

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, January 8, 2024 3:24 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016202001
Attachments: 2024-01-04_Comments and Request for Hearing_West Trust and Wests.pdf

H

From: afriedman@msmtx.com <afriedman@msmtx.com>
Sent: Thursday, January 4, 2024 2:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: Adam Friedman

EMAIL: afriedman@msmtx.com

COMPANY: McElroy Sullivan Miller & Weber LLP

ADDRESS: 4330 GAINES RANCH LOOP 200
AUSTIN TX 78735-6733

PHONE: 5123278111

FAX:

COMMENTS: Please see attached comments and contested case hearing request filed on behalf of the Judy Raylene West Family Living Trust and trustees Ronald and Judy Raylene West.



MCCELROY,
SULLIVAN,
MILLER &
WEBER, LLP

4330 Gaines Ranch Loop, Suite 200, Austin, TX 78735 | www.msmtx.com

MAILING ADDRESS: P.O. Box 12127, Austin, TX 78711 | T. 512.327.8111 F. 512.350.2681

January 4, 2024

VIA ELECTRONIC COMMENT:

Laurie Gharis, MC-105
Office of the Chief Clerk, Chief Clerk
TCEQ
PO Box 13087
Austin, TX 78711-2087

**RE: Request for contested case hearing on the Application by The Psalm 25:10
Foundation for TPDES Permit No. WQ0016202001**

Dear Ms. Gharis:

I represent the Judy Raylene West Family Living Trust (the "West Trust") and its trustees, Ronald and Judy Raylene West (the "Wests") regarding The Psalm 25:10 Foundation's (the "Foundation") pending application (the "Application") for TPDES Permit No. WQ0016202001, to authorize domestic wastewater at a daily average flow limit up to 500,000 gallons per day from the Foundation's Wastewater Treatment Facility (the "Proposed Plant") in Johnson County. By this letter, the West Trust and the Wests submit comments on the Application and request a contested case hearing. The West Trust and the Wests can be reached by calling my office at 512-327-8111 and the address for the West Trust and the Wests is 3501 County Rd. 1227, Cleburne, TX 76033.

I. The Foundation failed to comply with TCEQ's notice requirements.

Notice of this application by The Foundation has been rife with error. First, the physical application was unavailable for viewing. Second, The Foundation sent mailed notice to the property addresses and not the owner's address. Finally, the requirement to publish notice in an alternative language was not done either.

II. The Wests are affected persons entitled to a contested case hearing.

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." 30 TEX. ADMIN. CODE §55.256(a). The Foundation's proposed discharge will have a clear impact on the West Trust's and the Wests' legal rights, duties, power, and economic interests. The West Trust owns about 1,260 acres directly adjacent and on both sides of the unnamed tributary that will makeup the initial segment of the proposed discharge route. The West Trust's property is approximately 1.5 miles downstream of the Foundation's Proposed Plant. A Johnson County Appraisal District

Map depicts the tract owned by the West Trust with the unnamed tributary that will receive the proposed discharge running through the tract.¹ The Wests use its property for agricultural and livestock operations and the unnamed tributary is the primary source of water for its cattle. Discharging the large volume of 500,000 gallons per day of wastewater comprised of potentially harmful constituents will reach 1.5 miles downstream at the West Trust's property in relatively high concentrations and have negative impacts on surface water quality, groundwater. If the discharge is authorized, it will potentially negatively impact cattle operations.

III. The Application failed to show the proposed discharge satisfies TCEQ's antidegradation policy and that the discharge minimizes possible contamination of the unnamed tributary and groundwater.

The Application seeks to discharge 500,000 gallons per day in its final phase. This volume will discharge constituents in much higher concentrations than currently exist in the tributary's flow that often pools during drier months. The discharge, therefore, will not only potentially degrade water quality in the unnamed tributary (and receiving water bodies further downstream), but it also has the potential to accelerate or change the erosion patterns in the unnamed tributary and other downstream receiving waters. The Application has neither demonstrated that the discharge complies with the Texas Surface Water Quality Standards Erosion nor that it satisfies the Tier I antidegradation requirements, including but not limited to, that the discharge not degrade water quality of site specific use of the unnamed tributary for agriculture. 30 TEX. ADMIN. CODE § 307.7(b)(5). is an "active geologic process" that TCEQ may consider to determine whether a proposed facility is appropriately sited to "minimize possible contamination of water in the state." 30 TEX. ADMIN. CODE §309.12. The Application and draft permit do not adequately address erosion, how the proposed discharge will alter the unnamed tributary erosion patterns and be protective of its water and groundwater.

IV. Issues to be referred to State Office of Administrative Hearings

The West Trust and The Wests respectfully request the following issues be referred to SOAH for a contested hearing:

1. Whether the proposed wastewater treatment plant is within a 100-year flood plain. 30 TEX. ADMIN. CODE 309.13(a).
2. Whether the proposed wastewater treatment plant is located on or will have a negative impact on wetlands. 30 TEX. ADMIN. CODE 309.13(a).
3. Whether the proposed wastewater treatment plant meets the requirement to abate and control a nuisance of odor. 30 TEX. ADMIN. CODE 309.13(e).
4. Whether the Application violates the TCEQ's Tier 1 and Tier 2 antidegradation requirements. 30 TEX. ADMIN. CODE §§ 307.5(b) and 307.7(b)(5).

¹ See Attachment A: Johnson County Appraisal District Map; West Trust owns Tract No. 126.0434.00200 and Tract No. 126.0217.00101, Tract No. 126.0279.00300 and Tract No. 126.0279.00201.

5. Whether the proposed wastewater treatment plant is designed to minimize possible contamination of water in the state. 30 TEX. ADMIN. CODE § 309.12
6. Whether the proposed discharge will adversely impact water quality and/or aquatic life.
7. Whether the wastewater treatment plant or the requested discharge volume should be denied or altered in consideration of the need for the facility. TEX. WATER CODE § 26.0282.

V. Conclusion

Based on the foregoing, the West Trust and The Wests respectfully requests a contested case hearing on the identified issues.

Sincerely,

/s/ Adam Friedman

Adam M. Friedman

afriedman@msmtx.com

MCELROY, SULLIVAN, MILLER
& WEBER

4330 Gaines Ranch Loop, Suite 200

Austin, Texas 78735

**ATTORNEY FOR THE WEST TRUST
AND THE WESTS**

Glen Guthrie
PO Box 404
8801 CR 1127
Godley, Tx 76044
GLGuthrie@aol.com
817-366-6600

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2023 DEC 28 PM 3:10

CHIEF CLERKS OFFICE

To: Texas Commission on Environmental Quality

RE: The Psalm 25:10 Foundation
TPDES Permit No. wq0016202001

REVIEWED

DEC 28 2023

By GCW

H
RFR

In response to letter received dated 12/5/2023:

I am requesting a contested case hearing, and in addition I am requesting reconsideration of executive directors approval decision on the basis of the following:

1. Proper notice was not given to Johnson County precinct 1 property owners.
2. You have a conflict with the city engineer being also involved as the chief engineer of this project.
3. Our property is adjacent to the this development, we are on the northside.
4. The development has not been fully presented, showing streets, homes & infrastructure layout.
5. We will be in direct southwind of the facility, with unknown health effects from air contamination.
6. Being adjacent to the facility, we would also be exposed to unknown water contamination.
7. We hunt, fish and enjoy the outdoor nature of our property. This would be jeopardized by water contamination and the smell.

Before permit is granted, these concerns need to be addressed.
Another meeting needs to be called, with proper notification to all involved.

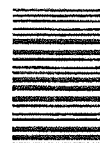
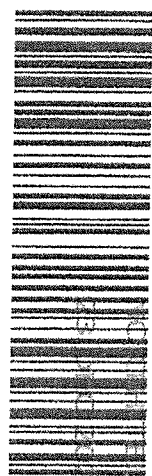


Sincerely,
Glen Guthrie
12/22/2023

CERTIFIED MAIL

Retail

LAURIE
POB 404
GODFREY, TX 76044



78711

9589 0710 5270 0102 3586 AB RDC 99

U.S. POSTAGE P4
FCM LETTER
GRANBURY, TX 7
DEC 23, 2023

\$8.56

R2305H128875-9X

2023 DEC 28 PM 3:06

CHIEF CLERKS OFFICE

LAURIE GARRIS, CHIEF CLERK
TQEQ, MO-105
PO Box 13087
AUSTIN, TX 78711-3087

DEC 28 2023
FEDERAL CENTER
TX

78711-30875

2

TCEQ Registration Form

September 19, 2023

The Psalm 25:10 Foundation
TPDES PERMIT NO. WQ0016202001

PLEASE PRINT

Name: Glen Guthrie

Mailing Address: P.O. Box 404

Physical Address (if different): _____

City/State: Godley TX. Zip: 76044

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: (817) 366-6600

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, January 8, 2024 3:25 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016202001

RFR
H

From: Mickeyhess@gmail.com <Mickeyhess@gmail.com>
Sent: Thursday, January 4, 2024 3:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: Paul Hess

EMAIL: Mickeyhess@gmail.com

COMPANY:

ADDRESS: 8850 COUNTY ROAD 1127
GODLEY TX 76044-4189

PHONE: 8173125915

FAX:

COMMENTS: For clarification, please consider my filling with the Chief Clerk on 12/12/2023 to be a Motion of Reconsideration of the Executive Director's final decision and a Request for a Contested Case Hearing on this matter, and I incorporate by reference my written and oral public comments at TCEQ's public meeting on 09/19/2023

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Wednesday, December 13, 2023 9:37 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016202001

PM

From: Mickeyhess1987@gmail.com <Mickeyhess1987@gmail.com>
Sent: Tuesday, December 12, 2023 7:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: MR Paul Hess

EMAIL: Mickeyhess1987@gmail.com

COMPANY:

ADDRESS: 8850 COUNTY ROAD 1127
GODLEY TX 76044-4189

PHONE: 8173125915

FAX:

COMMENTS: I would like to meet to discuss have questions answered. I still need clarification on who, will be liable/responsible for the plant and the effluent water this plant discharges everyday. This plant is be donated by a non-profit and I am not clear on who will maintain ongoing responsibility for the not only the plant operation but 5,10,25,50 years after this is completed. They are pumping millions of gallons of effluent out into the "unnamed river". When issues start showing up with water quality downstream in wells and surface water will be held responsible. Psalm 2510 is a non-profit of TCCI corporation who is driving this project yet they will no liability after this project is done because the "Plant" is being donated by the non-profit. This is why TCCI has structured this project like this. The TCCI legal team

knows the risk and liability is too high for potential water quality issues years after this is installed. So to get away from this liability they are donating the plant via their Non-profit. There will be thousands of cars, mowers, weed eaters etc in this project that can drip and spill gasoline, oils and other fluids that will all be concentrated into the treatment plant then pumped out into nature. The TCEQ is encouraging this to happen and be replicated more and more because TCCI will have no on going Liability. If a company were to be discharging something and negative issues arrives 25 years later they would be held liable. This needs to be the case for projects such as these. I look forward to meeting and discussing this in more detail

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, December 12, 2023 2:46 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016202001

PM

From: Mickeyhess1987@gmail.com <Mickeyhess1987@gmail.com>
Sent: Tuesday, December 12, 2023 8:53 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: MR Paul Hess

EMAIL: Mickeyhess1987@gmail.com

COMPANY:

ADDRESS: 8850 COUNTY ROAD 1127
GODLEY TX 76044-4189

PHONE: 8173125915

FAX:

COMMENTS: I would like to meet to discuss have questions answered. I still need clarification on who, will be liable/responsible for the plant and the effluent water this plant discharges everyday. This plant is be donated by a non-profit and I am not clear on who will maintain ongoing responsibility for the not only the plant operation but 5,10,25,50 years after this is completed. They are pumping millions of gallons of effluent out into the "unnamed river". When issues start showing up with water quality downstream in wells and surface water will be held responsible. Psalm 2510 is a non-profit of TCCI corporation who is driving this project yet they will no liability after this project is done because the "Plant" is being donated by the non-profit. This is why TCCI has structured this project like this. The TCCI legal team

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1

TCEQ Registration Form

September 19, 2023

The Psalm 25:10 Foundation
TPDES PERMIT NO. WQ0016202001

PLEASE PRINT

Name: Paul Hess

Mailing Address: 8850 CR 1127 Goddard TX

Physical Address (if different): _____

City/State: Goddard TX Zip: 76044

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

TCEQ Registration Form

September 19, 2023

The Psalm 25:10 Foundation
TPDES PERMIT NO. WQ0016202001

PLEASE PRINT

Name: _____

Mailing Address: _____

Physical Address (if different): _____

City/State: _____

Zip: _____

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

☐ Please add me to the mailing list.

☐ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

TCEQ Wastewater Treatment Questions

- Where is there information on the actual discharge site/river. What is its path, where does it travel to. When weather events happen, Freezing weather, power outages, heavy rains causing rivers to overflow, allowing this water to leach into wells other water sources, aquifers.
- What are all the potential side effects/unintended consequences from this project. - Would you let this water discharge take place in an Edwards Aquifer restricted discharge zone? I suspect the answer is NO, then why would it be approved in our area. I consider this area a restricted water discharge zone.
- There are typically 4 types of sewage treatment plants, which type is being considered (Physical, biological, chemical or sludge water treatment) —Is it a combined sewer or Wastewater(sanitary sewer). What is the actual maximum total number of homes this plant can treat. Is it only 1500 or can it treat another 1000 homes. If so, has this been considered, evaluated and look at potential effects. If it is a combined wastewater treatment plant has this been evaluated? — What effluent water quality would this plant achieve, a basic low standard or exceeding all standards exceeding highest contaminate reduction standards available.
- What Environmental research has been conducted and documented on how a wastewater plant like this one affects animals (fish, birds, cattle, wildlife in general) Effluent wastewater may look clean, but treatment plants cannot reduce/remove most of the chemicals and water constituents that can affect wildlife and humans- highlighted by the fact that the EPA and NSF have concerns with Emerging/Incidental compounds
- Average home uses 400 GPD — (not including outside water usage) 400x1500 homes is 600,000 GPD, how would this plant handle this much wastewater effectively allowing proper contact time with water without bleed through/leakage to treat the water properly.
- Sprinkler systems average 1500-2500 GPD —Depending on lawn size — What stresses will a potential 3 million GPD have on public water supply, does this cause levels to drop affecting water quality in lake, rivers and aquifers. When water levels drop your contaminate levels in water typically increase do to becoming more concentrated in that water source. These changes allow more chances for this Discharge water to leach into drinking water wells, lake and aquifers

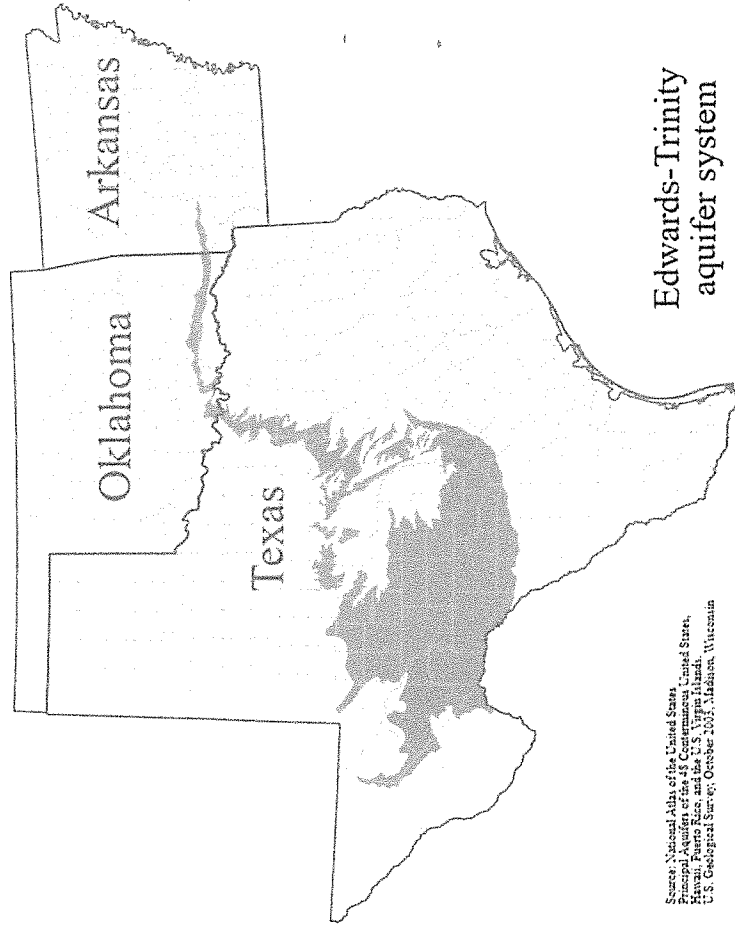
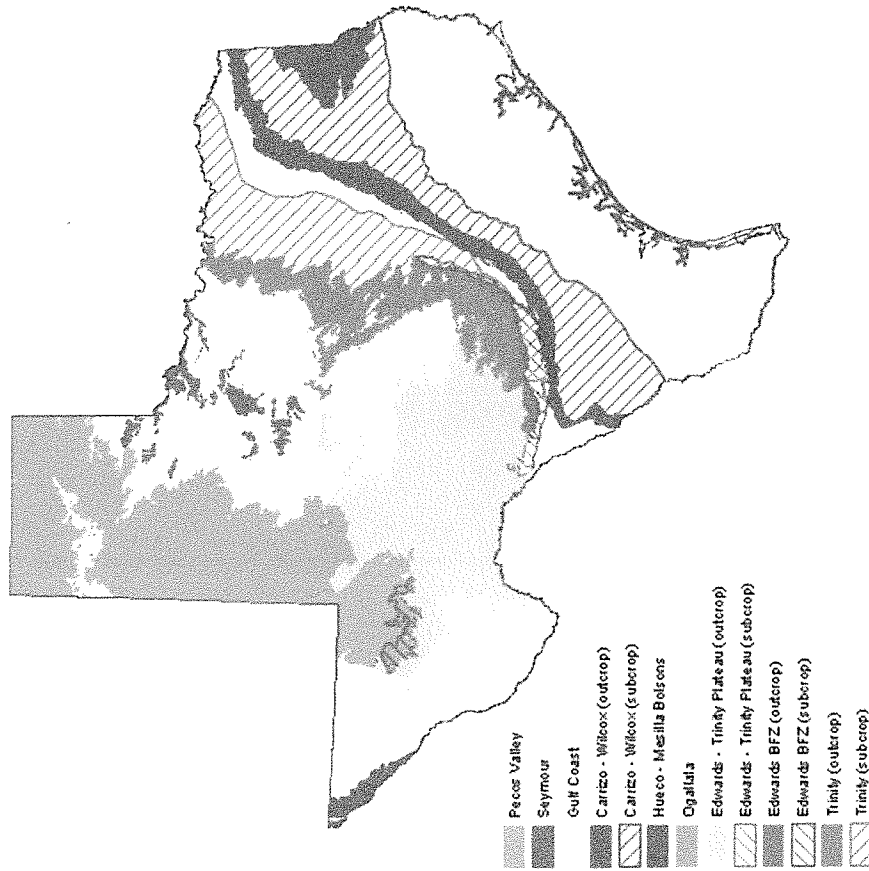
RECEIVED

SEP 19 2023

AT PUBLIC MEETING

TCEQ Wastewater Treatment Questions

- Pharmaceutical & personal care products end up in water. Now an emerging concern from EPA for drinking water. So much so that the NSF organization has now added a new drinking water standard for water filtration product for homes and businesses, (NSF/ANSI 401 – Emerging compounds/incidental contaminants) – This highlights the fact that wastewater treatment plants are not effective at reducing
- These come from one place, the effluent wastewater from homes. I will use “soft terms” such as Mood Stabilizers, Anti-Convulsants, Antibiotics, Numerous Hormone drugs. This is becoming a concern because these can affect children, adults, wildlife (aquatic life)- Treatment plants have proven to not be effective in addressing these water quality concerns
- The six most frequently reported APIs in FDW (in descending order) are: carbamazepine (Bipolar/epilepsy medication), ibuprofen (Pain), sulfamethoxazole (Anti biotic), clofibric acid (use in Cholesterol medication), gemfibrozil (Triglycerids, and iopromide (used in cholesterol medication).
https://cfpub.epa.gov/si/si_public_file_download.cfm?p_download_id=494550
- When you add between 500,000-800,000 additional GPD of wastewater from a treatment plant this has the potential to add the drugs in the water supply of not only city water supplies but into the thousands of private wells. (currently pharmaceutical like these are part of the EPA National Primary drinking water regulations
- The TWDB estimates that about 1.75 million wells have been drilled since 1900, with over half with no record of location. Over 800,000 between 1962 & 2002 – water discharge from this plant has the potential to leach into streams, wells, lakes ultimately contaminating drinking water sources and drinking water for wildlife. As you know Aquifers can be covered/travel hundreds of miles. So 1-2 million gallons of effluent wastewater will contaminate a few million-acre feet of water in an aquifer.
- According to TAGD this plant and its effluent discharge area will dump water into GMA#8 which includes large aquifers (Trinity & Woodbine, the Edwards aquifer could likely be affected) as well as others that rivers and aquifer can leach into as water levels change and ground shifts.
- What guarantee will be provided by the Company and TCEQ when water quality issues start affecting water quality that affect the citizens of this area and the wildlife. When these issues happen who will bear the responsibility to address the issues, compensate those affected by the water quality issues.

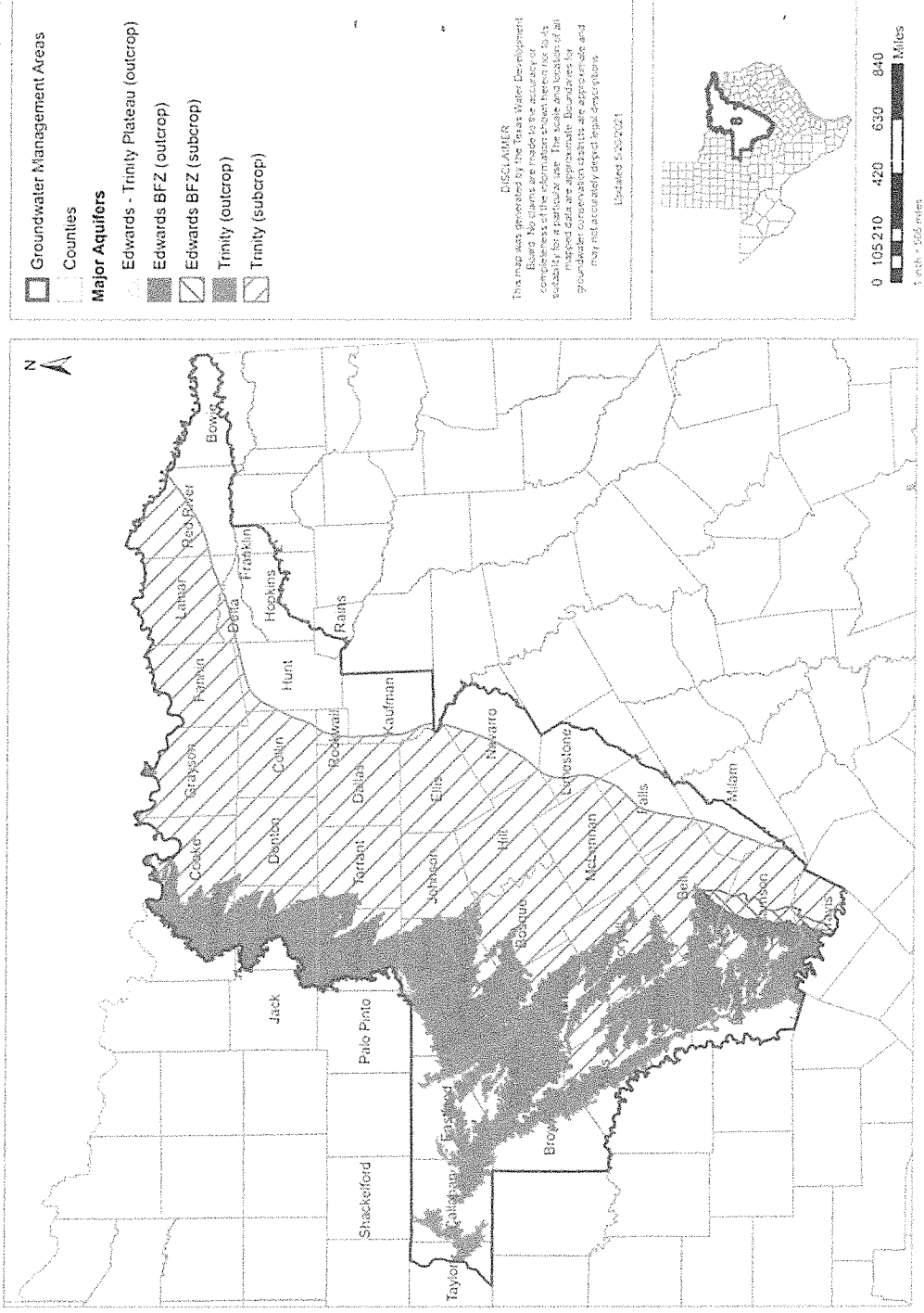


Source: National Atlas of the United States;
Regional Aquifers of the Conterminous United States,
Bureau of Geology, U.S. Geological Survey, 1961;
U.S. Geological Survey, October 2013, Madison, Wisconsin

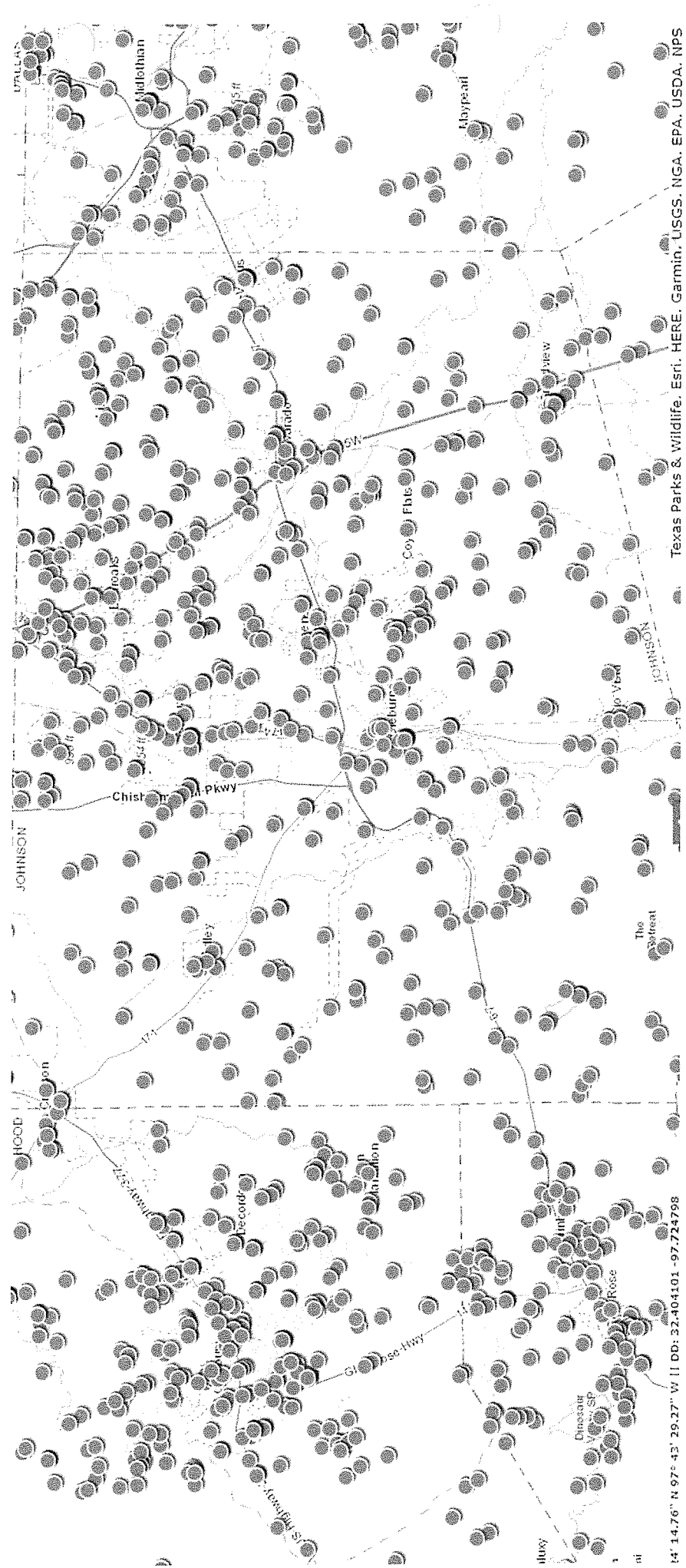
<http://www.twdb.texas.gov/groundwater/aquifer/major.asp>

GMA 8

Groundwater Management Area 8



Snapshot of KNOWN wells within a 4 mile radius of the waste water effluent discharge point



Renee Lyle

From: PUBCOMMENT-OCC
Sent: Monday, January 8, 2024 2:31 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016202001
Attachments: 2024.01.04 Trennon Massengale Request for Reconsideration1.pdf

RFR
H

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Thursday, January 4, 2024 1:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

COMPANY: Clay Scott LLP

ADDRESS: PO BOX 472028
FORT WORTH TX 76147-0228

PHONE: 8179752165

FAX:

COMMENTS: Please see the attached request for reconsideration and request for contested case hearing.



January 4, 2024

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Request for Reconsideration; Request for Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Trennon Massengale ("Massengale"), an affected person who owns and resides on property less than 1,000 feet southeast of the land upon which the proposed wastewater treatment plant (WWTP) will be constructed and operated, approximately 2,000 feet from the WWTP itself, and approximately 1 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Massengale's property includes the receiving watercourse and a recreational lake.

Please accept this letter as Massengale's notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant") and the draft TPDES Permit No. WQ0016202001 ("Draft Permit") prepared by the Executive Director ("ED"). Massengale hereby requests a contested case hearing on the merits of the Application and Draft Permit and reconsideration of the ED's decision. Among other things, the Applicant has through willful neglect failed to provide proper mailed and published notice of the Application, Draft Permit, and recent Public Meeting, which should be rectified by remanding the Application back to the Executive Director for the reissuance of Notice of Receipt of Application and Intent to Obtain TPDES Permit ("NORI"), Notice of Application and Preliminary Decision for TPDES Permit ("NAPD"), and Notice of Public Meeting for TPDES Permit ("NOPM").

On March 1, 2023, in accordance with Title 30 of Texas Administrative Code Chapter 55, Section 55.200, et seq., Massengale submitted to the Texas Commission on Environmental Quality ("Commission") a Request for Public Meeting and a Contested Case Hearing on the Application ("Request"), which includes Massengale's formal comments concerning the Application and Draft Permit. Additional formal comments concerning the Application and Draft Permit were submitted to the Commission on September 19, 2023.

On December 5, 2023, the Commission issued the Decision of the Executive Director (“Decision”). The Decision provides that requests for a contested case hearing or reconsideration of the ED’s Decision must be submitted “no later than 30 calendar days after the date of this letter,” which is January 4, 2024. Massengale hereby reasserts, restates, and resubmits his request for a contested case hearing on the merits of the Application and Draft Permit, and further requests that the Executive Director reconsider her decision in this matter and/or the Commissioners remand the Application back to the Executive Director for reissuance of the NORI, NAPD, and NOPM. Further, Massengale incorporates all comments, pleadings, and other documents submitted by Massengale in relation to the Application and Draft Permit and incorporates them herein by reference as if copied verbatim herein.

Massengale hereby requests a contested case hearing on the Application as an affected person. In accordance with the Decision, Massengale provides the following information:

1. Your name, address, phone number:

Massengale resides at 9052 FM 4 Godley, Texas 76044 (generally identified by Johnson County Appraisal District as Property IDs R000010202-10203 and Geo IDs 126.0434.00450-00451). He may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly:

The Psalm 25:10 Foundation; proposed TPDES Permit No. WQ0016202001.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

Massengale hereby requests a contested case hearing.

Massengale’s property is used as a primary residence and small farm. The unnamed tributary into which Applicant will discharge up to 500,000 gallons per day of wastewater runs through Massengale’s property, which serves as his family’s residence and homestead, and into a private lake owned by Massengale. The lake is used for recreational purposes and contains high/exceptional aquatic life. Applicant’s property and the proposed WWTP are located to the northwest of Massengale’s property, and the proposed discharge point is approximately 1 mile upstream of Massengale’s property. Indeed, Massengale is concerned that his ability to enjoy and

utilize for personal, agricultural, and livestock purposes the unnamed tributary, recreational lake, and all other points downstream will be negatively affected by the proposed facility, wastewater discharge, and TCEQ permit.

Specifically, Massengale is concerned with the discharge parameters and effluent limitations for the size and quality of influent to and effluent from the proposed WWTP. Massengale is concerned that the draft permit does not include appropriate provisions to maintain dissolved oxygen concentrations in the receiving waters, protect against excessive growth of algae, and comply with the aesthetic parameters and other requirements in TCEQ's regulations, including aquatic nutrient limitations. Without appropriate effluent limitations and other controls, there is concern that adverse health and nuisance conditions and negative impacts to crops, livestock, and wildlife will be created and that the proposed application and that the draft permit will not provide adequate protections against such injuries or harms.

Massengale is also concerned that all pertinent stream conditions and characteristics have not been considered in conducting water quality modeling and assessments and in developing the proposed effluent limitations. The application itself did not contain any modeling analyses, and reliance on generalized modeling techniques without site-specific data and granular inputs is inadequate to properly characterize downstream impacts and develop effluent limitations. Massengale is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact human health and safety, aquatic life and terrestrial wildlife species, and Massengale's agricultural operations and livestock. Because of the reliance on groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, Massengale is concerned that household, commercial, and other chemicals mixed with the wastewater influent will contain dangerous constituents that won't be removed given permit parameters in the Application. Additionally, Massengale is concerned that adequate measures will not be employed to prevent the introduction of harmful bacteria and pathogens into the tributary, onto Massengale's property, and into the recreational lake.

Massengale believes that Applicant's proposed discharge will violate the Texas Water Code. Massengale is also concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. This includes, but is not limited to, whether the Draft Permit complies with the Texas Surface Water Quality Standards, meets anti-degradation requirements, and is protective of surface and groundwater quality and existing uses, including Massengale's use and enjoyment of his property and with consideration of the maximum volume and concentration of the proposed discharge. Additionally, Massengale is concerned that the Application does not sufficiently address and violates the State's policy on regionalization (e.g., alternative wastewater collection and treatment options).

The discharge authorization being sought by the Applicant will endanger Massengale's health and safety and impair the use and enjoyment of his property and water resources. Thus, Massengale protests the entirety of the Application and Draft Permit.

Massengale has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

Furthermore, Massengale incorporates by reference all prior comments and supplemental comments submitted to the TCEQ and included as Exhibit A.

4. Applicant's Defective Notice

During the September 19, 2023, public meeting, multiple individuals raised concerns that Applicant had failed to properly give the public mailed and published notice of its Application, as required under 30 TAC § 39.551 (public notice of wastewater discharge permits), 30 TAC § 39.426 (governing alternative language requirements), and other applicable statutory and regulatory requirements. Unfortunately, the ED has taken at face value the Applicant's willful neglect in providing proper mailed and published notice to stakeholders and potentially affected persons.

Massengale hereby reiterates and expands on why Applicant's public notice was defective and why the Applicant should be required to give proper notice to affected persons and reopen the public comment period. First, the mailing labels that were provided by the Applicant to the TCEQ contained incorrect address information, thereby depriving stakeholders and affected persons of actual mailed notice required under TCEQ rules. For example, Edith Irvellene Hays, who owns property adjacent to Applicant's property, as well as Chris Crider, Michael Henry Schultz, Don E. Massey and others, never received the mailed notice to which they are entitled (NORI, NAPD, or NOPM), because Applicant improperly instructed the TCEQ to mail such notices to their "property location" rather than their "owner address" as plainly listed in the Johnson County Appraisal District's publicly accessible records. The Hays mailings were particularly egregious because the mailing labels simply said "Johnson County" without providing a city, state, and zip code. See Exhibit B for further details regarding this first public notice defect as well as other notice deficiencies identified and raised prior to and during the September 19, 2023 public meeting.

In its Response to Comment on this issue, the Executive Director does not clearly address the fact that Ms. Hays' and several other affected landowners' notices were improper and not consistent with information publicly available from the Johnson County Appraisal District. If mailed notice is required by TCEQ's rules, an applicant must provide the agency with mailing labels that contain the publicly available mailing addresses for those property owners (i.e., the addresses at which they receive mail from the appraisal district)—not some alternative "property location" that is merely a spot along a roadway that may or may not contain an actual structure or mailbox to which the U.S. Postal Service can deliver mail. In this case, the Applicant ignored the "owner address" to which the appraisal district sends correspondence to the property owners and instead provided the agency with a "property location" to which the U.S. Post Office was unable to deliver mail. The Applicant has suggested to the Executive Director that it used the best available information, but that is clearly not the case from a simple online review of Johnson County Appraisal District's publicly available records. Because of the Applicant's willful neglect, a handful of affected persons never received the NORI, NAPD, or NOPM. This notice failure should be viewed as a jurisdictional defect that must be cured before the public comment period can properly close and this matter is referred to SOAH.

Second, the Applicant's initial Application stated that no Bilingual Education Program ("BEP") requirement exists in nearby schools, which is a regulatory trigger for publishing TCEQ notices in an alternative language (e.g., Spanish). As determined with little effort on our part, and as demonstrated during the public comment period, that was a false certification by the Applicant. When that falsity was brought to the agency's attention, the Applicant subsequently attempted to file a certification that no publication could be found in such alternative language (i.e., ignore the earlier falsity because no publication exists in any event). Exhibit C. Again, with little effort on our part, Massengale's representatives were able to confirm that *Al Dia*—a sister publication of the Dallas Morning News—publishes TCEQ notices in alternative language (Spanish), has circulation in Johnson County, has recently published other TCEQ alternative language notices at reasonable cost, and has provided publisher's affidavits that were accepted by TCEQ in satisfaction of alternative language notice requirements. See Exhibit C for further details regarding this second public notice defect.

a. Exceptions to Executive Director's Response to Public Comment re Notice

In addition to Massengale's previously stated issues with the Application and Draft Permit, some inaccuracies exist in the Executive Director's Response to Public Comment that are especially worth pointing out:

Response 15:

On November 13, 2023, Applicant informed the TCEQ that, "the application was posted in the City of Godley Municipal Complex before the first notice was published and remained available for viewing and/or copying." Executive Director's Response to Comment at 15.

A representative for Massengale attempted to enter the City of Godley Municipal Complex on January 11, 2023, to make copies of the Application, but was unable to do so because the Municipal Complex was closed due to a lack of staff. Attempts were made to contact then-City Secretary Jessica Hill, but Massengale's representatives learned that she had resigned. Indeed, as the *Fort Worth Star-Telegram* wrote in early February 2023, the Municipal Complex continued to remain closed, with all critical City functions being outsourced to other departments. See Exhibit D for details regarding this third public notice defect. Thus, again contrary to Applicants' statements, the application was not available for viewing and copying at the City of Godley Municipal Complex during critical public review and comment periods.

5. Issues to be Considered in a Contested Case Hearing

- (a) Whether mailed and published public notices of the Application and Draft Permit (including the NORI, NAPD, and NOPM) were proper;
- (b) Whether the proposed discharge and Draft Permit will comply with all applicable antidegradation requirements, policies, and procedures;

- (c) Whether the proposed discharge and Draft Permit will comply with all applicable general criteria including, without limitation, aesthetic, toxicity, nutrient, aquatic life, and aquatic recreation parameters.
- (d) Whether the effluent limitations and other parameters of the Draft Permit will be protective of surface water and groundwater quality;
- (e) Whether the proposed design of the wastewater treatment plant and Draft Permit provisions are adequate to ensure that the required effluent quality will be achieved;
- (f) Whether the effluent limitations and other parameters of the Draft Permit are adequate to ensure that existing water quality uses will not be impaired including, without limitation, recreational uses of Massengale's lake;
- (g) Whether the proposed wastewater discharge will adversely affect the health and safety of persons on nearby property including, without limitation, Massengale and his family and guests, and whether the Draft Permit contains adequate provisions to prevent the same;
- (h) Whether the proposed wastewater discharge will harm or negatively impact fish, livestock, wildlife, and other environmental receptors including, without limitation, those on Massengale's property, and whether the Draft Permit contains adequate provisions to prevent the same;
- (i) Whether the proposed wastewater discharge will cause or contribute to problematic algae growth in the receiving waters including, without limitation, Massengale's lake, and whether the Draft Permit contains adequate provisions to prevent the same;
- (j) Whether the water quality modeling from which the proposed effluent limitations were derived relied on proper methodology, assumptions, and data including, without limitation, stream and lake characteristics, habitat quality, and element lengths, or whether such methodology, assumptions, or data were insufficient;
- (k) Whether the proposed operator is sufficiently qualified to operate, monitor, and maintain the proposed wastewater treatment plant to achieve the required effluent limitations and whether the Draft Permit contains adequate licensing, supervision, monitoring, and reporting requirements to assure the same;
- (l) Whether the wastewater treatment plant is needed and whether the Application and Draft Permit should be altered or denied in consideration of the need for the facility in accordance with TWC Section 26.0282;
- (m) Whether nuisance conditions, including but not limited to odors, will be created by the wastewater treatment plant or wastewater discharge and whether the Draft Permit contains adequate provisions to prevent the same;

- (n) Whether the Application is complete in all respects and provides truthful information upon which the TCEQ can rely;
- (o) Whether the proposed wastewater discharge and provisions of the Draft Permit meet all applicable requirements of the Texas Surface Water Quality Standards (30 TAC Chapter 307) including, without limitation, the General Criteria of 30 TAC sec. 307.4 which contains requirements for aesthetic parameters, toxic substances, nutrients, aquatic life uses and dissolved oxygen, and aquatic recreation; and
- (p) Whether the proposed wastewater discharge and provisions of the Draft Permit meet all applicable requirements of the Domestic Wastewater Effluent Limitations and Plant Siting Regulations (30 TAC Chapter 309).

For the reasons provided in this Request, all other documents filed by Massengale related to the Application, this request for contested case hearing, Massengale is an affected person in this matter; has standing to request a contested case hearing; and does request a contested case hearing and reconsideration of the Executive Director's Decision. These are critical issues the Commission should explore through an open and public contested case. Massengale reserves the right to raise and pursue all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,



J. Andrew Scott, Partner
Clay Scott, LLP

EXHIBIT A



March 1, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Public Comments; Request for a Public Meeting; Request for a
Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Trennon Massengale ("Massengale"), who owns property adjacent to the land on which the proposed wastewater treatment plant (WWTP) will be located and approximately 1 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Massengale's notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). Massengale hereby requests a public meeting in the local community and a contested case hearing on the Application as an affected person. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit ("NORI"), Massengale provides the following information:

1. Your name, address, phone number:

Massengale resides at 9052 FM 4 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Massengale owns the property located at 9052 FM 4 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00450. Applicant's property and the proposed WWTP are located to the north of Massengale's property, and the proposed discharge point is approximately 1 mile upstream of Massengale's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

Massengale's property is used as a primary residence and small farm. The unnamed tributary through which Applicant's discharge will navigate eventually ends in Massengale's lake. Indeed, Massengale is concerned that his ability to enjoy and utilize for personal, agricultural, and livestock purposes the unnamed tributary and all other points downstream will be negatively affected by the proposed facility, wastewater discharge, and permit.

Specifically, Massengale is concerned with the discharge parameters and effluent limitations for the size and quality of influent to and effluent from the proposed WWTP. Massengale is concerned whether the draft permit includes appropriate provisions to maintain dissolved oxygen concentrations in the receiving waters, protect against excessive growth of algae, and comply with the aesthetic parameters and other requirements in TCEQ's regulations, including aquatic nutrient limitations. Without appropriate effluent limitations and other controls, there is concern that adverse health and nuisance conditions and negative impacts to crops, livestock, and wildlife will be created and that the proposed application and draft permit will not provide adequate protections.

Massengale is also concerned that all pertinent stream conditions and characteristics will not be considered in conducting any water quality modeling and assessments and in developing the proposed effluent limitations. The application itself does not contain any modeling analyses, and reliance on generalized modeling techniques without site-specific data and granular inputs will be inadequate to properly characterize downstream impacts and develop effluent limitations. Massengale is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species, as well as Massengale's agricultural operations and livestock. Because of the reliance on groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, Massengale is concerned that household, commercial, and other chemicals mixed with the wastewater influent could contain dangerous constituents that may not be removed given permit parameters in the application. Additionally, Massengale is concerned whether adequate measures will be employed to prevent the introduction of harmful bacteria and pathogens into the tributary and onto Massengale's property.

Massengale believes that Applicant's proposed discharge would be in violation of the Texas Water Code. Massengale is also concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. This would include, but not be limited to, whether the draft permit

complies with the Texas Surface Water Quality Standards, meets anti-degradation requirements, and is protective of surface and groundwater quality and existing uses, including Massengale's use and enjoyment of his property and with consideration of the maximum volume and concentration of the proposed discharge. Additionally, Massengale is concerned that the Application does not sufficiently address and violates the State's policy on regionalization.

The discharge authorization being sought by the Applicant will endanger Massengale's health and impair the use and enjoyment of his property. Thus, Massengale protests the entirety of the Application and seeks further time to review it.

Hence, Massengale has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

Massengale reserves the right to submit supplemental comments as TCEQ staff continues its assessment of the permit application.

4. Applicant's Failure to Publish Notice

Applicant has failed to make a copy of the application available for review and copying at a public place in Johnson County, Texas, as required under 30 T.A.C. § 39.405(g). To be sure, the City of Godley Municipal Complex—where a copy of the application is allegedly available—has not been open to the public and only recently reopened within the last month. Attempts to reach the City of Godley's City Secretary through email have been returned as undeliverable.

Furthermore, the contact number for Mr. Danny Meza, TCCI Land Development Inc.'s Project Manager listed on Applicant's permit application and the NORI, is incorrect, so the public has been unable to timely and completely view the permit application.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Danny Meza

Credential (P.E, P.G., Ph.D., etc.):

Title: Project Manager

Organization Name: TCCI Land Development Inc.

Mailing Address: 14675 Dallas Parkway, Suite 575

City, State, Zip Code: Dallas, TX 75254

Phone No.: 817-991-8888 Ext.:

Fax No.:

E-mail Address: :

Check one or both: ☒ Administrative Contact ☐ Technical Contact


River; thence to Nolan River. TCEQ received this application on August 12, 2022. The permit application is available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.
<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of8168250f&marker=-97.554722%2C32.400555&level=12>

5. Massengale requests a public meeting and a contested case hearing on the Application.

Massengale requests a public meeting about this application be held in the local community. Other persons are known to be interested in the application and wish to participate in the TCEQ's public comment process. Massengale also hereby formally requests a contested case hearing. Massengale reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,



Andrew Scott, Partner
Clay Scott, LLP



September 19, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Supplemental Public Comments and Request for a Contested Case
Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents **Trennon Massengale** ("Massengale"), who owns and resides on property less than 1,000 feet southeast of the land upon which the proposed wastewater treatment plant (WWTP) will be constructed and operated, approximately 2,000 feet from the WWTP itself, and approximately 1 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Massengale's supplemental public comments and notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). We also refer you to Massengale's previous filing of March 1, 2023. Massengale hereby reiterates his request for a contested case hearing on the Application as an affected person. In accordance with the Notice of Application and Preliminary Decision ("NAPD"), Massengale provides the following information:

1. Your name, address, phone number:

Massengale resides at 9052 FM 4 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Massengale owns the property located at 9052 FM 4 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00450. Applicant's property upon which the proposed WWTP will be constructed and operated is approximately 1,000 feet to the northwest of Massengale's property, and the proposed discharge point is approximately 1 mile upstream of Massengale's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The unnamed tributary into which Applicant will discharge up to 500,000 gallons per day of wastewater runs through Massengale's property, which serves as his family's residence and homestead, and into a private lake owned by Massengale. Massengale reincorporates by reference his prior comments and description of justiciable interest filed on March 1, 2023, and nothing contained in this supplemental comment is intended to replace such comments.

a. Failure to Properly Conduct Nutrient Screening

The "Nutrient Screening for Streams and Rivers" analysis conducted by the Texas Commission on Environmental Quality ("TCEQ") and included in the TCEQ's file requires an evaluation distance of 7 miles for a permitted flow of 0.5 MGD. Massengale's property contains a large lake, which structure is about 1000 feet long and approximately 1.2 miles from Applicant's point of discharge. However, TCEQ's nutrient screening did not acknowledge the existence of this lake in the "Impoundments" category. Additionally, there was no point value input in the "Observation" category of the analysis. Both oversights resulted in the total and average point totals being less than required for TCEQ's evaluation. If the number of points had been higher, a more restrictive phosphorus limit may have been imposed. Applicant does not appear to have conducted its own analysis and/or failed to apprise the TCEQ staff of important information necessary to conduct an appropriate nutrient screening and evaluation. Accordingly, the nutrient screening and resulting effluent limitations and treatment requirements are critically deficient.

b. Failure to Properly Classify Aquatic Life Uses

The Water Quality Standards memo (dated October 13, 2022) included in TCEQ's files incorrectly determined that there were no water bodies with exceptional, high, or intermediate aquatic life uses within the stream reach assessed, and improperly classified the receiving water use as "limited". There is insufficient information upon which to determine what stream reach TCEQ assessed or how this aquatic life use was determined. Massengale's lake has a large aquatic life population and, at the very least, should be accorded an "intermediate" aquatic life use, but more than likely a "high" aquatic life use. Additionally, Massengale's lake is well within the 7-mile evaluation distance as noted in Comment (a) above. A higher aquatic life use would trigger a higher dissolved oxygen criterion, which even TCEQ's own water quality modeling indicates could not be met. Applicant has failed to apprise TCEQ staff of critical information necessary to properly

classify aquatic life uses, and the resulting effluent limitations and treatment requirements are critically deficient.

c. Failure to Conduct a Tier 2 Anti-Degradation Analysis

In the Water Quality Standards memo, the TCEQ stated that a Tier 2 Anti-Degradation Analysis was not required because no exceptional, high, or intermediate aquatic life uses were present. As indicated above, an “intermediate” or “high” aquatic life use should have been utilized. Nonetheless, even streams with limited aquatic life uses could have higher water quality that would be sufficient to support the propagation of fish, which currently thrive in Massengale’s lake. Tier 2 prohibits the degradation of these higher quality waters by more than a *de minimis* amount. In addition to misclassifying the level of aquatic life use of the Massengale lake, TCEQ conducted no analysis of the existing quality of the Massengale lake to be able to make this determination. Applicant has failed to apprise TCEQ staff of critical information necessary to properly classify aquatic life uses and perform an appropriate anti-degradation analysis, resulting in effluent limitations and treatment requirements that are critically deficient.

d. Failure to Characterize Hydraulics Correctly in QUAL-TX Model

Applicant has failed to conduct any independent modeling analysis or provide meaningful hydraulic characteristics to support its Application. As a result, TCEQ staff used default hydraulics in characterizing the unnamed tributary into which Applicant’s effluent will discharge. The default hydraulics are not appropriate for the stream in question, which flows onto Massengale’s property and into his lake. The staff’s model hydraulics characterize the stream as 7.2 m (23.6 feet) wide. From aerial photos and other analysis, the width of the stream appears to be much less than this. This incorrect modeling assumption underestimates the travel time from Applicant’s discharge point to Massengale’s lake. A more realistic width input would result in more pollutants reaching the lake before they had time to be assimilated or degrade. Applicant did not provide, and TCEQ staff did not utilize, appropriate modeling inputs, resulting in effluent limitations and treatment requirements that are critically deficient.

e. Failure to Utilize Appropriate Element Length in QUAL-TX Model

Applicant did not conduct any independent modeling analysis, and TCEQ staff used an element length in its QUAL-TX Model that is inappropriate for the unnamed tributary which ultimately feeds into Massengale’s lake. The model’s default element length of 0.10 km is too long and thereby masks the actual dissolved oxygen impacts, especially in downstream impoundments. Water containing effluent flows along the stream in a plug-flow regime. Computationally, the QUAL-TX model attempts to mimic this by using short elements that are each completely mixed. However, the longer the element length, the less likely it is for this computation to accurately mimic this regime. In the distant past, computer computational time was expensive, and there was a trade-off between computer time and the higher accuracy of shorter element lengths. Today, computers are so fast that one should be reluctant, or at least extremely careful, in using longer element lengths—especially in systems where the element length is much larger than the width of the stream (*ref.*, comment above). Sensitivity analyses should be employed to determine what element length is appropriate. In this case, if a smaller element length is used in the modeling, the

results are dramatic, and the water quality standards for dissolved oxygen will not be met, particularly in downstream impoundments. As in this case, the results are effluent limitations and treatment requirements that are critically deficient.

Massengale reserves the right to submit additional supplemental comments as TCEQ staff continues its assessment of the permit application.

4. Massengale requests a contested case hearing on the Application.

Massengale has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case. Massengale hereby formally reiterates his request for a contested case hearing. Massengale reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS' or 'A. Scott', with a stylized flourish extending to the right.

Andrew Scott, Partner

Clay Scott, LLP

EXHIBIT B

**PRIOR SUBMISSIONS POINTING OUT SUBSTANTIVE NOTICE DEFICIENCIES
(Defective NORI, NAPD, and NOPM)**

Public Comment – Psalm 25:10 Foundation – WQ0016202001 – Godley, Johnson County Texas

Insufficient public notice has been provided by the applicant.

TCEQ should require the applicant to reissue a combined public notice to all persons who are required to receive mailed notice, republish newspaper notice in both English and Spanish, include correct contact information for the applicant, and place a complete copy of the application in a fully accessible public location so it can be reviewed and copied by the public.

Examples of notice deficiencies include the following:

1. Incorrect address information was included on mailing labels provided by the applicant to TCEQ, thereby depriving interested persons of actual mailed notice under agency rules (e.g., Edith Irvelene Hays, who owns land adjacent to the applicant's property, did not receive either the NORI or NAPD notices mailed by TCEQ because of obviously flawed address information provided by the applicant; and several other mailed notices with less obvious flaws were also returned as undeliverable, because the applicant directed TCEQ to mail notice to the "property location" instead than the "owner address" that is listed with the Johnson County Appraisal District).
2. Alternative language (Spanish) newspaper language was not provided because the applicant did not correctly research and/or report to TCEQ the actual existence of a bilingual education program (BEP) in the Godley Independent School District, contrary to agency requirements.
3. Interested persons were not able to reach a proper representative of the applicant by telephone because of an error in the information provided by the applicant and included in the public notice, contrary to agency requirements.
4. Interested persons were not able to fully access and make copies of the application because the applicant chose a municipal building location that was inaccessible during a portion of the public comment period, despite agency requirements and representations from the applicant.

Applicant's Flawed Landowner Mailed Notice List -

Used Incorrect "Property Location" Rather than "Owner Address"
as Listed w/ Johnson County Appraisal District

Landowner List

#	Name	Address	City, State Zip
1	DON E MASSEY	10101 W FM 4	GODLEY TX 76044
2	RICHARD W CRIDER	10201 W FM 4	GODLEY TX 76044
3	DON E MASSEY	10805 W FM 4	GODLEY TX 76044
4	RICHARD W CRIDER	6741 COUNTY ROAD 1232	GODLEY TX 76044
5	CHRIS CRIDER	6741 COUNTY ROAD 1232	GODLEY TX 76044
6	BRIAN C ETUX ROBIN B ROBINSON	6849 COUNTY ROAD 1232	GODLEY TX 76044
7	EDITH IRVELENE HAYS	9301 COUNTY ROAD 1127	GODLEY TX 76044
8	GLEN LEE GUTHRIE	8801 COUNTY ROAD 1127	GODLEY TX 76044
9	GEORGE BRYON BROCK	8601 COUNTY ROAD 1127	GODLEY TX 76044
10	MARTHA SUE MAHAFFEY BUTLER	8133 COUNTY ROAD 1127	GODLEY TX 76044
11	E H GOODMAN	6528 FM 2331	GODLEY TX 76044
12	S L JR MOORE	6165 FM 2331	GODLEY TX 76044
13	MICHAEL HENRY SCHULTZ	8631 W FM 4	GODLEY TX 76044

Examples of "Property Location" vs. "Owner Address" – Johnson County Appraisal District Records



Property Search

Order Search on Anything Help

Search Results for all "Order"

Account #	Name	Property Location	Alt Xref	Owner Address
126 8831 02497	Careff Warren & Title			898 S Gate Rd. Shreveport LA 71105
000 0002 49766	Careff Warren & Title			898 S Gate Rd. Shreveport LA 71105
000 0002 49761	Careff Warren & Title			898 S Gate Rd. Shreveport LA 71105
000 0002 42172	Cic Irrevocable Grantor Trust			401 E Interstate 20, Cisco TX 75437
000 0002 49770	Cic Irrevocable Grantor Trust			401 E Interstate 20, Cisco TX 75437
000 0002 49765	Cic Irrevocable Grantor Trust			401 E Interstate 20, Cisco TX 75437
126 8831 00747	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
126 8831 02548	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
126 8831 01136	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
126 8831 01423	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
126 8531 03999	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0000 24052	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0001 97477	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0002 49763	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0002 49776	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0002 76025	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
000 0002 76036	Order Carolyn			234 Deer Park Ct. Granbury TX 76048
126 0422 00075	Order Chris	6741 Cr 1232		401 E Interstate 20, Cisco TX 75437
126 0422 00032	Order Chris	6631 Cr 1232		401 E Interstate 20, Cisco TX 75437
126 4490 02661	Order Judy	305 W 2nd St		1741 Vista Ridge Dr. Midlothian TX 76055
126 4670 04009	Order Rachel B	12955 Torelio Ct		599 Landy Ct. Granbury TX 76049
000 0001 97461	Schultz Michael Henry			1289 Kingsbury Rd. Abilene TX 79602
000 0002 76029	Schultz Michael Henry			1289 Kingsbury Rd. Abilene TX 79602
000 0002 76040	Schultz Michael Henry			1289 Kingsbury Rd. Abilene TX 79602
126 0434 00350	Schultz Michael Henry	8631 W Fm 4		1289 Kingsbury Rd. Abilene TX 79602
126 2757 00190	Schultz Michael V	121 Se Newton Dr		121 Se Newton, Burleson TX 76028
126 2369 00280	Schultz Patricia L's Estate	4116 Green Ridge Ln		1951 Sward Field Dr. Mansfield TX 76063
126 0556 00130	Schultz Patsy Jean	12145 Cr 102		12201 Cr 102, Grandview TX 76050
126 0532 00100	Schultz Patsy Jean	12145 Cr 102		12201 Cr 102, Grandview TX 76050
126 0582 00050	Schultz Patsy Jean	12145 Cr 102		12201 Cr 102, Grandview TX 76050
126 0592 00100	Schultz Patsy Jean	12145 Cr 102		12201 Cr 102, Grandview TX 76050
126 0592 00105	Schultz Patsy Jean	12145 Cr 102		12201 Cr 102, Grandview TX 76050
126 0592 00106	Schultz Patsy Jean	12291 Cr 102		12201 Cr 102, Grandview TX 76050
126 0361 00010	Massey Dennis F Elux Jane L	2601 W Fm 4		2601 W Fm 4, Cleburne TX 76033
126 0126 00200	Massey Don E	10101 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 0120 00301	Massey Don E	10101 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 0422 00290	Massey Don E	10805 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 1051 00210	Massey Don E	10087 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 1051 00011	Massey Don E	10549 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 0422 00120	Massey Don Jr	10805 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
126 1051 00180	Massey Don Jr	10805 W Fm 4		10 Private Rd 337, Goldthwaite TX 76844
000 0004 42555	Massey Douglas Forrest			Po Box 894, Burleson TX 76097

Incorrect
Column Used by
Applicant

Correct Column
Not Used by Applicant

Source: <http://search.johnson.manatron.com/search.php?searchType=all>

Mailed Notice Labels from Applicant

DON E MASSEY
10101 W FM 4
GODLEY TX 76044

DON E MASSEY
10101 W FM 4
GODLEY TX 76044

DON E MASSEY
10101 W FM 4
GODLEY TX 76044

DON E MASSEY
10101 W FM 4
GODLEY TX 76044

RICHARD W CRIDER
10201 W FM 4
GODLEY TX 76044

RICHARD W CRIDER
10201 W FM 4
GODLEY TX 76044

RICHARD W CRIDER
10201 W FM 4
GODLEY TX 76044

RICHARD W CRIDER
10201 W FM 4
GODLEY TX 76044

DON E MASSEY
10805 W FM 4
GODLEY TX 76044

DON E MASSEY
10805 W FM 4
GODLEY TX 76044

DON E MASSEY
10805 W FM 4
GODLEY TX 76044

DON E MASSEY
10805 W FM 4
GODLEY TX 76044

RICHARD W CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

RICHARD W CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

RICHARD W CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

RICHARD W CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

CHRIS CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

CHRIS CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

CHRIS CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

CHRIS CRIDER
6741 COUNTY ROAD 1232
GODLEY TX 76044

BRIAN C ETUX ROBIN B ROBINSON
6849 COUNTY ROAD 1232
GODLEY TX 76044

BRIAN C ETUX ROBIN B ROBINSON
6849 COUNTY ROAD 1232
GODLEY TX 76044

BRIAN C ETUX ROBIN B ROBINSON
6849 COUNTY ROAD 1232
GODLEY TX 76044

BRIAN C ETUX ROBIN B ROBINSON
6849 COUNTY ROAD 1232
GODLEY TX 76044

Nearby Landowner Entitled to Mailed Notice
(Obviously Incorrect Mailing Address)

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

GLEN LEE GUTHRIE
8801 COUNTY ROAD 1127
GODLEY TX 76044

GLEN LEE GUTHRIE
8801 COUNTY ROAD 1127
GODLEY TX 76044

GLEN LEE GUTHRIE
8801 COUNTY ROAD 1127
GODLEY TX 76044

GLEN LEE GUTHRIE
8801 COUNTY ROAD 1127
GODLEY TX 76044

GEORGE BRYON BROCK
8601 COUNTY ROAD 1127
GODLEY TX 76044

GEORGE BRYON BROCK
8601 COUNTY ROAD 1127
GODLEY TX 76044

GEORGE BRYON BROCK
8601 COUNTY ROAD 1127
GODLEY TX 76044

GEORGE BRYON BROCK
8601 COUNTY ROAD 1127
GODLEY TX 76044

MARTHA SUE MAHAFFEY BUTLER
8133 COUNTY ROAD 1127
GODLEY TX 76044

MARTHA SUE MAHAFFEY BUTLER
8133 COUNTY ROAD 1127
GODLEY TX 76044

MARTHA SUE MAHAFFEY BUTLER
8133 COUNTY ROAD 1127
GODLEY TX 76044

MARTHA SUE MAHAFFEY BUTLER
8133 COUNTY ROAD 1127
GODLEY TX 76044

E H GOODMAN
6528 FM 2331
GODLEY TX 76044

E H GOODMAN
6528 FM 2331
GODLEY TX 76044

E H GOODMAN
6528 FM 2331
GODLEY TX 76044

E H GOODMAN
6528 FM 2331
GODLEY TX 76044

S L JR MOORE
6165 FM 2331
GODLEY TX 76044

S L JR MOORE
6165 FM 2331
GODLEY TX 76044

S L JR MOORE
6165 FM 2331
GODLEY TX 76044

S L JR MOORE
6165 FM 2331
GODLEY TX 76044

MICHAEL HENRY SCHULTZ
8631 W FM 4
GODLEY TX 76044

MICHAEL HENRY SCHULTZ
8631 W FM 4
GODLEY TX 76044

MICHAEL HENRY SCHULTZ
8631 W FM 4
GODLEY TX 76044

MICHAEL HENRY SCHULTZ
8631 W FM 4
GODLEY TX 76044

Note: Other Mailed Notices Also Returned Undeliverable



Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2022 OCT 17 PM 2:22
CHIEF CLERKS OFFICE

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR PRIVATE USE

NORI

WQ0016202001

US POSTAGE
ZIP 78753
02 4W
\$ 000.57
0000360444 OCT 11 2022

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

NORI NOTICE
UNDELIVERABLE

Type text here

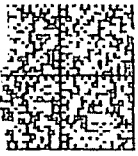
NIXIE 787 DC 1 0010/16/22
RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
GC: 787113087 787113087
787113087



Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

WQ00162 07001

OFFICIAL USE
STATE OF TEXAS
PENALTY FOR
PRIVATE USE



ZIP 78753 \$ 000.60⁰
02 JUN
000036044 MAR 03 2023

EDITH IRVELENE HAYS
9301 COUNTY ROAD 1127
JOHNSON COUNTY

2.

NAPD NOTICE UNDELIVERABLE

Adjacent Landowner

CHIEF CLERKS OFFICE

2023 MAR -7 PM 2:32

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RTS

Agency Instructions for Alternative Language Notice

Texas Commission on Environmental Quality Instructions for Public Notice for a Water Quality Permit Notice of Application and Preliminary Decision (NAPD)

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. REVIEW THE NOTICE FOR ACCURACY

Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. PUBLISH THE NOTICE IN THE NEWSPAPER

You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.

For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE

You must publish notice in an alternative language IF: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these

Credential (P.E, P.G., Ph.D., etc.):
Title: Director of Land Development
Organization Name: TCCI Land Development Inc.
Phone No.: 214-734-0360 or 469-688-8224 Ext.:
E-mail: rich@tccitx.com

D. Public Viewing Information

If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.

Public building name: City of Godley Municipal Complex

Location within the building: City Secretary's Office

Physical Address of Building: 200 West Railroad Street

City: Godley

County: Johnson

Contact Name: Reception

Phone No.: 817-389-3539 Ext.:

E. Bilingual Notice Requirements:

This information is required for new, major amendment, and renewal applications. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☐ Yes ☒ No

Incorrect Representation

If no, publication of an alternative language notice is not required; skip to Section 9 below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☐ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?

☐ Yes ☐ No

Godley ISD is Required to Provide BEP - Incorrect Representations by Applicant

john@vay.net

From: GISD Public Information <pubinfo@godleyisd.net>
Sent: Wednesday, April 5, 2023 4:37 PM
To: john@vay.net
Cc: GISD Public Information
Subject: Godley ISD Information Request

To: John Vay
Re: Godley ISD Information Request

Request: I am requesting the information set forth in the following paragraph and was advised by Bailey Lee at Godley ISD that such a request must be processed pursuant to the Texas Public Information Act (rather than provided in response to an email request):

"I am trying to determine, for public notice purposes, whether the Godley ISD elementary and/or middle schools are required to provide a bilingual education program (BEP), as distinguished from an English as a second language (ESL) program, under the Texas Education Code (Chapter 29, Subchapter B, and Tex. Admin. Code sec. 89.1205(a)) and, if so, if students are enrolled in such a program at their school, or attend a BEP at another location, or their school has been granted an exception from the BEP requirements (Tex. Admin. Code sec. 89.1207(a)). This seemingly odd question is intended to determine newspaper publication requirements for public notices required by the Texas Commission on Environmental Quality (e.g., excerpt from the agency's guidance follows). Please don't hesitate to call me, if desired. Thank you very much."

Response: Godley ISD is required to provide a bilingual education program. Our school district has applied for a bilingual exception and has received approval from the Texas Education Agency.

Godley ISD Response to Public Information Act Request to Verify Bilingual Education Program

NAPD - Only English Notice Published

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: THE PSALM 25 10
FOUNDATION
PERMIT NO.: WQ0016202001
CCO#: 129711
NOTICE OF APPLICATION AND
PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF Johnson §

Before me, the undersigned authority, on this day personally appeared

Becky Doh, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Major Accounts Sales Mgr.
(title of person representing newspaper)

of the Cleburne Times Review; that this newspaper is
(name of newspaper)

regularly published or circulated in Johnson County/Counties, Texas,
(same county as proposed facility)

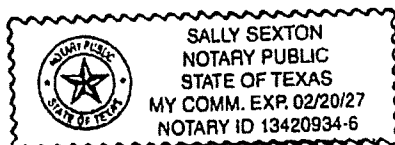
and that the enclosed notice was published in said newspaper on the following date(s):

March 28 2023
(date or dates, of publication in the newspaper)

Becky Doh
Newspaper Representative's Signature

Subscribed and sworn to before me this the 18 day of April,
2023, to certify which witness my hand and seal of office.

(Seal)



Sally Sexton
Notary Public in and for the State of Texas

Sally Sexton
Print or Type Name of Notary Public

My Commission Expires 02/20/27

CLASSIFIEDS

cleburntimesreview.com

Email: brughes@weatherforddemocrat.com

Phone: 817-594-7447 ext 217

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER
NEW
PERMIT NO. WQ0016202001

APPLICATION AND PRELIMINARY DECISION. The Psalm 25:10 Foundation, 3000 Altamess Boulevard, Suite 300, Fort Worth, Texas 76133, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016202001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. TCEQ received this application on August 12, 2022.

The facility will be located approximately 0.5 miles northwest of the intersection of West Farm-to-Market Road 4 and Farm-to-Market Road 2331, in Johnson County, Texas 76044. The treated effluent will be discharged to an unnamed tributary, thence to West Fork Nolan River, thence to Nolan River, thence to Lake Pat Cleburne in Segment No. 1228 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and West Fork Nolan River. The designated uses for Segment No. 1228 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=9b3ac44afbc468b0dd180f8168250f6marker=97.55472292C32.4005550level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summary-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summary-and-public-notice>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-13087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-13087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from The Psalm 25:10 Foundation at the address stated above or by calling Mr. Richard Alberque, Director of Land Development, TCCI Land Development Inc., at 214-734-0360/469-688-8224.

Issuance Date: March 3, 2023

Cash In
 With
The Classifieds

Alternative Language (Spanish) Notice Not Published

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: THE PSALM 25 10
FOUNDATION
PERMIT NO.: WQ0016202001
CCO#: 129711
NOTICE OF APPLICATION AND
PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is
(name of newspaper)

generally circulated in _____ County, Texas,
(same county as proposed facility)

and is published primarily in _____ language;
(alternative language)

the enclosed notice was published in said newspaper on the following date(s):

_____.
(date or dates, of publication in the newspaper)

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

NORI - Only English Notice Published

TCEQ OFFICE OF THE CHIEF CLERK

MC 105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711 3087

Applicant Name: The Psalm 25:10
Foundation
Permit No.: WQ0016202001

PUBLISHER'S AFFIDAVIT FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF Johnson §

Before me, the undersigned authority, on this day personally appeared
Becky Dahn who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the Major Accounts Sales Manager
(title of person representing newspaper)

of the Cleburne Times Review; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in Johnson County, Texas or is
(name of county)

a newspaper of general circulation in Cleburne,
(name of municipality)

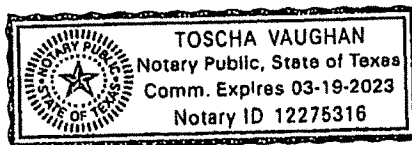
Texas; and that the enclosed notice was published in said newspaper on the following
date(s):

October 27, 2022

Becky Dahn
(newspaper representative's signature)

Subscribed and sworn to before me this 7 day of November
20 22.

(Seal)



Toscha Vaughan
Notary Public in and for the State of Texas
Toscha Vaughan
Print or Type Name of Notary Public

My Commission Expires 03-19-2023

NORI - Application Location & Contact Info Deficient

CLASSIFIEDS

<p>147 Legals</p>	<p>147 Legals</p>	
<p align="center">TEXAS COMMISSION ON ENVIRONMENTAL QUALITY</p> <p align="center">NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT</p> <p align="center">PROPOSED PERMIT NO. WQ0016202001</p> <p>APPLICATION. The Psalm 25:10 Foundation, 3000 Altramesa Boulevard, Suite 300, Fort Worth, Texas 76133, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016202001 (EPA I.D. No. TX0143341) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 500,000 gallons per day. The domestic wastewater treatment facility will be located approximately 0.5 miles northwest of the intersection of West Farm-to-Market Road 4 and Farm-to-Market Road 2331, in Johnson County, Texas 76044. The discharge route will be from the plant site to an unnamed tributary; thence to West Fork Nolan River; thence to Nolan River. TCEQ received this application on August 12, 2022. The permit application is available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.</p> <p>https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=5b4c4d4fbc46560d0d3f018159250180b0e92154122292c3240055554e4d12</p> <p>ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.</p> <p>PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.</p> <p>OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.</p> <p>TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.</p> <p>Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.</p> <p>The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.</p> <p>MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.</p> <p>INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/gis/cid. Search the database using the permit number for this application, which is provided at the top of this notice.</p> <p>AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at https://www.tceq.texas.gov/epic/epicComment.cfm, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13067, Austin, Texas 78711-3067. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/gis/epic. Si desea información en Español, puede llamar al 1-800-687-4040.</p> <p>Further information may also be obtained from The Psalm 25:10 Foundation at the address stated above or by calling Mr. Darryl Meza, Project Manager, TCEQ Land Development Inc., at 817-991-8888.</p> <p>Issuance Date: September 27, 2022</p>	<p align="center">NOTICE TO CREDITORS</p> <p>Notice is hereby given that original Letters Testamentary for the Estate of James E. Wright, Deceased, were issued on October 20, 2022, in Docket No. CC-P202224978, pending in County Court at Law No. One of Johnson County, Texas, to Kelli Lynn Lehmann and Angela Rene Wright Lee.</p> <p>Claims may be presented to the Independent Co-Executors addressed as follows:</p> <p>Kelli Lynn Lehmann 1509 West Westhall Dr. Cleburne, Texas 76033</p> <p>Angela Rene Wright Lee 28223 Stonestead Dr. Katy, Texas 77494</p> <p>All persons having claims against this Estate which is currently being administered are required to present them within the time and in the manner prescribed by law.</p> <p>DATED the 25th day of October, 2022.</p> <p>Janet L. Huhn State Bar No. 00793879 jahu@att.net Decker Jones, P.C. Burnett Plaza, Unit 46 001 Cherry Street, Suite 2000 Fort Worth, Texas 76102 Phone No. (817) 336-2400 Fax No. (817) 336-2181 Attorneys for the Estate</p> <p align="center">CITY OF JOSHUA, TEXAS ORDINANCE NO. 846-2022</p> <p>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SECTION 12.02.051, "SPEED LIMITS ON SPECIFIC STREETS," CONTAINED IN ARTICLE 12.02, "OPERATION OF VEHICLES," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY ADDING A PRIMA FACIE 30 MPH SPEED LIMIT ON EAST FOURTEENTH STREET, BETWEEN STATE HIGHWAY 174/BROADWAY AND SOUTH MAIN STREET; MAKING FINDINGS RELATED THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>This Ordinance shall become effective from and after its adoption and publication as required by law.</p> <p>DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 20TH DAY OF OCTOBER 2022.</p> <p>APPROVED: Scott Kimble, Mayor ATTEST: Alice Hoffmeyer, City Secretary</p> <p align="center">CITATION BY PUBLICATION</p> <p>To the Unknown Heirs to the Estate of Glyn E. Bleeker.</p> <p>On 10/20/2022, James Bleeker filed (s/n) Application for Determination of Heirship in Cause No. CC-P202224900 in the County Court at Law 1 of Johnson County, Texas.</p> <p>Said Application for Determination of Heirship may be heard and acted upon by said court after 10 o'clock a.m. on the first Monday next after the expiration of ten days from the date of publication of this citation.</p> <p>All unknown heirs in said estate are hereby cited to appear before said court by filing a written answer stating their interest in said estate should they desire to do so.</p> <p>Given under my hand and seal of office in Johnson County, Texas, on 10/21/2022.</p> <p>BECKY IVEY, Clerk County Court at Law 1 Gunn Justice Center - Suite 407 204 S. Buffalo Ave. PO Box 662 Cleburne, Texas 76033</p> <p>RETURN TO: Constable Matt Wyle 2300 FM 1424 Cleburne, TX 76033</p> <p>By: /s/ Tamu Thomas, Deputy</p>	
<p align="center">NOTICE OF PUBLIC SALE</p> <p>Of property to satisfy a landlord's lien.</p> <p>Sale to be held online at www.storageauctions.com.</p> <p>Facility is located at 1002 Highland Rd, Cleburne, TX 76033</p> <p>Bidding will open November 3rd at 8am and conclude November 9th at 8am. Seller reserves the right to withdraw the property at any time before the sale. Unit items sold as-is to highest bidder. Property includes the contents of space of the following tenant - Gayland McGee, 1994 Baja Islander boat; Vessel TX-5556-HJ</p> <p>We caught you reading a classified ad. Find out what thousands of readers already know - Classified Advertising Works! Call 817-324-7447 to place your ad.</p> <p>NEWS, Sports, Religion, Life-style, Education, Business Just a few of the reasons to subscribe to the Cleburne Times Herald. 817-324-7447</p>	<p align="center">NOTICE OF PUBLIC MEETING</p> <p>Joshua Independent School District will hold a public meeting at 6:30 p.m. on Monday, November 14th, in the Board Room of the Administration Building, located at 310 E. 18th Street in Joshua, Texas.</p> <p>The purpose of the meeting will be to discuss Joshua Independent School District's Financial Integrity Rating.</p> <p>Business Service Special 1 Month In The Cleburne Times Herald Johnson County News 3 Dated For Only \$150.00 Call 817-324-7447</p> <p>There's nothing you know more than when you feel the Texas Times Classifieds on the mark, you won't get the jump on anyone. Advertising in the Classifieds is easy, effective and will give you results. Call 817-324-7447 today. No print edition, no charge.</p>	<p align="center">NOTICE OF PUBLIC AUCTION</p> <p>Property to be sold to satisfy landlord's lien.</p> <p>Seller reserves the right to withdraw property from the sale. Unit items to be sold to highest bidder: cash or certified funds only. Includes household items, furniture, etc. Sale to be held at The Land Company Mini Storage at 1526 E Henderson, TX 76031 on Thursday, November, 10, 2022, beginning at 9:00 a.m. for the following tenants: THOMPSON, RONNE; BANKS, BRANDY; DELACRUZ, JULIE; LYLES IFA Thom immediately following at 225 Hwy 67, Keene TX 76055 for the following tenants: SALDIVAR, CHRISTI; ROMERO, JOYACE; EVARTT, JIMMY; PRYOR, BARBARA; LYLES, LETA; KABJOR, JANICE; REAVES, MARTY; ROJAS, CONSUELO,</p>

Instructions - But Application not Fully Accessible

requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at

www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. PUT THE APPLICATION IN A PUBLIC PLACE

You must put a copy of the following documents in the public place identified in the enclosed notice:

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. PROVIDE PROOF OF PUBLICATION

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be

Application not Fully Accessible



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit
(NORI)
Water Quality Permit

All applicants must complete this page.

Applicant Name: The Psalm 25:10 Foundation

Site or Facility Name: Prairieview WWTP 1

Water Quality Permit Number: WQ0016202001

Regulated Entity Number: RN 111553269 Customer Number: CN 606049542

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: City of Godley Municipal Complex

Address of Public Place: 200 West Railroad Street, Godley TX 76044

Applicant or Applicant Representative Signature: By: David C. Shanks, President

Title: President Date: 10-26-2022

EXHIBIT C



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit
(NORI)
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: The Psalm 25:10 Foundation

Site or Facility Name: Prairieview WWTP 1

Water Quality Permit Number: WQ0016202001

Regulated Entity Number: RN 111553269 Customer Number: CN 606049542

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☒ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name:

Language:

Applicant or Applicant Representative Signature: _____

Title: _____

Date: _____

john@vay.net

From: Max Tezkol <max.tezkol@mediumgiant.co>
Sent: Friday, December 22, 2023 12:13 PM
To: john@vay.net
Subject: Re: Al Dia Dallas - Johnson County, TX

Hello John,

Yes, it was an E-Copy and the cost for the same size notice is about between \$400 - \$500.

Thank you!

MaxTezkol

LEGAL ACCOUNT EXECUTIVE

publicnotice@dallasnews.com

O: 214-977-7819



The Dallas Morning News

Office hours: 7:30 am-4:30 pm Monday-Friday

NOTE: We only provide an affidavit and electronic tearsheet via email.

On Thu, Dec 21, 2023 at 11:55 AM <john@vay.net> wrote:

Max,

Thank you for confirming that the *Al Dia* newspaper has Spanish language circulation in Johnson County and you would be willing to publish notice of a TCEQ permit application. Someone had suggested that no such alternative language newspaper publication was available for a project in Johnson County. In researching this issue, I noticed that *Al Dia* has in fact recently published other notices of a TCEQ public meeting on November 22nd and November 29th for a project in adjacent Tarrant County and you provided some supporting affidavits on TCEQ forms (attached). Was that recent publication also for *Al Dia's* e-paper (rather than hard copy distribution)? And approximately how much did that other publication cost per day?

Thank you.

John Vay

From: Max Tezkol <max.tezkol@mediumgiant.co>
Sent: Monday, December 4, 2023 10:32 AM
To: john@vay.net
Subject: Re: Al Dia Dallas - Johnson County, TX

Hello,

We do have Circulation in the Johnson County area.

Please see the link below for the ALDIA. We do not have hard copies anymore and we do have only E-Paper which is online but it is the same as hard copy.

<https://epaper.dallasnews.com/app/DAMONE>

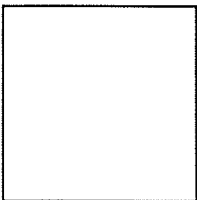
Thank you!

MaxTezkol

LEGAL ACCOUNT EXECUTIVE

publicnotice@dallasnews.com

O: 214-977-7819



Office hours: 7:30 am-4:30 pm Monday-Friday

NOTE: We only provide an affidavit and electronic tearsheet [via email](#).

On Mon, Dec 4, 2023 at 10:26 AM <john@vay.net> wrote:

Hola! Good morning. Do you publish/circulate in Johnson County, Texas? Looking for a Spanish newspaper publication for publishing notice of a TCEQ permit application. Please let me know if you publish/circulate in Johnson County or are aware of another potentially available publication.

Thank you very much.

John Vay

(512) 517-5489

TCEQ - Office of the Chief Clerk
MC-105 ATTN: GCW
PO Box 13087
Austin TX 78711-3087

Applicant Name: BAP KENNOR LANDFILL, LLC

Registration Number: 40335

Notice of Public Meeting

**AFFIDAVIT OF PUBLICATION
FOR MUNICIPAL SOLID WASTE PERMIT PUBLIC MEETING**

STATE OF TEXAS §

COUNTY OF: Tarrant §

Before me, the undersigned authority, on this day personally appeared

Max Tezkol

(name of newspaper representative)

, who being by me duly

sworn, deposes and says that (s)he is the

Legal Account

(title of newspaper representative)

of the ALDIA

(name of newspaper)

; that said newspaper is

regularly published in Tarrant

(county)

County, Texas, and is the newspaper

of largest circulation that is published in Tarrant

(county)

County;

and that the attached notice was published in said newspaper on the following date(s):

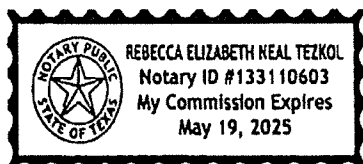
November 22, 2023

(date or dates of publication)

Newspaper Representative's Signature

Subscribed and sworn to before me this the 22nd day of November, 2023, to certify which witness my hand and seal of office.

(Seal)



Notary Public in and for the State of Texas

Rebecca Elizabeth Neal Tezkol

Print or type Name of Notary Public

My Commission Expires 05/19/2025

DIVERSION

Show de luces en el Vitruvian Park

El Vitruvian Park en Addison de nuevo se ilumina este año con su gran exhibición decembrina compuesta de miles de luces LED que decoran el parque donde las familias del Norte de Texas pueden ir gratis a pasar una velada muy festiva en compañía de sus seres queridos.

"Vitruvian Lights" es la exhibición de luces navideñas gratuita más grande en el Norte de Texas, con 550 árboles decorados por más de 1.5 millones de luces LED. La temporada de luces comienza el sábado 13 de noviembre, cuando Santa Claus hace una visita para encender las luces oficialmente, acompañada de una presentación de la orquesta Jordan Kalin Orchestra.

Hasta el 6 de enero de 2024, el parque se ilumina con una gran variedad de luces.

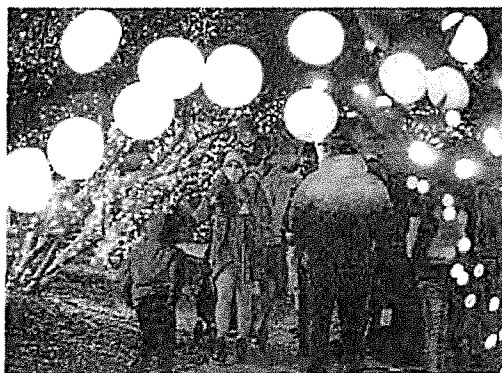
Pueden llevar sus propios alimentos y bebidas, siempre y cuando no estén en contenedores de vidrio. No se permiten bebidas alcohólicas.

Lucécitas en Vitruvian Park

Qué Lucécitas en el parque Vitruvian

Lucécitas en Vitruvian Park

Quisiera ir al parque Vietnam
Cada día entre el 15 de noviembre a las 9 p.m. El 19 de
noviembre al final de 2024, de 5 a 2 p.m. todos los días.
Dónde: En el parque Vietnam ubicado en 1999
Vietnam War Museum
Costo: Gratis
Información: info@vietnamwar.com



"Vitruvian Lights" es la exhibición de luces navideñas gratuita más grande en el Norte de Texas con 550 árboles decorados por más de 15 millones de luces LED.

Un paseo por 'Gift of Lights'

El Texas Motor Speedway se convierte en una maravilla de invierno en este atractivo anual, que se extiende por 2 millas de trayecto en automóvil y contiene 1.5 millones de luces LED a lo largo del recorrido.

El espectáculo no tiene música, y este año no estará abierta la Aldea de Santa, que solía recorrerse a pie luego del paseo en río.

Del 23 de noviembre de 2023 al 7 de enero de 2024; empieza diariamente a las 6 p.m. y cierra a las 9 p.m. de domingo a jueves, y a las 10 p.m. los viernes y sábados.

El show, que se recorre en sus vehículos particulares y dura aproximadamente unos 45 minutos, se lleva a cabo dentro del autódromo de Fort Worth, el Texas Motor Speedway, ubicada en el 3545 Lone Star Circle.

El precio es de \$35 por camión y \$60 por vehículos más grandes, que se pueden comprar en glóbulos ligeros y con

Six Flags Over Texas presenta Holiday in the Park

Con el espectacular ambiente que ofrecen miles de lucecitas navideñas y la presencia de Santa Claus, el parque de atracciones Six Flags se vestirá de Navidad a partir del domingo 19 de noviembre y hasta el domingo 31 de diciembre con su festival "Holiday in the Park".

Uno de los principales atracti-

vos del festival es la decoración navideña de todo el parque, que consta de luces multicolores que ofrecen el ambiente perfecto para las fiestas decembrinas.

Habr  presentaciones de m sica navide a en vivo y bailarines.

En el Holiday Market podrá hablar con Santa Claus y entregarle su carta, además de visitar una renovada área con luces na-

Por varias partes del parque habrá fogatas prendidas y la gente puede estar alrededor disfrutando de un chocolate caliente o asando algunos malvaviscos.

Holiday in the Park

Quil Festival de Navidad en el Puyo
Quil Festival de Navidad en el Puyo
 Octubre 2012 El festival de Navidad en el Puyo se celebrará los días 20, 21, 22 y 23 de octubre.
 También habrá un concurso de canto el 20, 21, 22 y 23 de octubre.
Quil Festival de Navidad en el Puyo
 Octubre 2012 El festival de Navidad en el Puyo se celebrará los días 20, 21, 22 y 23 de octubre.
 También habrá un concurso de canto el 20, 21, 22 y 23 de octubre.
Quil Festival de Navidad en el Puyo
 Octubre 2012 El festival de Navidad en el Puyo se celebrará los días 20, 21, 22 y 23 de octubre.
 También habrá un concurso de canto el 20, 21, 22 y 23 de octubre.

Gift of Light

Culadas [12] 12h a 1h - domingo 12/12
17 de dezembro 2021

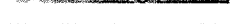
Horários Domingo a partir de 6h até
19hpm. Martes a partir de 12h até 6pm a
10pm

Endereço Terra Motor Speedway,
245 Lane dos Carros, East Wrentham
Terra 12/17

Precios Automóveis, \$15
Automóvel Extra de RV, \$20

Mais informações
p info@terra.com.br

[illegible]



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El mundo de la salud

El mundo de la salud

TCEQ - Office of the Chief Clerk

MC-105 ATTN: GCW

PO Box 13087

Austin TX 78711-3087

Applicant Name: BAP KENNOR LANDFILL, LLC

Registration Number: 40335

Notice of Public Meeting

**AFFIDAVIT OF PUBLICATION
FOR MUNICIPAL SOLID WASTE PERMIT PUBLIC MEETING**

STATE OF TEXAS §

COUNTY OF: Tarrant §

Before me, the undersigned authority, on this day personally appeared

Max Tezkol

(name of newspaper representative)

, who being by me duly

sworn, deposes and says that (s)he is the

Legal Account

(title of newspaper representative)

of the

ALDIA

(name of newspaper)

; that said newspaper is

regularly published in

Tarrant

(county)

County, Texas, and is the newspaper

of largest circulation that is published in

Tarrant

(county)

County;

and that the attached notice was published in said newspaper on the following date(s):

November 29, 2023

(date or dates of publication)

Max Tezkol

Newspaper Representative's Signature

Subscribed and sworn to before me this the 29th day of November, 2023, to certify which witness my hand and seal of office.

Rebecca E Tezkol

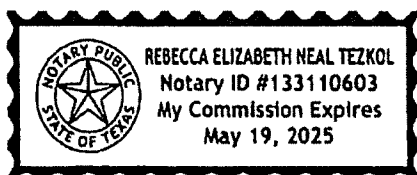
Notary Public in and for the State of Texas

Rebecca Elizabeth Neal Tezkol

Print or type Name of Notary Public

My Commission Expires 05/19/2025

(Seal)



DEPORTES



El delantero de las Águilas de América Juan Quiñones, en acción en Dallas para enfrentar al Barcelona en el Cotton Bowl.

América y Barcelona chocarán en el Cotton Bowl

Por: JUAN CARLOS
SUNSET NEWS

Las Águilas de América de México y el Club Barcelona de España se enfrentarán el 21 de diciembre en el Cotton Bowl de Dallas para beneficiar a los afectados por el huracán Otis, que causó graves daños al puerto de Acapulco.

Los organizadores del juego dicen que ambos equipos vendrán al Norte de Texas con todas sus estrellas.

El Barcelona, con jugadores de renombre como el portero Marc-André ter Stegen, el mediocampista Frankie de Jong y el delantero Robert Lewandowski, ocupa el cuarto lugar de la Liga Española con

31 puntos, justo detrás de Real Madrid (35), Girona (34) y Atlético de Madrid (30).

América, el equipo más ganador de México con 11 títulos de Liga, terminó la temporada regular como el mejor club con 40 puntos. En cuartos de final del torneo Apertura MX se enfrentará al León.

El 25 de octubre, el huracán Otis tocó tierra cerca de Acapulco, en la costa del Pacífico sur de México, como huracán categoría 5 con vientos sostenidos de 165 mph (265 kilómetros por hora).

Informes e imágenes de Acapulco muestran daños catastróficos a estructuras, incluidos muchos hoteles y edificios de gran altura, así

como árboles caídos, graves inundaciones y deslizamientos de tierra.

También se informaron daños en 120 hospitales y clínicas.

Además, más de 10,000 postes de servicios públicos fueron destruidos, dejando sin electricidad e internet a toda la región.

El gobierno de México ha reconocido 48 personas muertas y 36 desaparecidas a causa del huracán Otis.

"Nos sentimos muy orgullosos de poder reunir a dos grandes clubes de talla mundial a favor de una causa tan importante como es apoyar a Acapulco tras el trágico paso del huracán Otis", afirmó José Echeburua, CEO de Soccer

Media Solutions.

El partido será transmitido en Estados Unidos y México por TUDN y Televisa.

La venta de boletos para el juego está disponible a través de las plataformas Fair Park Ticket y TicketCity.

Cowboys vs Seattle en horario especial

Por: JUAN CARLOS
SUNSET NEWS

Los Cowboys de Dallas saldrán el jueves al empujillo de AT&T Stadium con la consigna de extender su racha de juegos ganados en casa cuando enfrenten a los Seahawks de Seattle.

Tras su victoria del Día de Acción de Gracias sobre los Commanders de Washington, la escuadra texana se mantuvo en el segundo lugar de la División Este de la Conferencia Nacional con una marca de 9-3.

Dallas suma ahora 11 juegos ganados al hilo como local lo que representa la séptima racha de triunfos más larga desde que el equipo texano se mudó a su estadio de Arlington en 2009.

La racha más larga de los Cowboys de partidos ganados en casa consta de 18 en fila entre las temporadas 1979-1981 cuando todavía jugaban en el ya demolido Texas Stadium.

La última vez que los Cowboys perdieron un partido en el AT&T Stadium fue en la Semana 17 de la temporada 2021.

Los Seahawks llegan al



El receptor Cedee Lamb (88) atapa para un touchdown en el cuarto cuarto del partido que los Dallas Cowboys le ganaron por 45-10 a los Washington Commanders el día de Acción de Gracias en Arlington.

Semana 13 de la NFL
Seattle en Dallas
Culmina: jueves 30 de noviembre, 8:25 pm.
Dónde: AT&T Stadium, Arlington.
Televisión: American Prime Video.

duelo del jueves con marca de 6-5 para ocupar el segundo lugar en la División Oeste de la Conferencia Nacional.



DAN MICCICHE
Representante del Distrito 3,
Junta Escolar de Dallas ISD

NOVIEMBRE DE 2023

Este otoño, el Distrito 3 ha estado celebrando con fiestas de homecoming, victorias en campeonatos y, como siempre, innovación y excelencia académica.

Reconocimiento a los atletas extraordinarios

Ha sido un mes increíble para nuestros atletas del Distrito 3. Felicidades a Wesley Pytzer de Bryan Adams High School Leadership Academy, quien fue un calificador regional para Cross Country este año, y el único de Dallas ISD Wesley terminó 66° de 178 participantes.

Concientización y apoyo para los estudiantes sin hogar

Noviembre es el Mes de Concientización sobre los Jóvenes sin Hogar, y el Programa de Educación para Estudiantes sin Hogar (HEP) del distrito está trabajando arduamente para ayudar a las familias y a los estudiantes en esta situación a conectarse con recursos vitales como alimentos, asesoramiento, transporte, uniformes y mucho más. A lo largo de este mes, HEP está organizando varios eventos para que la comunidad tome conciencia y recaude fondos para ayudar a los estudiantes y las familias necesitadas. Para saber más sobre HEP y las actividades programadas para este mes, visite www.dallasisd.org/HEP.

Legado de excelencia: La inauguración del Complejo de Softball Elsie Moreno

El mes pasado, antes del gran partido de fútbol de Bryan Adams contra R.L. Turner, algunos ex alumnos y amigos de Elsie Moreno se reunieron para celebrar sus logros. Elsie, quien se graduó de Kimball High School en 1969, fue parte de la comunidad escolar de Bryan Adams. Trabajó allí como maestra y entrenadora de 1977 a 1997, y en 1992 se convirtió en la primera mujer coordinadora del programa de deportes de la escuela.

Durante su tiempo como entrenadora, sus equipos de voleibol ganaron tres campeonatos de distrito, y sus equipos de fútbol fueron campeones del distrito cada año de 1983 a 1995, con tres de ellos llegando a las finales regionales. Ocupó este cargo hasta 1997, cuando se convirtió en subdirectora del departamento de deportes de Dallas ISD. En marzo de 2023, fue honrada con su inducción al Salón de la Fama Atlética de Dallas ISD. Elsie comenzó su carrera en Lincoln High School en 1974 y jugó un papel importante en la creación de las instalaciones de softball en el Forester Athletic Complex.

Ahora, para reconocer sus contribuciones, han cambiado a los tres campos de béisbol de alto al "Complejo de Softball Elsie Moreno" (Elsie-Moreno Field).



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Comisión de Calidad Ambiental de Texas

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EXHIBIT D



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HOME PAGE

Closed! This city hall in North Texas shuts down after mass resignations

BY ABBY CHURCH

UPDATED FEBRUARY 02, 2023 11:00 AM



Godley City Hall has been temporarily closed for over a week. Signs on the doors say it is due to a staffing shortage. AMANDA MCCOY amccoy@star-telegram.com



Only have a minute? Listen instead

10x

Powered by **Trinity Audio**

00:00

04:12

GODLEY

A staffing shortage and mass resignation has forced the shutdown of Godley City Hall.

On Thursday, a series of white signs hung on the municipal building's doors on West Railroad Avenue. One cites the closure as a result of a staffing shortage. Another requests packages be taken to the fire department across the street. The third tells residents with water and sewer emergencies to contact the police department, which could get in touch of the public works department.



Signs attached to the front doors of Godley City Hall said the building was temporarily closed due to staffing shortages on Thursday, January 19, 2023. Amanda McCoy amccoy@star-telegram.com

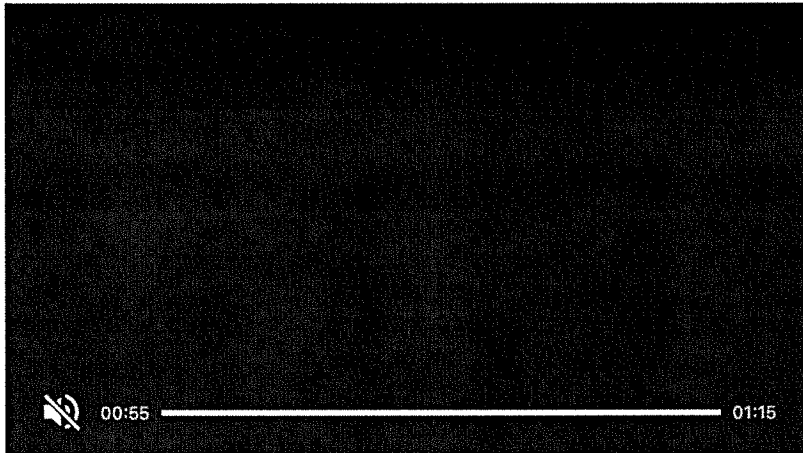
It lists three places to file complaints: the police department, the Attorney General's Office and the Secretary of State.

Thursday's scene outside the building in Johnson County was silent except for the whirl of passing traffic and an American flag slapping against the chilly wind.

Several city employees have tendered their resignations over the past month in the city of less than 2,000 just south of Fort Worth. The city administrator and secretary left Dec. 27, according to city council agenda documents. Jennifer Thompson, who serves on the city council, said the police chief, city attorney and court clerk have left their positions, too.

And though the positions remain unfilled, there aren't enough council members willing to meet to fill them.

TOP VIDEOS



Video shows man exchange gunfire with Fort Worth officers before killing himself

The city hall has been closed for two weeks, Thompson said, and all operations are down except for the fire and police departments.

Thompson said Mayor Acy McGehee and council members Jan Whitehead and Maryann Matthews have not shown up to the past two meetings. The next council meeting is scheduled for Feb. 7 unless council members call a special meeting.

Residents along Main Street said they had heard rumors but didn't want to repeat them.

One resident who spoke with the Star-Telegram said she was worried about how residents were to pay utility bills. There is no one around to take or retrieve payments from a silver box posted by the city hall doors. With no court clerk, she worried how police were supposed to issue citations and keep everyone safe.

In a Facebook post, Godley police said anyone who has been issued a citation would be contacted by the court clerk once the position is filled and that citations wouldn't go into warrant status.

Council member Michael Papenfuss told the Star-Telegram in an email that since the city is small, City Hall is often the first place residents go to fix issues or get information. He said he's had multiple calls and texts from residents about water bills, Certificates of Occupancy, defensive driving, making pleas on tickets and water leaks.

“The City of Godley is currently going through some growing pains due to the rapid growth we have experienced; with proper land planning, transparency, adequate staffing, and updated procedures I feel this is something that we can overcome and learn from going forward,” Papenfuss said in his email. “Our community deserves open government and open doors, I truly hope that we are able to establish a quorum at our next meeting so that we can hire staffing to accomplish all of this.”

One firefighter told the Star-Telegram he didn’t know anything, and another directed questions to city hall. Matthew Cantrell, the city’s interim police chief, directed questions to the mayor, who directed the Star-Telegram to the interim city attorney.

That city attorney, Nicole Corr with Wyatt Hamilton Findlay in Flower Mound, said via email that she couldn’t comment because her practice had only recently begun its time with the city and hadn’t had the opportunity to gather and review the information the Star-Telegram requested.

Johnson County Judge Christopher Boedeker declined to comment on the situation, as did the Texas Municipal League.

Johnson County Commissioner Rick Bailey, who represents Godley, said in the email to the Star-Telegram that “The City is experiencing a little difficulty; the Mayor is on top of it.”

Whitehead, Matthews, and council member Roger Cornelison didn't immediately respond to emails requesting comment.

This story was originally published January 20, 2023, 2:12 PM.

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DECEMBER 07, 2021 9:05 PM



ABBY CHURCH

Abby Church covered Tarrant County government at the Fort Worth Star-Telegram from 2021 to 2023.

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Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:25 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016202001
Attachments: 2023.09.19 Supplemental Public Comment - Trennon Massengale.pdf

H

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Tuesday, September 19, 2023 12:20 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

COMPANY: Clay Scott LLP

ADDRESS: PO BOX 472028
FORT WORTH TX 76147-0228

PHONE: 8179752165

FAX:

COMMENTS: Supplemental public comment and request for contested case hearing.



September 19, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Supplemental Public Comments and Request for a Contested Case
Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents **Trennon Massengale** ("Massengale"), who owns and resides on property less than 1,000 feet southeast of the land upon which the proposed wastewater treatment plant (WWTP) will be constructed and operated, approximately 2,000 feet from the WWTP itself, and approximately 1 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Massengale's supplemental public comments and notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). We also refer you to Massengale's previous filing of March 1, 2023. Massengale hereby reiterates his request for a contested case hearing on the Application as an affected person. In accordance with the Notice of Application and Preliminary Decision ("NAPD"), Massengale provides the following information:

1. Your name, address, phone number:

Massengale resides at 9052 FM 4 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Massengale owns the property located at 9052 FM 4 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00450. Applicant's property upon which the proposed WWTP will be constructed and operated is approximately 1,000 feet to the northwest of Massengale's property, and the proposed discharge point is approximately 1 mile upstream of Massengale's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The unnamed tributary into which Applicant will discharge up to 500,000 gallons per day of wastewater runs through Massengale's property, which serves as his family's residence and homestead, and into a private lake owned by Massengale. Massengale reincorporates by reference his prior comments and description of justiciable interest filed on March 1, 2023, and nothing contained in this supplemental comment is intended to replace such comments.

a. Failure to Properly Conduct Nutrient Screening

The "Nutrient Screening for Streams and Rivers" analysis conducted by the Texas Commission on Environmental Quality ("TCEQ") and included in the TCEQ's file requires an evaluation distance of 7 miles for a permitted flow of 0.5 MGD. Massengale's property contains a large lake, which structure is about 1000 feet long and approximately 1.2 miles from Applicant's point of discharge. However, TCEQ's nutrient screening did not acknowledge the existence of this lake in the "Impoundments" category. Additionally, there was no point value input in the "Observation" category of the analysis. Both oversights resulted in the total and average point totals being less than required for TCEQ's evaluation. If the number of points had been higher, a more restrictive phosphorus limit may have been imposed. Applicant does not appear to have conducted its own analysis and/or failed to apprise the TCEQ staff of important information necessary to conduct an appropriate nutrient screening and evaluation. Accordingly, the nutrient screening and resulting effluent limitations and treatment requirements are critically deficient.

b. Failure to Properly Classify Aquatic Life Uses

The Water Quality Standards memo (dated October 13, 2022) included in TCEQ's files incorrectly determined that there were no water bodies with exceptional, high, or intermediate aquatic life uses within the stream reach assessed, and improperly classified the receiving water use as "limited". There is insufficient information upon which to determine what stream reach TCEQ assessed or how this aquatic life use was determined. Massengale's lake has a large aquatic life population and, at the very least, should be accorded an "intermediate" aquatic life use, but more than likely a "high" aquatic life use. Additionally, Massengale's lake is well within the 7-mile evaluation distance as noted in Comment (a) above. A higher aquatic life use would trigger a higher dissolved oxygen criterion, which even TCEQ's own water quality modeling indicates could not be met. Applicant has failed to apprise TCEQ staff of critical information necessary to properly

classify aquatic life uses, and the resulting effluent limitations and treatment requirements are critically deficient.

c. Failure to Conduct a Tier 2 Anti-Degradation Analysis

In the Water Quality Standards memo, the TCEQ stated that a Tier 2 Anti-Degradation Analysis was not required because no exceptional, high, or intermediate aquatic life uses were present. As indicated above, an “intermediate” or “high” aquatic life use should have been utilized. Nonetheless, even streams with limited aquatic life uses could have higher water quality that would be sufficient to support the propagation of fish, which currently thrive in Massengale’s lake. Tier 2 prohibits the degradation of these higher quality waters by more than a *de minimis* amount. In addition to misclassifying the level of aquatic life use of the Massengale lake, TCEQ conducted no analysis of the existing quality of the Massengale lake to be able to make this determination. Applicant has failed to apprise TCEQ staff of critical information necessary to properly classify aquatic life uses and perform an appropriate anti-degradation analysis, resulting in effluent limitations and treatment requirements that are critically deficient.

d. Failure to Characterize Hydraulics Correctly in QUAL-TX Model

Applicant has failed to conduct any independent modeling analysis or provide meaningful hydraulic characteristics to support its Application. As a result, TCEQ staff used default hydraulics in characterizing the unnamed tributary into which Applicant’s effluent will discharge. The default hydraulics are not appropriate for the stream in question, which flows onto Massengale’s property and into his lake. The staff’s model hydraulics characterize the stream as 7.2 m (23.6 feet) wide. From aerial photos and other analysis, the width of the stream appears to be much less than this. This incorrect modeling assumption underestimates the travel time from Applicant’s discharge point to Massengale’s lake. A more realistic width input would result in more pollutants reaching the lake before they had time to be assimilated or degrade. Applicant did not provide, and TCEQ staff did not utilize, appropriate modeling inputs, resulting in effluent limitations and treatment requirements that are critically deficient.

e. Failure to Utilize Appropriate Element Length in QUAL-TX Model

Applicant did not conduct any independent modeling analysis, and TCEQ staff used an element length in its QUAL-TX Model that is inappropriate for the unnamed tributary which ultimately feeds into Massengale’s lake. The model’s default element length of 0.10 km is too long and thereby masks the actual dissolved oxygen impacts, especially in downstream impoundments. Water containing effluent flows along the stream in a plug-flow regime. Computationally, the QUAL-TX model attempts to mimic this by using short elements that are each completely mixed. However, the longer the element length, the less likely it is for this computation to accurately mimic this regime. In the distant past, computer computational time was expensive, and there was a trade-off between computer time and the higher accuracy of shorter element lengths. Today, computers are so fast that one should be reluctant, or at least extremely careful, in using longer element lengths—especially in systems where the element length is much larger than the width of the stream (*ref.*, comment above). Sensitivity analyses should be employed to determine what element length is appropriate. In this case, if a smaller element length is used in the modeling, the

results are dramatic, and the water quality standards for dissolved oxygen will not be met, particularly in downstream impoundments. As in this case, the results are effluent limitations and treatment requirements that are critically deficient.


Massengale reserves the right to submit additional supplemental comments as TCEQ staff continues its assessment of the permit application.

4. Massengale requests a contested case hearing on the Application.

Massengale has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case. Massengale hereby formally reiterates his request for a contested case hearing. Massengale reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS', with a horizontal line extending to the right.

Andrew Scott, Partner

Clay Scott, LLP

Misty Botello

From: PUBCOMMENT-OCC
Sent: Wednesday, September 20, 2023 11:25 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
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Attachments: 2023.09.19 Supplemental Public Comment - Richard Moore.pdf

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From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Tuesday, September 19, 2023 12:18 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

COMPANY: Clay Scott LLP

ADDRESS: PO BOX 472028
FORT WORTH TX 76147-0228

PHONE: 8179752165

FAX:

COMMENTS: Supplemental public comment and request for contested case hearing.



September 19, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Supplemental Public Comments and Request for a Contested Case
Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents **Richard Moore** ("Moore"), who owns and resides on property located south and immediately adjacent to the land on which the proposed wastewater treatment plant (WWTP) will be constructed and operated, approximately 500 feet from the WWTP itself, and within 3/4 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Moore's supplemental public comments and notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). We also refer you to Moore's previous filing of February 13, 2023. Moore hereby reiterates his request for a contested case hearing on the Application as an affected person. In accordance with the Notice of Application and Preliminary Decision ("NAPD"), Moore provides the following information:

1. Your name, address, phone number:

Moore resides at 6165 FM 2331 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
relay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Moore owns and resides on the property located at 6165 FM 2331 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00701. Applicant's property upon which the proposed WWTP will be constructed and operated is located immediately adjacent and to the north of Moore's property and the proposed discharge point is approximately 3/4 mile upstream of Moore's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The unnamed tributary into which Applicant will discharge up to 500,000 gallons per day of wastewater runs through Moore's property, which serves as his family's residence and homestead. Moore reincorporates by reference his prior comments and description of justiciable interest filed on February 13, 2023, and nothing contained in this supplemental comment is intended to replace those comments.

a. Failure to Characterize Hydraulics Correctly in QUAL-TX Model

The TCEQ used default hydraulics in characterizing the unnamed tributary into which the effluent discharges. The default hydraulics are not appropriate for this stream. The model hydraulics characterize the stream as 7.2 m (23.6 feet) wide. From aerial photos, the width appears to be much less than this.

b. Failure to Utilize Appropriate Element Length in QUAL-TX Model

Applicant did not conduct any independent modeling analysis, and TCEQ staff used an element length in its QUAL-TX Model that is inappropriate for the unnamed tributary passing through Moore's property. The model's default element length of 0.10 km is too long and thereby masks the actual dissolved oxygen impacts, especially in downstream impoundments. Water containing effluent flows along the stream in a plug-flow regime. Computationally, the QUAL-TX model attempts to mimic this by using short elements that are each completely mixed. However, the longer the element length, the less likely it is for this computation to accurately mimic this regime. In the distant past, computer computational time was expensive, and there was a trade-off between computer time and the higher accuracy of shorter element lengths. Today, computers are so fast that one should be reluctant, or at least extremely careful in using longer element lengths, especially in systems where the element length that is much larger than the width of the stream. Sensitivity analyses should be employed to determine what element length is appropriate. In this case, if a smaller element length is used in the modeling, the results are dramatic, and the water quality standards for dissolved oxygen will not be met, particularly in downstream impoundments. As in this case, the results are effluent limitations and treatment requirements that are critically deficient.

c. Failure to Conduct a Tier 2 Anti-Degradation Analysis

In the Water Quality Standards memo, the TCEQ stated that a Tier 2 Anti-Degradation Analysis was not required because no exceptional, high, or intermediate aquatic life uses were present. As indicated above, an “intermediate” or “high” aquatic life use should have been utilized. Nonetheless, even streams with limited aquatic life uses could have higher water quality that would be sufficient to support the propagation of fish. Tier 2 prohibits the degradation of these higher quality waters by more than a *de minimis* amount. Applicant has failed to apprise TCEQ staff of critical information necessary to properly classify aquatic life uses and perform an appropriate anti-degradation analysis, resulting in effluent limitations and treatment requirements that are critically deficient.

d. Failure to Properly Conduct Nutrient Screening

The “Nutrient Screening for Streams and Rivers” analysis conducted by the Texas Commission on Environmental Quality (“TCEQ”) and included in the TCEQ’s file had no point value input in the Observation category of the analysis. This oversight resulted in the total and average point totals being less. If the number of points had been higher, a more restrictive phosphorus limit may have been imposed.

Moreover, the “Nutrient Screening for Streams and Rivers” analysis conducted by the Texas Commission on Environmental Quality (“TCEQ”) and included in the TCEQ’s file requires an evaluation distance of 7 miles for a permitted flow of 0.5 MGD. There exists a downstream property containing a large lake, which structure is about 1000 feet long and approximately 1.2 miles from Applicant’s point of discharge. However, TCEQ’s nutrient screening did not acknowledge the existence of this lake in the “Impoundments” category. Additionally, there was no point value input in the “Observation” category of the analysis. Both oversights resulted in the total and average point totals being less than required for TCEQ’s evaluation. If the number of points had been higher, a more restrictive phosphorus limit may have been imposed. Applicant does not appear to have conducted its own analysis and/or failed to apprise the TCEQ staff of important information necessary to conduct an appropriate nutrient screening and evaluation. Accordingly, the nutrient screening and resulting effluent limitations and treatment requirements are critically deficient.

e. Failure to Properly Classify Aquatic Life Uses

The Water Quality Standards memo (dated October 13, 2022) included in TCEQ’s files incorrectly determined that there were no water bodies with exceptional, high, or intermediate aquatic life uses within the stream reach assessed, and improperly classified the receiving water use as “limited”. There is insufficient information upon which to determine what stream reach TCEQ assessed or how this aquatic life use was determined. The large lake within 1.2 miles of Applicant’s discharge point has a large aquatic life population and, at the very least, should be accorded an “intermediate” aquatic life use, but more than likely a “high” aquatic life use. Additionally, that lake is well within the 7-mile evaluation distance as noted in the comments above. A higher aquatic life use would trigger a higher dissolved oxygen criterion, which even TCEQ’s own water quality modeling indicates could not be met. Applicant has failed to apprise TCEQ staff of critical

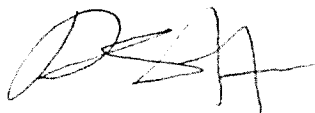
information necessary to properly classify aquatic life uses, and the resulting effluent limitations and treatment requirements are critically deficient.

4. Moore requests a contested case hearing on the Application.

Moore has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case. Moore hereby formally reiterates his request a contested case hearing. Moore further incorporates herein by reference the public comments filed by Trennon Massengale on or about March 1, 2023, and September 19, 2023, including without limitation his expression of technical deficiencies with the Application and the TCEQ staff's technical review. Moore reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS' or 'ASh', written over a horizontal line.

Andrew Scott, Partner
Clay Scott, LLP

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, March 2, 2023 1:46 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016202001
Attachments: 2023.03.01 Public Comment - Massengale.pdf

PM
H

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Wednesday, March 1, 2023 5:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

FROM

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

COMPANY: Clay Scott LLP

ADDRESS: PO BOX 472028
FORT WORTH TX 76147-0228

PHONE: 8179752165

FAX:

COMMENTS: Please see the attached public comment, request for public meeting, and request for contested case hearing.



March 1, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Public Comments; Request for a Public Meeting; Request for a
Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Trennon Massengale ("Massengale"), who owns property adjacent to the land on which the proposed wastewater treatment plant (WWTP) will be located and approximately 1 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Massengale's notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). Massengale hereby requests a public meeting in the local community and a contested case hearing on the Application as an affected person. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit ("NORI"), Massengale provides the following information:

1. Your name, address, phone number:

Massengale resides at 9052 FM 4 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Massengale owns the property located at 9052 FM 4 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00450. Applicant's property and the proposed WWTP are located to the north of Massengale's property, and the proposed discharge point is approximately 1 mile upstream of Massengale's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

Massengale's property is used as a primary residence and small farm. The unnamed tributary through which Applicant's discharge will navigate eventually ends in Massengale's lake. Indeed, Massengale is concerned that his ability to enjoy and utilize for personal, agricultural, and livestock purposes the unnamed tributary and all other points downstream will be negatively affected by the proposed facility, wastewater discharge, and permit.

Specifically, Massengale is concerned with the discharge parameters and effluent limitations for the size and quality of influent to and effluent from the proposed WWTP. Massengale is concerned whether the draft permit includes appropriate provisions to maintain dissolved oxygen concentrations in the receiving waters, protect against excessive growth of algae, and comply with the aesthetic parameters and other requirements in TCEQ's regulations, including aquatic nutrient limitations. Without appropriate effluent limitations and other controls, there is concern that adverse health and nuisance conditions and negative impacts to crops, livestock, and wildlife will be created and that the proposed application and draft permit will not provide adequate protections.

Massengale is also concerned that all pertinent stream conditions and characteristics will not be considered in conducting any water quality modeling and assessments and in developing the proposed effluent limitations. The application itself does not contain any modeling analyses, and reliance on generalized modeling techniques without site-specific data and granular inputs will be inadequate to properly characterize downstream impacts and develop effluent limitations. Massengale is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species, as well as Massengale's agricultural operations and livestock. Because of the reliance on groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, Massengale is concerned that household, commercial, and other chemicals mixed with the wastewater influent could contain dangerous constituents that may not be removed given permit parameters in the application. Additionally, Massengale is concerned whether adequate measures will be employed to prevent the introduction of harmful bacteria and pathogens into the tributary and onto Massengale's property.

Massengale believes that Applicant's proposed discharge would be in violation of the Texas Water Code. Massengale is also concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. This would include, but not be limited to, whether the draft permit

complies with the Texas Surface Water Quality Standards, meets anti-degradation requirements, and is protective of surface and groundwater quality and existing uses, including Massengale's use and enjoyment of his property and with consideration of the maximum volume and concentration of the proposed discharge. Additionally, Massengale is concerned that the Application does not sufficiently address and violates the State's policy on regionalization.

The discharge authorization being sought by the Applicant will endanger Massengale's health and impair the use and enjoyment of his property. Thus, Massengale protests the entirety of the Application and seeks further time to review it.

Hence, Massengale has sufficiently demonstrated that he is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

Massengale reserves the right to submit supplemental comments as TCEQ staff continues its assessment of the permit application.

4. Applicant's Failure to Publish Notice

Applicant has failed to make a copy of the application available for review and copying at a public place in Johnson County, Texas, as required under 30 T.A.C. § 39.405(g). To be sure, the City of Godley Municipal Complex—where a copy of the application is allegedly available—has not been open to the public and only recently reopened within the last month. Attempts to reach the City of Godley's City Secretary through email have been returned as undeliverable.

Furthermore, the contact number for Mr. Danny Meza, TCCI Land Development Inc.'s Project Manager listed on Applicant's permit application and the NORI, is incorrect, so the public has been unable to timely and completely view the permit application.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Danny Meza

Credential (P.E, P.G., Ph.D., etc.):

Title: Project Manager

Organization Name: TCCI Land Development Inc.

Mailing Address: 14675 Dallas Parkway, Suite 575

City, State, Zip Code: Dallas, TX 75254

Phone No.: 817-991-8888 Ext.:

Fax No.:

E-mail Address: ;

Check one or both: ☒ Administrative Contact ☐ Technical Contact

River; thence to Nolan River. TCEQ received this application on August 12, 2022. The permit application is available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-97.554722%2C32.400555&level=12>

5. Massengale requests a public meeting and a contested case hearing on the Application.

Massengale requests a public meeting about this application be held in the local community. Other persons are known to be interested in the application and wish to participate in the TCEQ's public comment process. Massengale also hereby formally requests a contested case hearing. Massengale reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,



Andrew Scott, Partner
Clay Scott, LLP

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, February 14, 2023 9:29 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016202001
Attachments: 2023.02.13 Public Comment - Moore.pdf

PM
H

From: ascott@clay-scott.com <ascott@clay-scott.com>
Sent: Monday, February 13, 2023 3:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016202001

REGULATED ENTY NAME PRAIRIEVIEW WWTP 1

RN NUMBER: RN111553269

PERMIT NUMBER: WQ0016202001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: THE PSALM 25 10 FOUNDATION

CN NUMBER: CN606049542

FROM

NAME: John Andrew Scott

EMAIL: ascott@clay-scott.com

COMPANY: Clay Scott LLP

ADDRESS: PO BOX 472028
FORT WORTH TX 76147-0228

PHONE: 8179752165

FAX:

COMMENTS: Please see the attached public comment, request for public meeting, and request for contested case hearing.



February 13, 2023

VIA ELECTRONIC SUBMISSION AT WWW.TCEQ.TEXAS.GOV/GOTO/COMMENT

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of The Psalm 25:10 Foundation for Proposed TPDES Permit No.
WQ0016202001; Public Comments; Request for a Public Meeting; Request for a
Contested Case Hearing

To the Texas Commission on Environmental Quality:

The undersigned represents Richard Moore ("Moore"), who owns property adjacent to the land on which the proposed wastewater treatment plant (WWTP) will be located and within 3/4 mile downstream from the discharge point proposed in the TPDES permit application ("Application"). Please accept this letter as Moore's notice of opposition to the Application submitted by The Psalm 25:10 Foundation ("Applicant"). Moore hereby requests a public meeting in the local community and a contested case hearing on the Application as an affected person. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit ("NORI"), Moore provides the following information:

1. Your name, address, phone number:

Moore resides at 6165 FM 2331 Godley, Texas 76044 and may be provided notice and informed of any developments in this case by timely notifying the following legal counsel:

John Reed Clay Jr.
J. Andrew Scott
P.O. Box 472028
Fort Worth, TX 76147
(817) 975-2165
rclay@clay-scott.com
ascott@clay-scott.com

2. The location and distance of your property/activities relative to the proposed facility:

Moore owns the property located at 6165 FM 2331 Godley, Texas 76044 and generally identified by Johnson County Appraisal District Account # 126.0434.00701. Applicant's property and the proposed WWTP are located immediately adjacent to and to the north of Moore's property and the proposed discharge point is approximately 3/4 mile upstream of Moore's property.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

Moore's property is used as a primary residence and small farm. The unnamed tributary through which Applicant's discharge will navigate is located on the eastern portion of Moore's property and flows alongside Moore's primary residence, eventually leading to the West Fork of the Nolan River. Indeed, Moore is concerned that his ability to enjoy and utilize for personal, agricultural, and livestock purposes the unnamed tributary and all other points downstream will be negatively affected by the proposed facility, wastewater discharge, and permit.

Specifically, Moore is concerned with the discharge parameters and effluent limitations for the size and quality of influent to and effluent from the proposed WWTP. Moore is concerned whether the draft permit includes appropriate provisions to maintain dissolved oxygen concentrations in the receiving waters, protect against excessive growth of algae, and comply with the aesthetic parameters and other requirements in TCEQ's regulations, including aquatic nutrient limitations. Without appropriate effluent limitations and other controls, there is concern that adverse health and nuisance conditions and negative impacts to crops, livestock, and wildlife will be created and that the proposed application and draft permit will not provide adequate protections.

Moore is also concerned that all pertinent stream conditions and characteristics will not be considered in conducting any water quality modeling and assessments and in developing the proposed effluent limitations. The application itself does not contain any modeling analyses, and reliance on generalized modeling techniques without site-specific data and granular inputs will be inadequate to properly characterize downstream impacts and develop effluent limitations. Moore is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species, as well as Moore's agricultural operations and livestock. Because of the reliance on groundwater resources in the area, there is heightened importance in ensuring the effluent limitations in the final permit adequately protect local groundwater resources.

Moreover, Moore is concerned that household, commercial, and other chemicals mixed with the wastewater influent could contain dangerous constituents that may not be removed given permit parameters in the application. Additionally, Moore is concerned whether adequate measures will be employed to prevent the introduction of harmful bacteria and pathogens into the tributary and onto Moore's property.

Moore believes that Applicant's proposed discharge would be in violation of the Texas Water Code. Moore is also concerned that the Application does not fully comply with all of TCEQ's

applicable technical regulations. This would include, but not be limited to, whether the draft permit complies with the Texas Surface Water Quality Standards, meets anti-degradation requirements, and is protective of surface and groundwater quality and existing uses, including Moore's use and enjoyment of his property and with consideration of the maximum volume and concentration of the proposed discharge. Additionally, Moore is concerned that the Application does not sufficiently address and violates the State's policy on regionalization.

The discharge authorization being sought by the Applicant will endanger Moore's health and impair the use and enjoyment of his property. Thus, Moore protests the entirety of the Application and seeks further time to review it.

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Applicant has failed to make a copy of the application available for review and copying at a public place in Johnson County, Texas, as required under 30 T.A.C. § 39.405(g). To be sure, the City of Godley Municipal Complex—where a copy of the application is allegedly available—has not been open to the public and only recently reopened within the last week. Attempts to reach the City of Godley's City Secretary through email have been returned as undeliverable.

Furthermore, the contact number for Mr. Danny Meza, TCCI Land Development Inc.'s Project Manager listed on Applicant's permit application and the NORI, is incorrect, so the public has been unable to timely and completely view the permit application.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Danny Meza

Credential (P.E., P.G., Ph.D., etc.):

Title: Project Manager

Organization Name: TCCI Land Development Inc.

Mailing Address: 14675 Dallas Parkway, Suite 575

City, State, Zip Code: Dallas, TX 75254

Phone No.: 817-991-8888 Ext.:

Fax No.:

E-mail Address: :

Check one or both: ☒ Administrative Contact

☐ Technical Contact

River; thence to Nolan River. TCEQ received this application on August 12, 2022. The permit application is available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-97.554722%2C32.400555&level=12>

5. Moore requests a public meeting and a contested case hearing on the Application.

Moore requests a public meeting about this application be held in the local community. Other persons are known to be interested in the application and wish to participate in the TCEQ's public comment process. Moore also hereby formally requests a contested case hearing. Moore reserves the right to raise and pursue any and all issues that may be relevant to his interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at 817-975-2165.

Sincerely,



Andrew Scott, Partner
Clay Scott, LLP

3

TCEQ Registration Form

September 19, 2023

The Psalm 25:10 Foundation
TPDES PERMIT NO. WQ0016202001

PLEASE PRINT

Name: Trennon Massengale

Mailing Address: 9052 W. FM 4 C

Physical Address (if different): _____

City/State: Goodley TX Zip: 76044

****This information is subject to public disclosure under the Texas Public Information Act****

Email: Trennon@SWPconstruction.net

Phone Number: (817) 821-3361

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Land owners

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.