

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 17, 2024

**TO: Persons on the Attached Mailing List**

**RE: Docket No. 2024-0596-MWD**

**The Psalm 25:10 Foundation (Applicant)**

**Request(s) filed on TPDES Permit No. WQ0016202001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **May 22, 2024**. The meeting will begin at 9:30 a.m. Due to an ongoing construction project, the agenda meeting will be held in **Room 244 of the Texas Workforce Commission** located at 101 East 15th Street in Austin, Texas. The agenda meeting may be held in person, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **April 29, 2024**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **May 13, 2024**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at [www.tceq.texas.gov/goto/efilings](https://www.tceq.texas.gov/goto/efilings) or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis  
Chief Clerk

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

## **ATTACHMENT**

### **Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing**

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

#### **Requests for Reconsideration**

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

#### **Requests for Contested Case Hearing**

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

MAILING LIST  
The Psalm 25:10 Foundation  
TCEQ Docket No. 2024-0596-MWD; TPDES Permit No. WQ0016202001

FOR THE APPLICANT:

David Shanks, Organizer  
The Psalm 25:10 Foundation  
3000 Altamesa Boulevard, Suite 300  
Fort Worth, Texas 76133

Richard Alberque  
Director of Land Development  
TCCI Land Development Inc.  
14675 Dallas Parkway, Suite 575  
Dallas, Texas 75257

Glenn Breish, Professional Engineer  
Wasteline Engineering, Inc.  
208 South Front Street  
Aledo, Texas 76008

REQUESTER(S)/INTERESTED  
PERSON(S):

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Aubrey Pawelka, Staff Attorney  
Allie Soileau, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711

Abdur Rahim, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division, MC-148  
P.O. Box 13087  
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE  
RESOLUTION  
via electronic mail:

Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711

FOR THE CHIEF CLERK  
via eFilings:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711  
<https://www.tceq.texas.gov/goto/efilings>

AMES , DANA  
STE B6  
2 N MAIN ST  
CLEBURNE TX 76033-5500

BROOKS , ALEXANDRA  
213 BUENA VISTA DR  
GODLEY TX 76044-4094

BURNS , THE HONORABLE DEWAYNE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 58  
PO BOX 2910  
AUSTIN TX 78768-2910

BUTLER , MARTHA & MICHAEL  
8181 COUNTY ROAD 1127  
GODLEY TX 76044-4014

CALHOUN , DEBORAH KAY  
236 AGUA LINDA DR  
GODLEY TX 76044-4084

CALVINO , SILVIA  
617 EL GATO DR  
GODLEY TX 76044-4095

CONCERNED CITIZEN ,  
7717 COUNTY ROAD 2231A  
GODLEY TX 76044

COOPER , GREG  
6 FOX HOLLOW RD  
JOSHUA TX 76058-4869

DUGGINS , RALPH  
STE 300  
600 W 6TH ST  
FORT WORTH TX 76102-3684

DUNCAN , ELIZA  
6513 LEO LN  
GODLEY TX 76044-3541

FRIEDMAN , ADAM M  
MCELROY SULLIVAN MILLER & WEBER LLP  
PO BOX 12127  
AUSTIN TX 78711-2127

FRIEDMAN , ADAM M  
MCELROY SULLIVAN MILLER & WEBER LLP  
STE 200  
4330 GAINES RANCH LOOP  
AUSTIN TX 78735-6733

GEREN , THE HONORABLE CHARLIE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 99  
PO BOX 2910  
AUSTIN TX 78768-2910

GEREN , THE HONORABLE CHARLIE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 99  
1011 ROBERTS CUT OFF RD  
RIVER OAKS TX 76114-2814

GREGG , PETER T  
GREGG LAW PC  
STE 3  
910 WEST AVE  
AUSTIN TX 78701-2231

GUTHRIE , GLEN  
PO BOX 404  
GODLEY TX 76044-0404

HAMILTON , MICHAEL  
508 LOS ALTOS CT  
GODLEY TX 76044-4089

HAYS , ANGELIQUE  
8900 COUNTY ROAD 1127  
GODLEY TX 76044-4099

HAYS , SCOTT  
8900 COUNTY ROAD 1127  
GODLEY TX 76044-4099

HESS , PAUL  
8850 COUNTY ROAD 1127  
GODLEY TX 76044-4189

HICKS , MARY  
4501 COUNTY ROAD 1126  
CLEBURNE TX 76033-8144

KING , THE HONORABLE PHIL STATE SENATOR  
THE SENATE OF TEXAS DISTRICT 10  
PO BOX 12068  
AUSTIN TX 78711-2068

LOGAN , ERIC  
343 EL PESCADO CT  
GODLEY TX 76044-4088

LOPEZ , JOSE  
863 ALTO BONITO CT  
GODLEY TX 76044-3701

MASSENGALE , TRENNON  
UNIT C  
9052 W FM 4  
GODLEY TX 76044-4001

MCENERY , PHILIP & RAMONA  
6008 BELLA TERRA LN  
GODLEY TX 76044-4006

MONDAL , VICTOR  
244 AGUA LINDA DR  
GODLEY TX 76044-4084

MOORE , RICHARD  
6165 FM 2331  
GODLEY TX 76044-4009

SCOTT , JOHN ANDREW  
CLAY SCOTT LLP  
PO BOX 472028  
FORT WORTH TX 76147-0228

SOZA , JAIME  
827 ALTO BONITO CT  
GODLEY TX 76044-3701

STROTHER , KRISTI  
9257 W FM 4  
GODLEY TX 76044-4027

STROTHER , MICHAEL  
9257 W FM 4  
GODLEY TX 76044-4027

TREUL , JUSTIN  
237 AGUA LINDA DR  
GODLEY TX 76044-4181

VAY , JOHN  
PO BOX 4711  
LAGO VISTA TX 78645-0054

VAY , JOHN  
5112 CANYON OAKS DR  
LAGO VISTA TX 78645-6086

YARBROUGH , SCOTT  
PO BOX 183  
GODLEY TX 76044-0183