal description and add a save and except description for each site. Be sure to adjust the acreage in the legal description, title block or wherever it appears to reflect the removal of the drill site areas.

**McAdams Response: Limits of gas company properties is being determined. McAdams is seeking confirmation that gas company shall be party to the plat and determining signatory information for plat. Applicable dedications, language and access shall be adjusted accordingly on subsequent submittal.**

3. The following comments are related to the vicinity map:
  - a. Label 2<sup>nd</sup> Avenue as FM 917. This street is no longer part of 2<sup>nd</sup> Avenue.  
**McAdams Response: Street name changed to FM 917**
  - b. Label Main Street as S. Main Street (BUS 287).  
**McAdams Response: Street name changed to S. Main Street (BUS 287)**

c. Show the city limit line on the vicinity map.

**McAdams Response: City limit line added to map**

4. Revise the title block to match the City's standard format:

PRELIMINARY PLAT  
Lot # (or #s), Block(s) #  
Subdivision Name  
### Acres out of the XXXX Survey, Abstract No. XXXX  
Johnson County, Texas  
# Residential Lots  
# Open Space Lots  
Date of Preparation

**McAdams Response: Title block revised to match City's standard**

5. Section 2.02(G)(6): The following comments are related to property owner information on the plat:

a. This plat shows Megatel as the owner, but Property Owner Representation Forms were submitted for the record owners, Pressley, Cooley, NWBB Corp and Brindley Trust. Provide the name and address of these record owners on the plat.

**McAdams Response: Cipriani Island Laguna Azure LLC is now the owner of the west half of the property, the east half is being finalized and owner will be updated accordingly.**

b. Remove the telephone number from Megatel's information on the plat. Also, if Megatel is not the actual property owner, change the heading to Developer.

**McAdams Response: Phone number removed and made solely the developer.**

6. Section 2.02(G)(7) and (8): Provide the name of the record owner and the volume and page of the corresponding deed of record for all unplatted tracts within 200 feet, to include owners across any adjacent rights-of-way and all adjacent platted properties within 200 feet, shown in dashed lines, labeling the lot and block numbers, subdivision name, street names and plat record reference. Some of the information labels are truncated on the graphic (see example):

JIMMY &  
DAVIS E  
V. 2912,

**McAdams Response: Information provided as requested.**

7. Section 2.02(G)(11): Show and label all existing and proposed easements on or adjacent to the subdivision as to type, size, and deed or plat record information.

a. Some of the existing easements do not have recording information.

**McAdams Response: Additional info provided as requested.**

b. Show and label the access easements from the drill sites to the street.

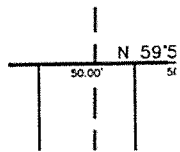
**McAdams Response: Additional info provided as requested.**

8. Section 2.02(G)(12): The following comments are related to the legal description:

a. Include the current owner's deed record reference, survey name and abstract number, county, state and gross acreage in the opening of the legal description. Megatel is shown as the owner on the plat and should be noted in the opening of the legal description along with its deed record reference.

**McAdams Response: Legal description and deed reference revised as requested.**

b. Where a line is split between two different sheets, show the bearing and distance for that line on both sheets to avoid truncating the label:



**McAdams Response: Dimensions have been revised to be readable and sheet limits extend past match lines so that dimensions are legible and not truncated.**

c. The distances for the following bearings do not match in the legal description and on the graphic:

Bearing	Legal Description (feet)	Graphic (feet)
N59°55'55"E	1446.40	1426.40
N60°03'37"E	1958.90	576.40
N30°02'18"W	85.23	84.71
N60°32'36"E	2683.39	2388.31
S60°19'34"W	947.63	563.49
S29°59'31"E	204.79	162.87
S29°59'31"E	1164.13	50.00
S65°35'50"W	No distance shown	1432.94
N30°06'06"W	502.92	503.23
S59°57'17"W	1444.27	1424.27
N30°33'18"W	405.52	405.42
N29°14'00"W	2455.49	1476.60
N60°05'57"E	2315.54	1279.48



**McAdams Response:** Layout has made significant adjustments to address City comments and bearings and distances have been revised.

- d. After the first curve, the curve data for the next three curves do not match in the legal description and graphic.

**McAdams Response:** Legal description has been revised.

- 9. Section 2.02(G)(13): Lots and blocks must be labeled with numbers in consecutive order. The blocks are lettered, not numbered.

- a. Label the lot and block numbers on key map:

**McAdams Response:** Lot and block numbers on all sheets but not legible in overall sheets on engineering plans

- b. Where a lot is split between sheets, label the lot and block number on both sheets.

**McAdams Response:** Lot and block numbers on all sheets but not legible in overall sheets on engineering plans

- c. Open space lots must be numbered in sequence with the residential lots on the same block. For example, there should not be a Lot 1X and Lot 1 on Block LL. It should be Lot 1X, 2, 3, etc. or Lots 1-31 and Lot 32X.

**McAdams Response:** Lots numbers have been revised as requested.

- 10. Section 2.02(G)(14): Show and label building lines along street frontages, not in a typical detail on Sheet 1.

**McAdams Response:** Building lines shown and labeled typical on every street

- 11. Section 2.02(G)(18): Show the location of existing and proposed rights-of-way, labeled and dimensioned.

- a. Show the full and centerline dimensions of all streets on the graphic.

**McAdams Response:** Full and centerline dimensions shown

- b. Show and label the existing proposed streets on the key map.

**McAdams Response:** Streets labeled on key maps

- c. Where a street is split between sheets, label the street name on both sheets.

**McAdams Response:** Streets labeled on all sheets

- 12. Section 2.02(G)(19): Proposed Street names cannot have the same spelling or be pronounced similarly to the name of any other street located within the City or the City's extraterritorial jurisdiction, unless a proposed street is a continuation of an existing street. No street names were provided.

**McAdams Response:** McAdams shall work with Developer and provide possible street name list for City approval.

13. Section 2.03(C)(1): Show and label topographical information, including contour lines on a basis of two (2) vertical feet in terrain, based upon City of Mansfield datum. The topo lines on the graphic are too light to read.

**McAdams Response: Topo information has been modified to appear darker and more consistently labeled.**

14. Section 2.03(C)(3): Show the sections or phases of the subdivision on the plat. Outline and label the phases lines on the graphic, not just the key map.

**McAdams Response: Phase lines shown on all sheets**

15. Section 2.03(C)(4): Provide a Lot Summary Table on Sheet 1 that shows the following information:

- a. the total gross acreage of the subdivisions; and

**McAdams Response: Lot Summary Table provided as requested.**

- b. the number of lots and common areas in the subdivisions.

**McAdams Response: Lot Summary Table provided as requested.**

16. Section 10(B)(7): The maximum length of a cul-de-sac is 600 feet. Verify that the proposed cul-de-sacs do not exceed this limit.

**McAdams Response: Proposed cul-de-sacs less than 600' max. length.**

17. Section 10(K): Block length cannot exceed 1,200 feet, except along major thoroughfares. Maximum block lengths along major streets are 1,600 feet. Some of the block lengths may exceed this requirement.

**McAdams Response: Additional streets have been added to reduce internal block lengths. Please advise if any additional revisions are requested by City regarding block length.**

18. Section 10(M)(4): Radial residential lots must have a minimum width of 45 feet frontage on the street. Some of the radial lots do not meet this requirement.

**McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply**

19. Section 10(M)(6): Corner lots must be at least 10 feet wider than the minimum lot width. Some of the corner lots do not meet this requirement.

**McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply**

20. Section 10(M)(8): In general, lots on one side of a street must not be offset from the lots on the opposite side of the street. Some of the streets have offset lots.

**McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply**

21. For residential subdivisions that have lots which back or side to highway frontage road or an existing or proposed four-lane divided or larger thoroughfare: Provide a minimum 6' masonry wall along those streets in

accordance with the provisions of Ordinance No. 1270. The developer is responsible for creating a mandatory homeowners association to maintain the wall and the parkway area between the wall and said street.

**McAdams Response: Comment acknowledged.**

22. For residential subdivisions that have lots which have lots that back or side to an adjacent 60' wide street or narrower: Provide a minimum 6' screening device along the streets in accordance with the provisions of Ordinance No. 1270.

**McAdams Response: Comment acknowledged.**

23. There are some overlapping labels on the plat. Revise the label locations to make them readable. See example:

1/2" CRI  
1/2" CRS "MILLER 5665" 6570  
1/2" CRF "MILLER 5665"  
BEARS N 70°48' E, 17.5'

**McAdams Response: Labels have been revised for legibility.**

24. Revise any type size that is less than 10-point, otherwise it is not legible when reproduced.

**McAdams Response: Text has been revised to be no less than 10-point**

25. Label the sheet numbers on both side of each match line to simplify review of the plat.

**McAdams Response: Sheet numbers labeled on both sides**

26. Where an open space lot is divided between one phase and a future phase, the portion of the lot in the future phase must be given a separate lot number.

**McAdams Response: Phase lines included and open space lots acknowledged**

27. Preliminary plats are not filed of record. Notes 2, 3 and 5 are not necessary on this plat.

**McAdams Response: Notes have been revised**

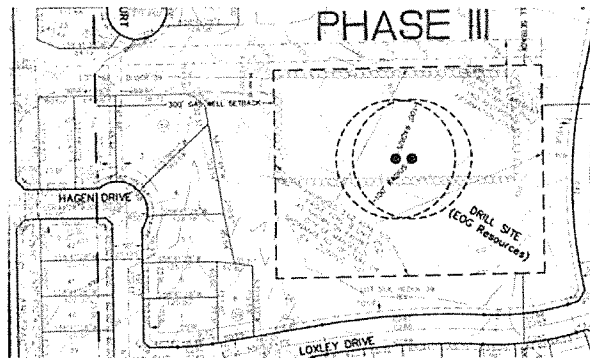
28. If there will be a homeowners' association, add a note to the plat stating the association's responsibilities. See example HOA note:

A mandatory homeowners association will be responsible for the maintenance of the private amenities; open space lots and common areas, including but not limited to screening devices, including the parkway between a screening device and the street; landscaping, and roundabouts and medians.

**McAdams Response: Note 3 added as requested.**

29. For residential developments adjacent to drill sites:

- a. In addition to the 300-foot notice on Sheet 1, show the boundary of the drill sites, corresponding to the surface agreement, on the plat and label them as "Drill Site". Include the gas well operator name and any deed or surface agreement recording information. See example:



**McAdams Response:** Gas operator and surface agreement recording information is being researched. A surface use easement has been provided encompassing the current fenced in pad sites with access easements from right-of-ways.

30. Additional review comments may be sent upon review of the resubmittal of the plat.

**McAdams Response:** Acknowledged

#### GIS DEPARTMENT

Jeff Brown: 817. 276. 4237; jeff.brown@mansfieldtexas.gov

1. Provide 2 GPS coordinates on the plat at opposite ends of the subdivision.

**McAdams Response:** Coordinates added to plans

2. The CAD file does NOT align properly with the City's GIS. Provide a DWG using NAD 83, grid coordinates.

**McAdams Response:** CAD file adjusted to properly align with NAD 83 grid coordinates

#### PARKS DEPARTMENT

James Fish: 817.728. 3394; james.fish@mansfieldtexas.gov

1. The City of Mansfield adopted a Parkland Dedication and Development Fee Ordinance on November 8, 2021. This ordinance is two-fold. It establishes criteria for the dedication of land for future park sites. When platting is a part of the development process, a determination is made as to whether land is appropriate for dedication or if "cash-in-lieu of land" is preferred. Secondly, the ordinance establishes policies for collecting development fees to pay for future park improvements. The amount of the development fee is assessed at the time of

platting, based on the number of proposed dwelling units (any dwelling type, including single-family, townhomes and multi-family). These fees are due prior to filing of the plat.

**McAdams Response:** Note has been added stating fees due prior to filing of final plat.

2. Contact James Fish, Senior Park Planner, regarding these fees. He can be reached at [james.fish@mansfieldtexas.gov](mailto:james.fish@mansfieldtexas.gov) or 817-728-3394.

**McAdams Response:** McAdams will contact regarding parkland fees.

## **ENGINEERING DEPARTMENT**

Mohammed Howlader: 817. 276. 4295; [mohammed.howlader@mansfieldtexas.gov](mailto:mohammed.howlader@mansfieldtexas.gov)

1. Show 10' utility easement along street frontages.

**McAdams Response:** 10' utility easements shown along street frontages.

2. Show and label all utility easements and drainage easements. All anticipated easements must be shown on the preliminary plat.

**McAdams Response:** Utility and drainage easements shown and labeled. Additional utility easements may be needed following determination regarding sanitary sewer connection to City system or on-site wastewater treatment system.

3. The preliminary drainage plan to support the preliminary plat must have enough detail to confirm drainage easements necessary to accommodate storm drain systems, detention facilities and post-construction water quality facilities.

**McAdams Response:** Overall Sub-basin areas outlines on overall proposed drainage area map with calculations and flows on each sub basin areas. Additional drainage calculations shall be provided with Final Plat and civil construction plan phases.

4. Show how required postconstruction water quality will be addressed. Demonstrate and make sure that it is in a drainage easement.

**McAdams Response:** Storm water quality control boxes added to each storm water outlet and placed within easements. Shown and labeled on storm sewer plans.

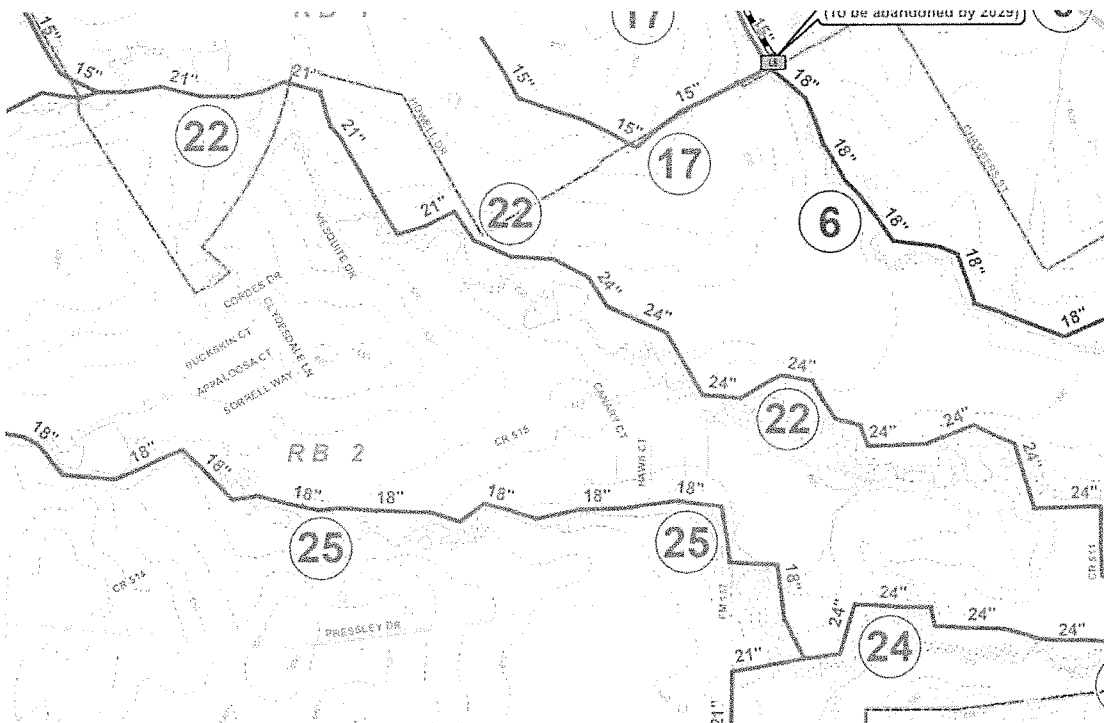
5. Provide an overall utility plan including sizes.

**McAdams Response:** Overall for storm sewer plan and overall for water and sewer provided. Each overall has been color coded to for best clarity since a large scale is required. All utility lines are labeled with sizes and general notes added for typical utility sizes not called out.

6. An update to the city's Water Master Plan model will be necessary to confirm required water supply can be met. The water main along Lonestar Rd. will be located on the south side of the roadway and will connect to the city's 30" water line.

**McAdams Response:** Water to serve this development is being evaluated by the developer and the City.

7. It is the City of Mansfield's intention for this project to obtain sanitary sewer service from the city. This gravity sewer basin will service to the Mountain Creek meter station through a portion of Project 22 as shown on the city's Wastewater Master Plan below. Please set up a meeting with the Engineering Department to coordinate and discuss details.



**McAdams Response:** Sewer to serve this development is being evaluated by the developer and the City.

8. Label all existing streets.

**McAdams Response:** All existing streets labeled on all plans

9. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. The information needs to include the current roadways alignments and ROW.

**McAdams Response:** Alignment info has been provided on plats.

10. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward.

**McAdams Response: Acknowledged and TxDOT approval is being pursued.**

11. A ROW reserve for FM 157 must be provided for any need ROW width greater than 120 feet.

**McAdams Response: Proposed FM157 currently shown at 80' ROW width.**

12. Streets, especially thoroughfare streets, must intersect at 90 degrees.

**McAdams Response: Lone Star Rd and CR 617 intersections with Street HHH are not shown at 90 degree angles. McAdams shall set up meeting with staff to discuss intersection angles.**

13. 10'x10' ROW corner clips must be provided at all local street/local street intersections. 15'x15' corner clips must be provided at all other intersections.

**McAdams Response: All corner clips provided at intersections.**

14. 70-foot ROW radius is required at the intersection of Street "HHH"/CR CR 617.

**McAdams Response: 70' ROW Corner Clip was provided.**

15. Dimension the ROW width of CR 617 between Street "EEE" and Street "DDD". 90 feet of width needs to be provided.

**McAdams Response: ROW dimensioned on Plat and Street Access Plans**

16. Minimum centerline radius of a local street is 175 feet. The intersection of Street "RR"/"HHH" does not appear to meet this criteria.

**McAdams Response: All centerline radius have been adjusted to meet minimum criteria.**

17. Minimum roadway centerline offset is 125'. There are several roadways that do not appear to meet this minimum (i.e. Street "DD"/Street "JJ")

**McAdams Response: Roadway centerline offsets have been adjusted to meet minimum distance.**

18. The ROW needs to be dimensioned on CR515 north of street "II" and between Street "Y" and "MMM"

**McAdams Response: ROW dimensioned on Plat and Street Access Plans**

19. On Sheet 10 the ROW for CR 515 needs to be clearly labeled and dimensioned. This road should intersect FM 157 at 90 degrees or as close as possible

**McAdams Response: ROW dimensioned on Plat and Street Access Plans.**

20. A 70-foot ROW radius is required at the intersection of FM 157/CR 515.

**McAdams Response: 70' ROW Corner Clip was provided.**

21. Label Lone Star Road as "Future FM 157"

**McAdams Response: Road name modified**

22. Street "Y" should be a collector roadway - 60' ROW from Lone Star Road to the west.

**McAdams Response: ROW modified**

23. It appears the ROW eyebrow for Street "F" infringes into the future FM 157 ROW.

**McAdams Response: All eyebrows have been adjusted to align with the 20' X lot off of the Right-of-ways.**

24. The ROW for Bedford Road (Street "III") should be 70 feet.

**McAdams Response: ROW and street name modified**

25. The ROW for Street "A" south of the roundabout needs to be included in this plat.

**McAdams Response: The overall ROW is included, but the 20' x-lot adjoining gets cut off at the property line.**

26. A concept design will need to be submitted for the roundabout to verify the proposed ROW.

**McAdams Response: The proposed radius of the roundabout is shown as 100'. The roundabout shall be designed during the final plat and construction plan preparation and the proposed roundabout radius may be decreased in size.**

27. All phases will require 2 points of access.

**McAdams Response: All phase lines have been adjusted to incorporate 2 points of access.**

28. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.

**McAdams Response: Acknowledged**

#### **INFORMATIONAL, DEVELOPMENT & FEE RELATED COMMENTS**

1. All driveways shall be approved by the City and/or TxDOT, where applicable.

**McAdams Response: Note added to Street Access Plans**

2. All proposed utilities of the subdivision must be placed underground as required in Section 10(H) as amended by Ordinance 913.

**McAdams Response: Acknowledged**

3. It is our understanding that the project may have a townhome component. If so, the regulations in Section 14, "Townhouse Subdivision", may apply.

**McAdams Response: Acknowledged**



**PLATS IN JOHNSON COUNTY/MANSFIELD ETJ****1. The following notes are required on the plats by Johnson County:**

- a. Blocking the flow of water or constructing improvements in the drainage easements and filing or obstruction of the floodway is prohibited.

**McAdams Response: Note added as note 7.**

- b. The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across the lots.

**McAdams Response: Note added as note 8.**

- c. Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.

**McAdams Response: Note added as note 9.**

- d. Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.

**McAdams Response: Note added as note 10.**

- e. On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private sewage Facilities are complied with.

**McAdams Response: Note added as note 11.**

- f. Inspection and/or acceptance of a private sewage facility by the Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State, Federal regulations. Private Sewage Facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.

**McAdams Response: Note added as note 12.**

- g. A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operation the private sewage facility in a satisfactory manner.

**McAdams Response: Note added as note 13.**

**2. Provide the following utility easement note: Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction or maintenance or efficacy of its respective systems in any of the easements shown on the plat; and any public utility, including Johnson County, shall have the right at all times of ingress and egress to and from said easements for the purpose of construction, reconstruction,**

inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

**McAdams Response: Note added as note 14.**

Consideration of this response is greatly appreciated. If you should have any questions or require additional information, please do not hesitate to contact me at (469) 312-0426.

Sincerely,

**MCADAMS**

TBPE Firm 19762



Mr. Tracy A. LaPiene, P.E., CFM  
Senior Technical Manager

TL/mm

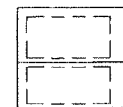
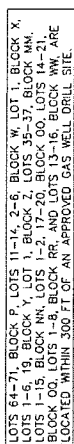
**City's Engineering Department Comments  
to Megatel's Preliminary Plat**

**January 13, 2023**

**Megatel Mansfield**  
**Engineering Comments -2**  
**Mohammed Howlader**  
**1/13/2023**

1. Show and label TxDOT reserved ROW and from there label 10' utility easement.
2. Major drainageways must be analyzed and entire ultimate 100-Yr floodplain dedicated as drainage easement.
3. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. This information should be on separate sheets which contain an aerial as background information. From the review of the provided information, there are sections that do not meet minimum design requirements. These thoroughfare designs must meet City of Mansfield design criteria as presented in the Roadway Design Manual available on the City website.
4. The ROW width for CR 515 at the intersection of CR 515/Lone Star Road (Future 157) and the ROW width for CR 617 and Street "UU" should be as shown as in the attached Intersection ROW Width Exhibits.
5. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward. The engineer has acknowledged this requirement and is pursuing TxDOT approval.
6. A ROW reserve for Future FM 157 (Lone Star Road) must be provided for any need ROW width greater than 120 feet. Is it the intent of this development for the X Lots to serve as the TxDOT reserve?
7. Streets, especially thoroughfare streets, must intersect at 90 degrees.
8. A 70 foot ROW radius is required at the intersection of Street "HHH"/CR CR 617. The resubmitted plat provided a 70'x70' ROW corner clip and not a radius.
9. The required ROW width for CR515 (Mesquite Drive) is 70 feet total (35 feet from centerline).
10. A 70 foot ROW radius is required at the intersection of FM 157/CR 515.
11. Label the extension of Street "NNN" as it connects with existing FM 157 across Keith Phillips property as " Future ROW".
12. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.

## **Megatel's Budget/Phasing Plan**



LOT SUMMARY TABLE	
SINGLE-FAMILY LOTS	= 1,272
MULTI-FAMILY	= 2
OPEN SPACE LOTS	= 55
TOTAL SUBDIVISION = 517.65 ACRES (22,527,791 SF)	

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PRELIMINARY PLAT

Phases 1-5  
MEGATEL MAINFIELD  
517.167 Acres  
out of the  
B.B. & C.B. SURVEY, ABSTRACT NO. 53,  
K. JOHNSON SURVEY, ABSTRACT NO. 49,  
CTY. OF MAINFIELD ET AL. JOHNSON COUNTY, TEXAS  
1252 Johnson Loop  
55 Open Space Lots  
Date of preparation: 8/9/2022

55 Open Space Lots  
Date of preparation: 8/9/2022



MCADAMS

The John R. McDermis  
Corporation, Inc.  
111 Hibble Drive  
Lewisville, Texas 75057  
972.436.9712

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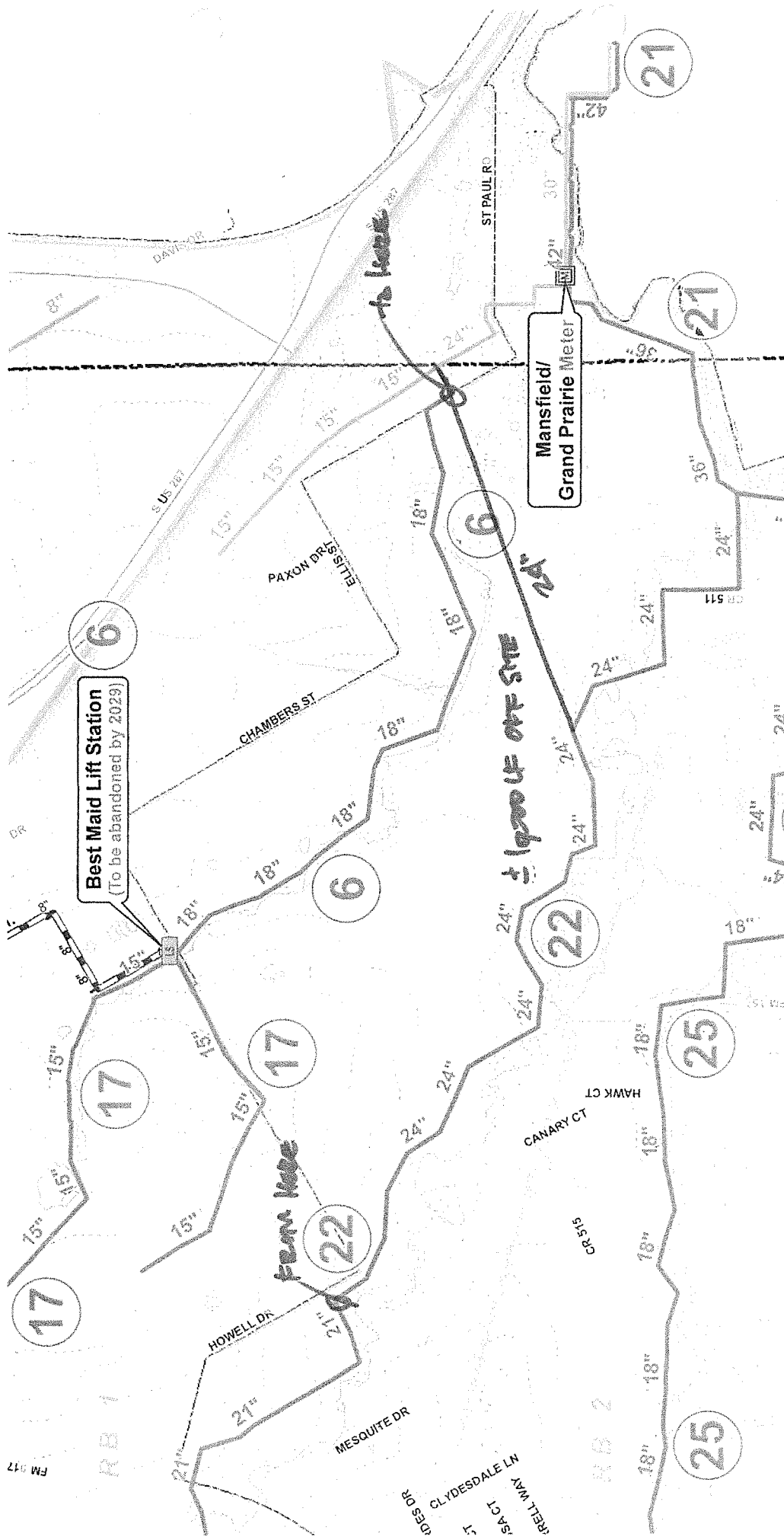
301 Country View Drive  
Roanoke, Texas 75282  
940.240.1012

E 1975 16PL3 1910460  
www.mcdermis.com

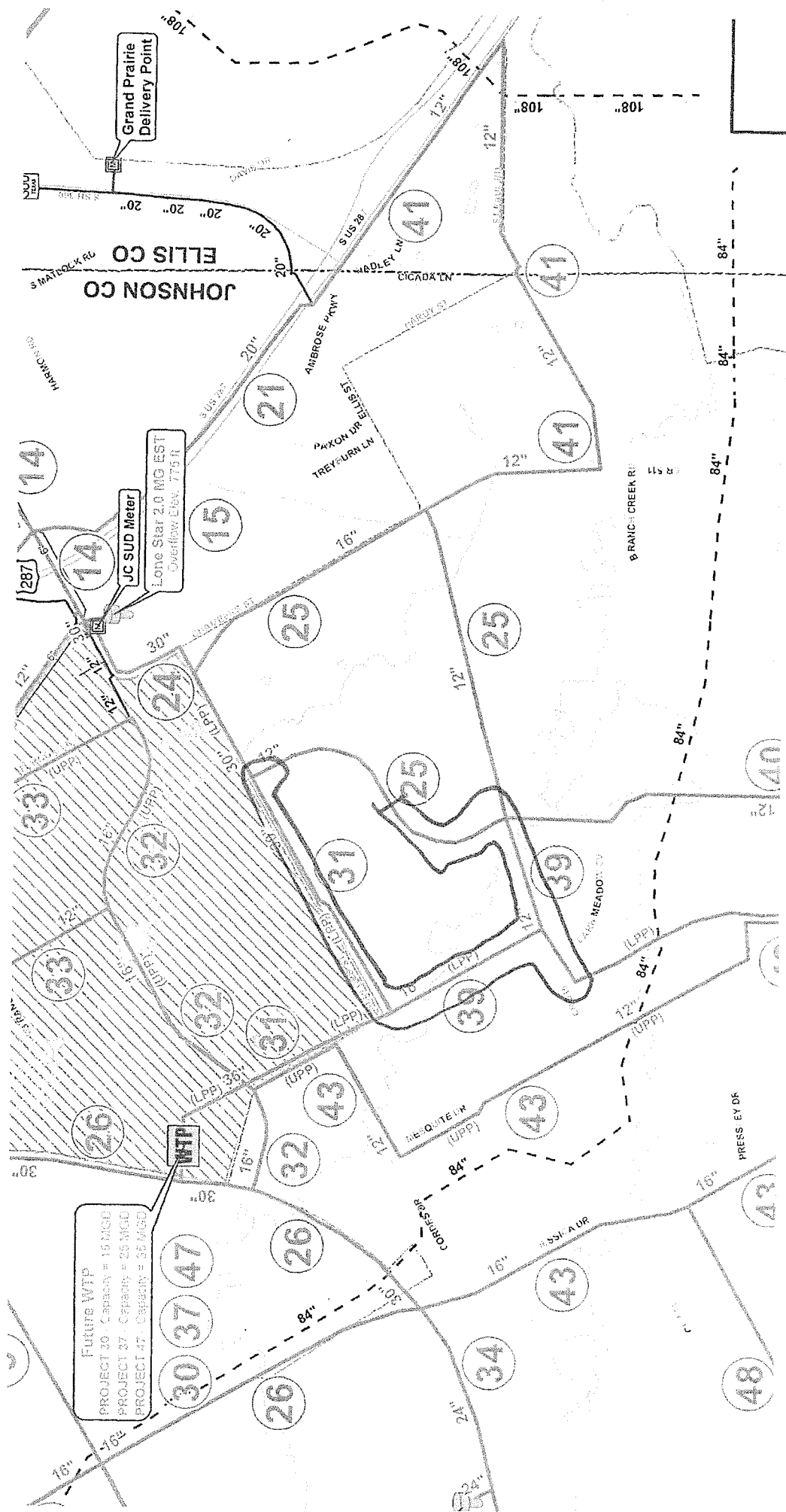
MEH2021  
310747

DEVELOPER  
MEGATEL HOMES, LLC  
2301 CEDAR SPRINGS RD.  
DALLAS, TEXAS 76201  
CONTACT ZACH SPPOUR









**Debbie Zachary**

---

WQ  
128210

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, August 31, 2022 3:34 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016162001  
**Attachments:** Mansfield.TCEQ Letter.WQ0016162001.Megatel Homes.EAT.083020221.pdf

H

**From:** ataylor@toase.com <ataylor@toase.com>  
**Sent:** Wednesday, August 31, 2022 11:10 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016162001

**REGULATED ENTY NAME** MANSFIELD TRACT WWTF

**RN NUMBER:** RN111496998

**PERMIT NUMBER:** WQ0016162001

**DOCKET NUMBER:**

**COUNTY:** JOHNSON

**PRINCIPAL NAME:** MEGATEL HOMES LLC

**CN NUMBER:** CN605490937

**FROM**

**NAME:** MR E. Allen Taylor, JR

**EMAIL:** [ataylor@toase.com](mailto:ataylor@toase.com)

**COMPANY:** Taylor, Olson, Adkins, Sralla & Elam, LLP

**ADDRESS:** 6000 WESTERN PL Suite 200  
FORT WORTH TX 76107-4607

**PHONE:** 8173322580

**FAX:** 8173324740

**COMMENTS:** Please see the attached letter.



6000 WESTERN PLACE, SUITE 200  
1-30 AT BRYANT IRVIN ROAD  
FORT WORTH, TEXAS 76107  
EMAIL: TOASE@TOASE.COM

TAYLOR · OLSON · ADKINS · SRALLA · ELAM  
LLP  
ATTORNEYS & COUNSELORS

TELEPHONE: (817) 332-2580  
TOLL FREE: (800) 318-3400  
FACSIMILE: (817) 332-4740  
WEBSITE: WWW.TOASE.COM

E. ALLEN TAYLOR, JR.  
EXT. 212  
[ataylor@toase.com](mailto:ataylor@toase.com)

August 30, 2022

Mr. Toby Baker  
Executive Director of the  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
P. O. Box 13087  
Austin, Texas 78711-3087

Re: Proposed Permit No. WQ0016162001 Relating to Megatel Homes, LLC

Dear Mr. Baker:

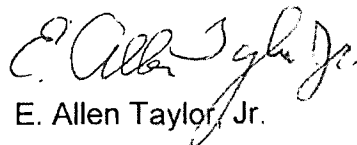
The City of Mansfield, Texas, a home rule community located in Tarrant, Johnson and Ellis Counties, has received notice of a permit application filed by Megatel Homes, LLC for a Texas Pollutant Discharge Elimination System Permit No. WQ00015162001. The requested Permit would authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of one million gallons per day. The land area for which the Permit is sought lies within the statutorily created extraterritorial jurisdiction of the City of Mansfield, Texas, and within an area for which the City of Mansfield has responsibility to regulate subdivision pursuant to the provisions of Chapter 212 of the Texas Local Government Code. The City of Mansfield routinely provides public water and public wastewater service to development within the City and within significant portions of its extraterritorial jurisdiction. On February 18, 2022, representatives of Megatel filed a Petition seeking water and/or wastewater service from the City of Mansfield for the area in question. On July 5, 2022, the City advised Mr. Ross Martin, an attorney representing the Megatel entity and/or its affiliates, that the City of Mansfield would provide water and wastewater utility service to the area and was willing to enter into a contract on commercially reasonable terms to deliver that service pursuant to the provisions of Section 42.042 of the Texas Local Government Code, as amended. The City did not place conditions on its commitment to provide service.

The communication transmitted by the City on July 5, 2022, provided assurance to the Megatel entity that wastewater utility service would be available from an existing governmental entity thereby eliminating the need for the creation of an independent sewer treatment and wastewater discharge facility at the proposed location identified in the current Permit Application. The City of Mansfield believes that it is consistently in the public interest to limit the number of wastewater treatment facilities and their attendant discharge activities to regional and sub-regional areas where they can be carefully managed and monitored by experienced governmental operators. The governmental

entities have experience in managing these facilities and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit. The City of Mansfield does not believe that a discharge permit for this facility should be authorized unless there is an evidentiary hearing held in which the applicant provides substantive competent evidence that it cannot acquire wastewater utility service under commercially reasonable terms from any existing entity. Evidence should also be presented to demonstrate that the discharge of treated water at the proposed location will not negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream from that point. Evidence should also be presented showing that the Applicant has the appropriate level of experience, managerial competence and financial resources to demonstrate that it can effectively construct and manage the proposed wastewater treatment and discharge activity. The City of Mansfield requests that a public hearing and/or an evidentiary hearing be held addressing the appropriateness of this Application and whether or not a Permit should issue.

The City of Mansfield requests that the City be made a party to the process relating to this Application, that a contested case hearing be scheduled, and that the City of Mansfield be placed on any and all appropriate mailing lists relating to this Permit. The City contacts who will be managing the City's position in regard to this matter are City Manager, Joe Smolinski, 1200 E. Broad Street, Mansfield, Texas 76063, and Assistant City Manager, Matt Jones, 1200 E. Broad Street, Mansfield, Texas 76063. The law firm of Taylor Olson Adkins Sralla & Elam, LLP serves as general counsel and city attorney to the City and should be copied on any and all correspondence relating to this matter with partner in charge designated as Allen Taylor, 6000 Western Place, Suite 200, Fort Worth, Texas 76107. If the City may provide you with any additional information or assistance, please feel free to contact me.

Sincerely,



E. Allen Taylor, Jr.

EAT/ds

cc: Joe Smolinski  
City Manager  
City of Mansfield  
1200 E. Broad Street  
Mansfield, Texas 76063

cc: Matt Jones  
Assistant City Manager  
City of Mansfield  
1200 E. Broad Street  
Mansfield, Texas 76063