

**TCEQ DOCKET NO. 2024-0666-MWD**

<b>APPLICATION BY</b> <b>MTR MATTERN RANCH, LLC FOR</b> <b>TPDES PERMIT NO. WQ0016233001</b>	<b>§</b> <b>§</b> <b>§</b> <b>§</b>	<b>BEFORE</b> <b>THE TEXAS</b> <b>COMMISSION ON</b> <b>ENVIRONMENTAL QUALITY</b>
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**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS**

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**I.      INTRODUCTION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests on the application by MTR Mattern Ranch, LLC (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016233001. Donald Wayne Dickerson, Marsha L. Nienhaus, and Richard John Nienhaus filed timely requests (Requests) for a Contested Case Hearing (Hearing).

**II.      ATTACHMENTS FOR COMMISSION CONSIDERATION**

- Attachment A - ED's GIS Map

**III.     DESCRIPTION OF THE FACILITY, DISCHARGE ROUTE, AND THE EXECUTIVE DIRECTOR’S TECHNICAL REVIEW**

The Applicant has applied to TCEQ for new TPDES Permit No. WQ0016233001 to authorize the discharge of treated domestic wastewater (effluent) at a daily average flow not to exceed 0.06 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.12 MGD in the Interim II phase, and a daily average flow not to exceed 0.24 MGD in the Final Phase. The MTR Mattern Ranch Wastewater Treatment Facility (WWTF) will be an activated sludge process plant operated in the conventional aeration mode. Treatment units in the Interim I phase will include a bar screen, one aeration basin, one final clarifier, one sludge digester, and one chlorine contact basin. Treatment units in the Interim II phase will aeration basins, one final clarifier, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase will include an additional treatment train similar to the Interim II phase. The facility has not been constructed.

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

*INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The daily average flow of effluent shall not exceed 0.06 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 167 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A

Carbonaceous Biochemical Oxygen Demand (5-day)	10 (5.0)	15	25	35
Total Suspended Solids	15 (7.5)	25	40	60
Ammonia Nitrogen	3 (1.5)	6	10	15
<i>E. coli</i> colony-forming units or most probable number per 100 ml	63	N/A	N/A	200

The effluent shall contain a total chlorine residual of at least 1.0 mg/L and shall not exceed a total chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 standard units (SU) nor greater than 9.0 SU and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/L and shall be monitored once per week by grab sample.

#### *INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The daily average flow of effluent shall not exceed 0.12 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 333 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (10)	15	25	35
Total Suspended Solids	15 (15)	25	40	60
Ammonia Nitrogen	3 (3.0)	6	10	15
<i>E. coli</i> colony-forming units or most probable number per 100 ml	63	N/A	N/A	200

The effluent shall contain a total chlorine residual of at least 1.0 mg/L and shall not exceed a total chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/L and shall be monitored once per week by grab sample.

#### *FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The daily average flow of effluent shall not exceed 0.24 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 667 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (20)	15	25	35
Total Suspended Solids	15 (30)	25	40	60
Ammonia Nitrogen	3 (6.0)	6	10	15
<i>E. coli</i> colony-forming units or most probable number per 100 ml	63	N/A	N/A	200

The effluent shall contain a total chlorine residual of at least 1.0 mg/L and shall not exceed a total chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/L and shall be monitored once per week by grab sample.

The plant site will be located at 46238 Farm-to-Market Road 1774, Plantersville, in Grimes County, Texas 77363. The treated effluent will be discharged via pipe to an unnamed tributary, thence to Mill Creek, thence to Neidigk Lake, thence to Mill Creek, thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary and intermediate aquatic life use for Mill Creek. The designated uses for Segment No. 1008 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC) Section (§) 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 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. A Tier 2 Review has preliminarily determined that no significant degradation of water quality is expected in Mill Creek, which has been identified as having intermediate aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

#### IV. PROCEDURAL HISTORY

TCEQ received the application on September 23, 2022, and declared it administratively complete on January 20, 2023. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Grimes County, Texas in English in *The Examiner* on January 25, 2023, and in Spanish in *El Perico* on January 26, 2023. The ED completed the technical review of the application on April 24, 2023, and prepared the proposed permit, which if approved, would establish the conditions under which the WWTF must operate. The Applicant published a combined NORI and Notice of Application and Preliminary Decision (NAPD) in Grimes County, Texas in English in *The Examiner* on September 27, 2023, and in Spanish in *El Perico* on September 28, 2023. The public comment period ended on October 30, 2023, the ED's Response to Public Comment (RTC) was filed on December 22, 2023, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on January 29, 2024. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

#### V. ACCESS TO RULES, LAWS AND RECORDS

- All administrative rules: Secretary of State Website: [www.sos.state.tx.us](http://www.sos.state.tx.us)
- TCEQ rules: Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)
- TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules, Policy, & Legislation," then "Current TCEQ Rules," then "Download TCEQ Rules");
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.) [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- Environmental or citizen complaints may be filed electronically at: <https://www.tceq.texas.gov/compliance/complaints> (select "use our online form") or by sending an email to the following address: [complaint@TCEQ.texas.gov](mailto:complaint@TCEQ.texas.gov)

Commission records for the WWTF are available for viewing and copying at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at the Navasota Public Library, 1411 East Washington Avenue, Navasota, Texas, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and

the ED's preliminary decision have been available for viewing and copying at the same location since publication of the combined NORI-NAPD.

If you would like to file a complaint about the WWTF concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 9) in Waco, TX at (254) 751-0335 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the seventh bullet point of section five (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, enforcement actions may arise.

## **VI. EVALUATION OF HEARING REQUESTS**

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests (Requests). The Commission implemented HB 801 by adopting procedural rules in 30 TAC chapters 39, 50, and 55. Senate Bill 709 revised the requirements for submitting public comment and the commission's consideration of Requests. This application was declared administratively complete on March 23, 2022; therefore, it is subject to the procedural requirements adopted pursuant to both HB 801 and SB 709

### **A. LEGAL AUTHORITY TO RESPOND TO HEARING REQUESTS**

"The executive director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . ."<sup>1</sup>

1. whether the requestor is an affected person;
2. whether issues raised in the hearing request are disputed;
3. whether the dispute involves questions of fact or law;
4. whether the issues were raised during the public comment period;
5. whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
6. whether the issues are relevant and material to the decision on the application; and
7. a maximum expected duration for the contested case hearing.<sup>2</sup>

### **B. HEARING REQUEST REQUIREMENTS**

To consider a Request, the Commission must first conclude that the requirements in 30 TAC §§ 55.201 and 55.203, are met as follows.

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . . , based only on the requester's timely comments, and not based on an issue that was raised solely in a public

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<sup>1</sup> 30 TAC § 55.209(d).

<sup>2</sup> *Id.* at § 55.209(e).

comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.<sup>3</sup>

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who is responsible for receiving all official communications and documents for the group;
- (2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed;
  - (B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.<sup>4</sup>

**C. REQUIREMENT THAT REQUESTOR BE AN AFFECTED PERSON**

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.203, that a requestor is an affected person.

- (a) For any application, 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 public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - (1) whether the interest claimed is one protected by the law under which the application will be considered;
  - (2) distance restrictions or other limitations imposed by law on the affected interest;

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<sup>3</sup> 30 TAC § 55.201(c).

<sup>4</sup> *Id.* at § 55.201(d).

- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
  - (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
  - (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
  - (6) whether the requester timely submitted comments on the application which were not withdrawn; and
  - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.<sup>5</sup>
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:
- (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
  - (2) the analysis and opinions of the ED; and
  - (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.<sup>6</sup>

#### **D. REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing."<sup>7</sup> "The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application."<sup>8</sup>

### **VII. ANALYSIS OF THE HEARING REQUESTS**

For this permit application the relevant public comment period ended on October 30, 2023, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on January 29, 2024. The ED's analyses determined whether the Requests followed TCEQ rules, if the requestors qualify as affected persons, what issues may be referred for a possible hearing, and the length of that hearing.

#### **A. WHETHER THE REQUEST COMPLIED WITH 30 TAC §§ 55.201(C) AND (D).**

1. **Donald Wayne Dickerson** filed two timely, written Requests that provided the requisite contact information, raised issues that form the basis of his Requests in

<sup>5</sup> 30 TAC § 55.203(a)-(c).

<sup>6</sup> *Id.* at § 55.203(d).

<sup>7</sup> 30 TAC § 50.115(b).

<sup>8</sup> *Id.* at § 55.203(d).

timely comments not withdrawn before the RTC was filed, and requested a hearing.

Mr. Dickerson's Requests complied with 30 TAC §§ 55.201(c) and (d) because he effectively identified personal justiciable interests in a written explanation plainly describing why Mr. Dickerson believes he will be affected by the application in a way not common to the public. Mr. Dickerson's Request stated he lives in proximity to the WWTF and raised issues related to traffic, nuisance odors, the formation of a MUD, groundwater contamination, and the inability of the discharge path to contain all the discharged effluent.

The ED recommends finding that the Requests of Mr. Dickerson substantially complied with 30 TAC §§ 55.201(c) and (d).

2. **Marsha L. Nienhaus** filed a timely, written Request that provided the requisite contact information, raised issues that form the basis of her Request in timely comments not withdrawn before the RTC was filed, and requested a hearing.

Ms. Nienhaus's Request complied with 30 TAC §§ 55.201(c) and (d) because she effectively identified personal justiciable interests in a written explanation plainly describing why Ms. Nienhaus believes she will be affected by the application in a way not common to the public. Ms. Nienhaus's Request stated that she lives in proximity to the WWTF and raised issues related to flooding, odor, and groundwater contamination.

The ED recommends finding that the Request of Ms. Nienhaus substantially complied with 30 TAC §§ 55.201(c) and (d).

3. **Richard John Nienhaus** filed a timely, written Request that provided the requisite contact information, raised issues that form the basis of his Request in timely comments not withdrawn before the RTC was filed, and requested a hearing.

Mr. Nienhaus's Request complied with 30 TAC §§ 55.201(c) and (d) because he effectively identified personal justiciable interests in a written explanation plainly describing why Mr. Nienhaus believes he will be affected by the application in a way not common to the public. Mr. Nienhaus's Request stated that he lives in proximity to the WWTF and raised issues related to flooding, odor, and the impairment of emergency services.

The ED recommends finding that the Request of Mr. Nienhaus substantially complied with 30 TAC §§ 55.201(c) and (d).

**B. WHETHER REQUESTOR IS AN AFFECTED PERSON UNDER 30 TAC § 55.203.**

1. **Donald Wayne Dickerson** filed two Requests that effectively identified personal, justiciable interests affected by the application.

Mr. Dickerson's Requests stated that the WWTF is in proximity to his home, which according to the GIS map prepared by the ED's staff, is 0.16 linear miles from the WWTF and its discharge point. This increases the likelihood that Mr. Dickerson will be affected in a way not common to the general public. Mr. Dickerson's Requests raised issues relevant to a decision on the application, including prevention of nuisance odors from the WWTF and groundwater contamination from the discharged effluent.



Mr. Dickerson's proximity, which was explained briefly and specifically, in plain language in his Requests, and his concerns related to nuisance odors and groundwater, are issues related to the interests of the requestors, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood Mr. Dickerson may be personally affected in a way not common to the general public.

The ED recommends that the Commission find that Donald Wayne Dickerson is an Affected Person under 30 TAC § 55.203.

2. **Marsha L. Nienhaus** filed a Request that effectively identified personal, justiciable interests affected by the application.

Ms. Nienhaus's Request stated that the WWTF is in proximity to her home, which according to the GIS map prepared by the ED's staff, is 0.25 linear miles from the WWTF and its discharge point. This increases the likelihood that Ms. Nienhaus will be affected in a way not common to the general public. Ms. Nienhaus's Request raised issues relevant to a decision on the application, including prevention of nuisance odors from the WWTF and groundwater contamination from the discharged effluent.

Ms. Nienhaus's proximity, which was explained briefly and specifically, in plain language in her Request, and her concerns related to nuisance odors and groundwater, are issues related to the interests of the requestors, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood Ms. Nienhaus may be personally affected in a way not common to the general public.

The ED recommends that the Commission find that Marsha L. Nienhaus is an Affected Person under 30 TAC § 55.203.

3. **Richard John Nienhaus** filed a Request that effectively identified personal, justiciable interests affected by the application.

Mr. Nienhaus's Request stated that the WWTF is in proximity to his home, which according to the GIS map prepared by the ED's staff, is 0.25 linear miles from the WWTF and its discharge point. This increases the likelihood that Mr. Nienhaus will be affected in a way not common to the general public. Mr. Nienhaus's Requests raised issues relevant to a decision on the application, including prevention of nuisance odors from the WWTF.

Mr. Nienhaus's proximity, which was explained briefly and specifically, in plain language in his Request, and his concerns related to nuisance odors, are issues related to the interests of the requestors, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood Mr. Nienhaus may be personally affected in a way not common to the general public.

The ED recommends that the Commission find that Richard John Nienhaus is an Affected Person under 30 TAC § 55.203.

### VIII. ISSUES RAISED IN THE HEARING REQUEST:

The Requests raised the issues below.

**1. Whether the draft permit complies with TCEQ's rules regarding nuisance odors.**

(RTC Response No. 7) This issue involves a disputed question of mixed fact and law. If it can be shown that the draft permit does not comply with TCEQ's odor rules, then that information would be relevant and material to a decision on this application.

The ED concludes this issue is relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer this issue.

**2. Whether the draft permit adequately protects water quality, including protection of groundwater, in accordance with applicable regulations, including the Texas Surface Water Quality Standards.**

(RTC Response No. 2) This issue involves a disputed question of mixed fact and law. If it can be shown that the draft permit is not protective of groundwater in accordance with applicable regulations, including the Texas Surface Water Quality Standards, then that information would be relevant and material to a decision on this application.

The ED concludes this issue is relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer this issue.

### IX. CONTESTED CASE HEARING DURATION

If the Commission grants a hearing on this application, the ED recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.

### X. REQUESTS FOR RECONSIDERATION

No timely Requests for Reconsideration were submitted.

### XI. EXECUTIVE DIRECTOR'S RECOMMENDATION

The ED recommends the following actions by the Commission:

1. Find that Donald Wayne Dickerson, Marsha L. Nienhaus, and Richard John Nienhaus are affected persons under 30 TAC §§ 55.203.
2. Grant the Hearing Requests of Donald Wayne Dickerson, Marsha L. Nienhaus, and Richard John Nienhaus.
3. Should the Commission decide to refer this case to SOAH:
  - a. refer the case to Alternative Dispute Resolution for a reasonable time; and
  - b. refer the identified issues above in section VIII. to SOAH for a contested case hearing.
4. Should the Commission decide to deny the Requests, issue the Draft Permit as written.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division




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Bradford Eckhart, Staff Attorney  
Environmental Law Division  
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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## XII. CERTIFICATE OF SERVICE

I certify that on July 22, 2024, the Executive Director's Response to Hearing Requests for TPDES Permit No. WQ0016233001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



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Bradford Eckhart, *Staff Attorney*  
State Bar No. 24137368

MAILING LIST/LISTA DE CORREO  
MTR Mattern Ranch LLC  
TCEQ Docket No./TCEQ Expediente N.º 2024-0666-MWD  
Permit No./Permiso N.º WQ0016233001

FOR THE APPLICANT/PARA EL  
SOLICITANTE:

Michael Salinsky, Authorized Signatory  
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4742 North 24th Street, Suite 325  
Phoenix, Arizona 85016

Jerry G. Ince, P.E.,  
Senior Project Manager  
Ward, Getz & Associates  
2500 Tanglewilde Street, Suite 120  
Houston, Texas 77063

FOR THE EXECUTIVE DIRECTOR/PARA  
EL DIRECTOR EJECUTIVO  
via electronic mail:

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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/PARA  
ABOGADOS DE INTERÉS PÚBLICO  
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/PARA LA RESOLUCIÓN  
ALTERNATIVA DE DISPUTAS  
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/ PARA EL  
SECRETARIO OFICIAL  
via eFilings:

Docket Clerk  
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Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711  
[www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings)

REQUESTER(S)/SOLICITANTE(S):

See attached list/Ver lista adjunta

REQUESTER(S)/SOLICITANTE(S):

Donald Wayne Dickerson Jr.  
12101 Huckleberry Drive  
Plantersville, Texas 77363

Marsha L. Nienhaus  
12189 Huckleberry Drive  
Plantersville, Texas 77363

Richard John Nienhaus  
12189 Huckleberry Drive  
Plantersville, Texas 77363

INTERESTED PERSON(S)/ PERSONA(S)  
INTERESADA(S)

Mr. Brad Wood  
32200 Headache Row  
Plantersville, Texas 77363

# Attachment A



# MTR Mattern Ranch LLC

## Permit No. WQ0016233001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 7/17/2024  
CRF 0101768  
Cartographer: rkukushk

- Facility
- Discharge Route
- Requestors
- - - 0.5 miles from Facility
- - - 1 mile from Facility
- - - 1.5 miles from Facility

Requestor Name	Distance in miles
DICKERSON DONALD WAYNE	0.16
NIENHAUS RICHARD JOHN	0.25
NIENHAUS MARSHA L	0.25

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

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