

## Tammy Johnson

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:24 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Phillip Farrell Sr CCH.docx

Attachment = comment  
eComment = comment

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**From:** robynfarrrell1979@gmail.com <robynfarrrell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 1:12 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Phillip Farrell, SR

**EMAIL:** [robynfarrrell1979@gmail.com](mailto:robynfarrrell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error

Phillip Farrell Sr.

1308 Ozro Rd.

Venus, Tx 76084

Laurie Gharis, Chief Clerk

Office of the Chief Clerk, MC 105

TCEQ

P.O. Box 13087

Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination

System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I offer the below comments:

I am an affected person within the definition of that term by the Texas Administration Code:

My property is located at 1308 Ozro Road, consisting of approximately 38 acres. The confluence of Boggy Branch and Armstrong Creek is on my property. Approximately 80% of my land currently lies within the FEMA Zone A floodplain (2013).

The application should be denied for the following environmental, procedural and technical deficiencies pertaining to this application.

Environmental:

1. Contamination of my private water well from toxins including PFAS which this TPDES is not testing for, this is the only source for water I have
2. Contamination of the soil from PFAS transported id creek and floodwaters
3. My Grandchildren play, swim, and fish in these creeks, even in drought years there are multiple holding pools within the creeks. I am concerned about skin absorption and ingestion of toxins including PFAS.



4. Contamination of the fish in my stock ponds which we use for food. The pond is feed by Armstrong Creek and Boggy Branch.
5. This plant will contaminate the creek and affect all fish and aquatic life along with the entire ecosystem of these creeks. Including endangered species per Texas Parks and Wildlife.
6. The waterways in Ellis County have numerous endangered species, and migratory birds through this corridor and these have not been addressed.
7. Loss of wildlife habitat from the thousands of acres associated with this TPDES and the development it will service.
8. I will have the odor/smells and air pollutants from not just this plant but all 3 that are in very close proximity to each other and my farm

Flooding;

1. The amount of additional water from this TPDES and its development will increase flooding on my property
2. It will cause creek bank erosion, accumulation of sediment and expansion of the floodplain. This will cause loss of land from my property to the floodplain.
3. The loss of useable agricultural land will cause economic damages to my property
4. FEMA has not a determined a Base Flood Elevation in this area, and there are no flow meters that establishes current flow. It would be impossible to determine the flooding downstream without a comprehensive flood study which was not done.
5. There are no flood mitigation dams downstream to protect landowners and other communities.
6. The facility is in a floodplain but there are no controls in the application to protect the facility of flooding

Application:

3. Nearby WWTP's
5. Improper flow characteristics were determined. Personal observation is not adequate.

6. Downstream characteristics are in accurate

8. Applicant did not contact all other WWTPs as required. Or TRA

10. The amount of sludge being contained onsite is too large for a floodplain

This TPDES is only one part of a multi-thousand acre development. The Master Plan includes approximately 4200 +/- acres including 3 TPDES pending applications 2 pending MUD applications, This 4200 acre massive development MUST be reviewed as one. The environmental impacts including flooding on my property will be cumulative. The TPDES's for this entire development are 1 mile apart from each other. The acreage is all contiguous and will dump effluent and storm water into the same 2 creeks in the same watershed. My property will be affected by this entire development as both of these creeks Armstrong Creek and Boggy Branch merge on my property before heading downstream. All 3 TPDES requesting permits are not sufficient to handle the GPD of the portions of this development they are to service and all will require expansion.

Dam influence is unknown.

Applicant does not own the land

The applicant does not have a lease for the property

Applicant does not have a road easement to the property

Applicant did not provide affected landowner Name, Address, and mailing list with application for required notification

Respectively,

Phillip Farrell Sr.

## **Tammy Johnson**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:25 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Phillip Farrell Jr CCH1.docx

Attachment = H  
eComment = comment

---

**From:** robynfarell1979@gmail.com <robynfarell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 1:14 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Phillip Farrell, JR

**EMAIL:** [robynfarell1979@gmail.com](mailto:robynfarell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error

Phillip Farrell Jr.  
1605 BearPath Way  
Gunter, Tx 75058  
Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087  
In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination  
System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request a Contested Case Hearing for the above mentioned application.

I am an affected person within the definition of that term by the Texas Administration Code:  
I am the heir to the property located at 1308 Ozro Road, consisting of approximately 38 acres.  
My property is less than 1 mile from the proposed facility and discharge route. The confluence of Boggy  
Branch (with permit pending for TPDES (Buffalo Hills) and Armstrong Creek is located on my property.  
(Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be denied for the following deficiencies pertaining to this application and the  
following environmental, procedural and technical deficiencies in the application.

I am in the Health Care Industry currently as the Director of Respiratory Care at a Baylor Scott and White  
Hospital in the North DFW area.

This TPDES uniquely and adversely affects me in the following ways, and the application should be  
denied for the following environmental, procedural and technical deficiencies pertaining to this  
application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of  
the application. This was brought to the attention of the TCEQ staff reviewing the application as well as  
representatives from the ED, and OPIC during the Public Meeting as well as through comments in  
writing. A simple search of Ellis county online records would have shown the applicant did/does not own  
the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I  
have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained  
by ownership of property if applicant does not own the land as stated in the application.

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that  
Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded

with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

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**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System.

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit)

This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility.

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation

**Environmental:**

1. Contamination of my private water well from toxins including PFAS which this TPDES is not testing for, this is the only source for water I have
2. My children play, swim, and fish in these creeks, even in drought years there are multiple holding pools within the creeks. I am concerned about skin absorption and ingestion of toxins including PFAS.
3. Contamination of the fish in my stock ponds which we use for food. The pond is feed by Armstrong Creek and Boggy Branch.
4. This plant will affect all fish and aquatic life along with the entire ecosystem of these creeks. Including endangered species per Texas Parks and Wildlife.
5. The waterways in Ellis County have numerous endangered species, and migratory birds through this corridor and these have not been addressed.
6. Loss of wildlife habitat from the thousands of acres associated with this TPDES and the development it will service.
7. I will have the odor/smells and air pollutants from not just this plant but all 3 that are in very close proximity to each other and my farm

**Flooding;**

1. The amount of additional water from this TPDES and its development will increase flooding on my property
2. It will cause creek bank erosion, accumulation of sediment and expansion of the floodplain. This will cause loss of land from my property to the floodplain.
3. The loss of useable agricultural land will cause economic damages to my property
4. FEMA has not determined a Base Flood Elevation in this area, and there are no flow meters

that establishes current flow. It would be impossible to determine the flooding downstream without a comprehensive flood study which was not done.

5. There are no flood mitigation dams downstream to protect landowners and other communities.

6. The facility is in a floodplain but there are no controls in the application to protect the facility of flooding

This TPDES is only one part of a multi-thousand acre development. The Master Plan includes approximately 4200 +/- acres including 3 TPDES pending applications, 3 pending MUD applications,

This 4200 acre development MUST be reviewed as one. The environmental impacts including flooding on my property will be cumulative. The acreage is all contiguous and will dump effluent and storm water into the same 2 creeks in the same watershed. My property will be affected by this entire development as both of these creeks Armstrong Creek and Boggy Branch merge on my property before heading downstream. All 3 TPDES requesting permits are not sufficient to handle the GPD of the portions of this development they are to service and all will require expansion.

The applicant submitted applications just under 1 million GPD to avoid further regulations for larger TPDES.

Upstream Dams impact is unknown.

Application:

Applicant did not provide affected landowner Name, Address, and mailing list with application for required notification

Applicant does not own the land

The applicant does not have a lease for the property

Applicant does not have a road easement to the property

Respectively,

Phillip Farrell Jr.

Director of Respiratory Care

Reviewed By GCW

FEB 27 2025 RFR

IP No. 271209	Name FARRELL PHILLIP	Organization	Title
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IP DetailAddressElectronic CommunicationsItems & ActionsAdditional IDsCountiesCustomers & Regulated Entities

\* Request Received Date

Last Polling Date

☐ Legislator

Comment

**Individual**

Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete
FARRELL PHILLIP	-	JR			NO	X

**Address**

Street/PO Box 1308 OZRO RD	State TX	Zip 76084-4870
City VENUS	Country USA	
Building/Mail Drop	Multiple Addresses	No

**Electronic Communications**

Type PHONE	Country	Phone (214) 850-8214	Ext.
Type	Country	Fax	Ext.
Type EMAIL	robynfarrell1979@gmail.com		



IP No. 271209

Name FARRELL,PHILLIP

Organization

Title

IP Detail

Address

Electronic Communications

Items &amp; Actions

Additional IDs

Counties

Customers &amp; Regulated Entities

## Items

Show more columns

Number ↕	Program ↕	ID Type ↕	Additional ID ↕	Principal ↕	CN ↕	Status ↕	Active ↕	Comments ↕	Delete
<u>134802</u>	VWPERMIT	PERMIT	WQ0010883002	CITY OF VENUS	CN600636364	ACTIVE	YES	NO	✕

Associate...

## Actions

Date/Time ↕	Type ↕	Delivery ↕	Acknowledgement ↕	Comments ↕	Documents ↕	Delete
<u>02/25/2025 01:14 PM</u>	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	YES	✕
<u>02/25/2025 01:14 PM</u>	HEARING REQUEST ENGLISH	ECOMMENT	-	YES	YES	✕
<u>02/25/2025 11:10 AM</u>	TBD	ECOMMENT	-	YES	YES	✕
<u>11/14/2023 08:16 AM</u>	PUBLIC MEETING - REQ ENG	ECOMMENT	-	YES	NO	✕

Add...

## Edit Protestant Comments

### Comments

see attached

### Documents

File Name	Remove
PFJ Recon.pdf	x

1-1 of 1 records      Page 1 of 1      1      5 ▾

+ Choose File

Drag & Drop files to the box above to upload, or select Choose File

Ok

Reset

Cancel

Phillip Farrell Jr  
1605 BearPath Way  
Gunter, Tx 75058

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request Reconsideration of the Executive Directors Decision.

I am an affected person within the definition of that term by the Texas Administration Code:

I am the heir to property that is located at 1308 Ozro Road, consisting of approximately 38 acres. The confluence of Boggy Branch and Armstrong Creek is on our property.

I am in the Health Care Industry currently as the Director of Respiratory Care at a Baylor Scott and White Hospital in the North DFW area. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be reconsidered and denied for the following deficiencies pertaining to this application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of the application. This was brought to the attention of the TCEQ staff reviewing the application as well as representatives from the ED, and OPIC during the Public Meeting as well as through comments in writing. A simple search of Ellis county online records would have shown the applicant did/does not own the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained by ownership of property if applicant does not own the land as stated in the application. (See Exhibit 4 ECAD and 5 OPR for ownership)

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001****Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System. (See Exhibit 1 acceptance letter from TRA to the applicant.)

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in

writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility. (See Exhibits 2&3)

**Applicant submitted an application for Renewal without Changes:**

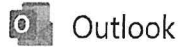
Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation (See Exhibit 6)

**A reconsideration of this decision could save precious resources for all in time and monies spent going through a Contested Case Hearing.**

Respectively,

Phillip Farrell Jr

Exhibit 1



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**FW: Lift Station Waste**

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**From** Natalie Taylor <taylorn@trinityra.org>

**Date** Wed 2/5/2025 7:57 AM

**To** Kyle Sugg <KSugg@cityofvenus.org>

2 attachments (1 MB)

2024.10.08\_Lab Report\_74-003000124.pdf; 2024.10.08\_Lab Report\_74-003000224.pdf;

Mr. Sugg,

Please see the confirmation for release below, along with the attached data results.

Please let me know if there is anything else we can do to assist.

Regards,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

---

**From:** Natalie Taylor

**Sent:** Wednesday, October 23, 2024 3:46 PM

**To:** Johnny Coker <jcoker@cityofvenus.org>

**Cc:** Dale Burrow <BurrowD@trinityra.org>; Jason De La Rosa <delarosaje@trinityra.org>

**Subject:** RE: Lift Station Waste

Good afternoon Johnny,

\* We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Johnny Coker <jcoker@cityofvenus.org>  
**Sent:** Wednesday, October 16, 2024 2:34 PM  
**To:** Natalie Taylor <taylorn@trinityra.org>  
**Subject:** RE: Lift Station Waste

**Warning:** This email was received from an external source. Do not click any links or open any attachments unless you trust the sender and know the content is safe. If you suspect that this email is malicious please report it with the Phish Alert button.

Natalie, thank you for responding and I'm looking forward to the results.

**From:** Natalie Taylor <taylorn@trinityra.org>  
**Sent:** Wednesday, October 16, 2024 1:57 PM  
**To:** Dale Burrow <BurrowD@trinityra.org>; Johnny Coker <jcoker@cityofvenus.org>  
**Subject:** RE: Lift Station Waste

Johnny,

Once we get back all the results we will review and assess if the water can be released to our system. We appreciate your patience.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Dale Burrow <BurrowD@trinityra.org>  
**Sent:** Wednesday, October 16, 2024 1:54 PM  
**To:** [jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)  
**Cc:** Natalie Taylor <taylorn@trinityra.org>  
**Subject:** Lift Station Waste

Hi Johnny,

Here is the lab report for the BOD/TSS results. The O&G will take a little longer and I will get that to you as soon as it is released. Please let me know if you have any questions.

**Dale Burrow**

**Environmental Services Coordinator**

Environmental Services Division | Trinity River Authority

O: 972-975-4317 | C: 469-475-3548

Exhibit 2

MWD\_10883-002\_CP\_20241016\_COMPLIANCE  
Texas Commission on Environmental Quality  
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact [oce@tceq.texas.gov](mailto:oce@tceq.texas.gov)

**Customer: City of Venus**  
**Customer Number: CN600636864**

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**Regulated Entity Name: CITY OF VENUS WWTP SITE B**

**Regulated Entity Number: RN101612505**

<b>Investigation</b>	# 2008335	<b>Incident Numbers</b>	426368
<b>Investigator:</b>	DEANN CLINE	<b>Site Classification</b>	DOMESTIC MINOR
<b>Conducted:</b>	08/19/2024 -- 08/19/2024	<b>NAIC Code:</b>	221320
<b>Program(s):</b>	WASTEWATER	<b>SIC Code:</b>	4952
<b>Investigation Type:</b>	Compliance Invest File Review	<b>Location:</b>	LOCATED APPROX 0.5 MI SW OF THE INTEREX FM 157 & FM 2258
<b>Additional ID(s)</b>	WQ0010883002 TX0138703		

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**Address:** ,  
, ,

**Local Unit:** REGION 04 - DFW METROPLEX

**Activity Type(s)** WWCRR - WW Compliance Record Review

WWCMPL - WW Complaint

**Principal(s):**

Role	Name
RESPONDENT	CITY OF VENUS

**Contact(s):**

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
REGULATED ENTITY CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444
REGULATED ENTITY MAIL CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444



**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
Supervisor	GARY SINCLAIR
QA Reviewer	MAITE MARTIN

**Associated Check List**

<b><u>Checklist Name</u></b>	<b><u>Unit Name</u></b>
WQ COMPLAINT INVESTIGATION	Complaint

**Investigation Comments:****INTRODUCTION**

On July 17, 2024, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (DFW) Regional Office received complaints (Incident No. 426368) alleging that the City of Venus was unlawfully storing and transporting raw domestic wastewater from an unpermitted facility in Venus, Ellis County, Texas. The complaint was assigned to Water Quality Investigator, Ms. Deann Cline, and was investigated in house on August 19, 2024. The complaint allegations were not substantiated at the time of the investigation; however, a violation and Area of Concern were noted. Based on the findings of this investigation, a Notice of Violation and Resolution (NOV) letter was issued to acknowledge compliance.

**GENERAL FACILITY AND PROCESS INFORMATION**

The City of Venus (the City) owns and operates the City of Venus Wastewater Treatment Plant (WWTP) Site B, located approximately 0.5 mile southwest of the FM 157 and FM 2258 intersection in Venus, Ellis County, Texas. The WWTP, which is not yet in operation, is authorized to discharge a daily average flow not to exceed 0.045 million gallons per day (MGD) of treated domestic wastewater during Interim Phase I of their permit. There is one lift station in the collection system.

**BACKGROUND**

There has not yet been a Comprehensive Compliance Investigation (CCI) at this site, as the plant is not yet operating, but a minor reconnaissance investigation was conducted on July 11, 2024, to determine compliance with wastewater treatment regulations and no issues were found.

A new permit was issued to the City for this facility on March 22, 2019. On September 21, 2023, the TCEQ received a permit renewal application. The permit renewal is currently pending. A Notice of Completion Form was submitted on February 15, 2024.

This complaint has been filed as Incident No. 426368 and is associated to this report.

**ADDITIONAL INFORMATION**

Ms. Cline contacted the complainants on July 26, 2024, and notified them that she was the assigned investigator for the complaint.

On August 19, 2024, the investigator contacted Mr. Johnny Coker, City of Venus Utility Operator and Chief Operator of the facility, to discuss allegations made in the complaint and inquired as to whether any wastewater was entering the collection system. Mr. Coker stated that there were currently no Certificates of Occupancy filed for Brahman Ranch Municipal Utility District (MUD), the community served by the facility. He indicated that nobody occupied the model home either, so did not believe that wastewater was entering the collection system. Mr. Coker stated that the lift station within the collection system had been pumped and hauled once since the system was installed, but another pump and haul was planned soon. He also indicated that most of what was removed was stormwater that had infiltrated the collection system during development. Mr. Coker did not have a copy of the trip ticket readily available. This item was noted and resolved as an Area of Concern.

On August 20, 2024, Mr. Coker emailed the investigator and indicated that he had misspoke on August 19, 2024, and that there were Certificates of Occupancy filed for Brahman Ranch MUD. The investigator contacted Mr. Matt Crain, Foreman for the development, by phone to inquire as to whether the model home

was using their restroom facilities, to which he said they were.

An Exit Interview Form (EIF) and Records Request (RR) was sent to Mr. Coker on August 21, 2024. Records requested included all haul tickets from pump and haul activities from the lift station. These records were received on August 28, 2024. Upon reviewing the records, it was found that the wastewater was transported by BCAC Underground, Transporter Authorization No. 25398, to Cold Springs Processing, Municipal Solid Waste (MSW) No. 01225. Cold Springs Processing is not authorized to accept untreated domestic wastewater, and a violation was noted for this item.

Mr. Coker has a level "C" Wastewater Treatment Operator license (License No. WW0013137) that was verified, is current, and complies with the licensing requirements for this facility.

On September 30, 2024, the investigator spoke with Mr. Coker on the phone to discuss the additional finding regarding the proper management of wastewater pumped from the lift station. Mr. Coker had indicated that the City would like to pump the wastewater from the Brahman Ranch MUD lift station to their collection system that sends wastewater to be treated at Trinity River Authority's (TRA) Mountain Creek WWTP, Permit No. WQ0010348001. The investigator replied that the City would need to contact the operator of the facility and have an agreement with them to accept the additional wastewater.

As required, a letter and copy of this report will be mailed to both the City and the complainants.

NOV Date	10/16/2024	Method	WRITTEN
NOV Date	10/16/2024	Method	AREA OF CONCERN
OUTSTANDING ALLEGED VIOLATION(S)			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 894239

Compliance Due Date: 11/15/2024

Violation Start Date: 8/19/2024

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010883002, WQ0010883002

Permit Conditions 2.g.

EPA ID TX0138703, TX0138703

Permit Conditions 2.g.

**Alleged Violation:**

Investigation: 2008335

Comment Date: 10/02/2024

Failure to prevent the unauthorized discharge of wastewater. Specifically, on July 9, 2024, and August 26, 2024, untreated wastewater was taken to Cold Springs Processing (MSW No. 01225), which was not authorized to receive untreated domestic wastewater.

**Recommended Corrective Action:** Ensure that untreated domestic wastewater is sent to a location where it is authorized to be treated and discharged from a permitted outfall.

AREA OF CONCERN

Track Number: 894283

Resolution Status Date: 10/9/2024

Violation Start Date: 8/21/2024

Violation End Date: 8/28/2024

8/19/2024 Inv. # - 2008335

Exhibit 2, Pg. 4

Page 4 of 4

30 TAC Chapter 312.141(a)

30 TAC Chapter 312.145

PERMIT WQ0010883002, WQ0010883002

EPA ID TX0138703, TX0138703

## Alleged Violation:

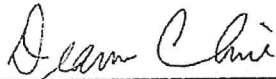
Investigation: 2008335

Comment Date: 10/02/2024

Failure to maintain a record of each individual collection and deposit of untreated domestic wastewater collected in the form of a trip ticket. Specifically, the facility did not maintain a record of the collection, haul, and disposal of untreated domestic wastewater that was collected from the Brahman Ranch Lift Station on July 9, 2024.

**Resolution:** On August 28, 2024, the TCEQ DFW Region Office received copies of trip tickets for the two pump and hauls that had occurred from the lift station at the Brahman Ranch MUD on July 9, 2024, and on August 26, 2024. Mr. Coker also stated during a phone conversation on August 21, 2024, that he would maintain all future trip tickets from pump and haul activities from the facility's collection system.

Signed

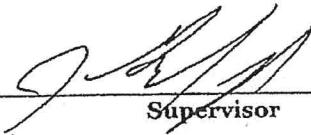


Environmental Investigator

Date

10/9/24

Signed



Supervisor

Date

10/15/2024

## Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)☐ Maps, Plans, Sketches☒ Letter to Facility (specify type): NOV☐ Photographs☐ Investigation Report☒ Correspondence from the facility☐ Sample Analysis Results☒ Other (specify):☐ ManifestsExit Interview Form/Records Req.☐ Notice of Registration

## List of Attached files

8.26.24 Dump Ticket recd 8.28.24.pdf

Exhibit 3

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS NATURAL RESOURCE
CITY OF VENUS	§	
TNRCC WATER QUALITY	§	CONSERVATION COMMISSION
PERMIT NO. 10883-001	§	

AGREED ORDER  
DOCKET NO. 1998-0286-MWD-E

At its OCT 27 1999 agenda, the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC") considered this agreement of the parties, resolving an enforcement action regarding the City of Venus ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 (the "Code"). The Executive Director of the TNRCC, represented by the Litigation Division, and the City, represented by John L. Wilson of the law firm of McGinnis, Lochridge & Kilgore, L.L.P., presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility located approximately 0.5 miles northwest of the City of Venus at a point approximately 500 feet north of U.S. Highway 67 and approximately 200 feet west of Farm-to-Market Road 157, in Venus, Johnson County, Texas (the "Facility").

# Exhibit 3, Pg. 2

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 2

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Code.
3. During inspections on March 21, April 6, and July 17, 1995; August 6, 1996, January 22 and September 18, 1997; and July 22, 1998, a TNRCC Arlington Regional Office investigator documented unauthorized discharges into or adjacent to Grassy Creek. Sludge was noted in the receiving stream during inspections on March 21, 1995, July 17, 1995, August 6, 1996, January 22, 1997, September 18, 1997, and July 22, 1998. On January 22, 1997, a TNRCC investigator observed approximately twenty dead fish within one-quarter mile downstream of the Facility.
4. During a compliance inspection conducted at the Facility on September 18, 1997, a TNRCC investigator documented that grab samples taken about two feet from the Facility outfall in Grassy Creek showed values of 235 milligrams per liter ("mg/L") for five-day biochemical oxygen demand ("BOD<sub>5</sub>") concentration and 3,470 mg/L for total suspended solids concentration ("TSS").
5. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; January 22 and September 18, 1997; and July 22, 1998, a TNRCC investigator documented the City's failure to report to the TNRCC the discharges of sludge or noncompliant effluent to Grassy Creek.
6. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; and January 22 and September 18, 1997, a TNRCC investigator documented the City's failure to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City. As a result, septic conditions of the Facility's wastewater occurred when the gear box for the rotator malfunctioned.
7. The City received notices of the violations on or about April 12, 1995, October 13, 1996, August 5, 1997, and December 1, 1997.
8. The Executive Director recognizes that the City constructed a new transfer lift station and wastewater treatment facility, TNRCC Water Quality Permit No. 10883-002, which became operational on April 22, 1997.

### CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TNRCC pursuant to the Code chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact Nos. 2, 3, and 4, the City has failed to prevent unauthorized discharges of sludge into Grassy Creek in violation of the Code § 26.121 and TNRCC Water Quality Permit No. 10883-001.
3. As evidenced by Finding of Fact No. 5, the City has failed to report noncompliances to the TNRCC, which may endanger human health or safety or the environment in violation of 30 TEX. ADMIN. CODE § 305.125(9) and Permit No. 10883-001.
4. As evidenced by Finding of Fact No. 6, the City has failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(5), the Code § 26.121, and Permit No. 10883-001.
5. Pursuant to the TEX. WATER CODE §§ 7.051 and 26.136, the Commission has the authority to assess an administrative penalty against the City for violations of the Code, TNRCC rules, and orders adopted under the Code.
6. An administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in the Code § 26.136.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS that:

1. The City is assessed an administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) for violations of the Code and rules of the TNRCC. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: City of Venus; Docket No. 1998-0286-MWD-E; Enforcement ID No. 8212" to:



City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 4

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE §§ 7.067 and 26.136(n), and the TEX. HEALTH & SAFETY CODE § 361.252(o) and § 382.088(j). Twenty-six thousand dollars (\$26,000.00) of the assessed administrative penalty shall be remitted with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally remitted portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, the City shall develop a plan and schedule for the removal of all sludge in or adjacent to Grassy Creek within one-quarter mile of the Facility. The plan shall include the maintenance of written records of the amount of sludge removed, the technique used, and the ultimate disposal site. The plan shall be available at the plant for inspection by an authorized representative of the TNRCC for three years.

If sludge becomes apparent or is known to enter the receiving stream from the Facility, disposal of sludge shall be carried out in accordance with all applicable rules of the TNRCC and in a manner that prevents contamination of surface or groundwater. A copy of the completed records included in the City's plan for sludge removal shall be provided to the TNRCC within thirty (30) days following the completion of the project and disposal of the sludge.

In the event that access to the adjacent affected properties is denied for whatever reason(s), then the remediation on these properties will be excluded from the above requirements provided that the City can submit information to Merrilee Gerberding, TNRCC Enforcement Division, substantiating that it made every reasonable attempt to obtain the property owner's permission to enter their property;

- b. Within 60 days after the effective date of this Agreed Order, the City shall develop written Standard Operating Procedures ("SOP") for the operation and routine scheduled and preventative maintenance of all components of the wastewater

treatment facilities. The SOP shall be prepared by a Texas registered professional engineer.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer review the SOP in the field with the City's wastewater treatment facility operator(s). Immediately following the review, the City shall implement the SOP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Standard Operating Manual Information."

The City shall submit written verification of the completion of the review to the TNRCC. A daily log book documenting operations and maintenance activities shall be maintained for a period of three years and shall be made available to TNRCC representatives upon request;

- c. Within 60 days after the effective date of this Agreed Order, the City shall develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TNRCC Certified Wastewater Operator.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer or "A" operator review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Solids Management Plan Information."

Within 120 days after the effective date of this Agreed Order, the City shall submit a copy of the SMP and written verification of completion of the SMP field review to the TNRCC. The City shall maintain organized, written records of the process control test results for a period of three years at the plant site. The City shall keep these records in a daily log book and/or checklist and shall make the records available to TNRCC representatives upon request.

- d. The City shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:



Exhibit 3, Pg. 6

City of Venus  
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Page 6

Ms. Merrilee Gerberding, Coordinator  
Enforcement Division, MC 149  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Sid Slocum, Water Section Manager  
Arlington Regional Office  
Texas Natural Resource Conservation Commission  
1101 East Arkansas Lane  
Arlington, Texas 76010-6499

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City causes any pollution or any discharge of waste without a permit or in violation of a permit, and thereby fails to comply with any of the technical requirements in this Agreed Order within the prescribed schedules, and that failure is caused by an act of God, war, strike, riot, or other catastrophe, such failure is not a violation of the Code ch. 26. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

Exhibit 3, Pg. 7

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 7

9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b).

Exhibit 3 pg. 8


## SIGNATURE PAGE

### TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Venus. I am authorized to agree to the attached Agreed Order on behalf of the City of Venus, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, the City of Venus waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

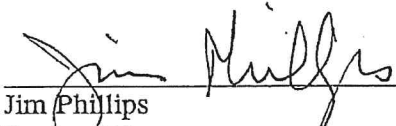
  
Signature

8-11-99  
Date

JAMES A. FLATT  
Name (printed or typed)  
Authorized Representative  
City of Venus

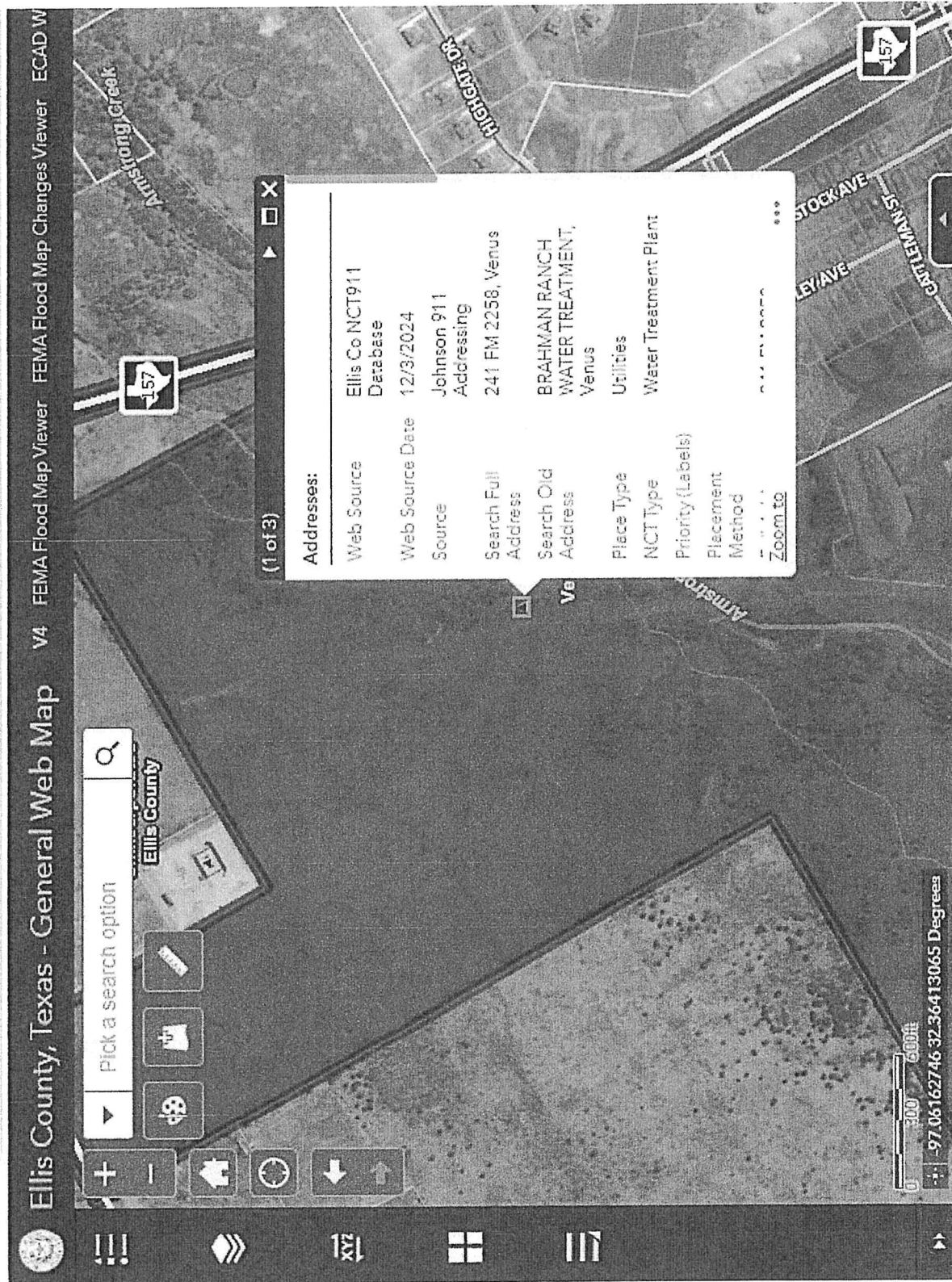
MAYOR  
Title

I, the undersigned, on behalf of the Executive Director of the Texas Natural Resource Conservation Commission, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

  
Jim Phillips  
Deputy Director  
Office of Legal Services  
Texas Natural Resource Conservation Commission

8/26/99  
Date

Exhibit 4



Ellis County, Texas - General Web Map V4 FEMA Flood Map Viewer FEMA Flood Map Changes View

Pick a search option  Ellis County

Map controls: +, -, Home, Refresh, Pan, Zoom

Scale: 0 300 600 ft

Coordinates: -97.06325825 32.36454751 Degrees

Parcels (Courtesy of ECAD):

ECAD	More info
Property Search	
Property ID	189385
Source: ECAD	More info
Source Date	1/31/2025
PYear	2025
File Name As	MISKIMON RICHARD K & SHERI R & FALLS CREEK LAND & CATTLE LLC
Second Name	
Legal Acres	236.756
Legal Description 1	560 J JACKSON 1016 J E SLAUGHTER 103 F BRIGANCE 594 L KELSEY 236.7561 ACRES

Zoom to \*\*\*

Exhibit 5



Robyn Farrell <robynfarrrell1979@gmail.com>

---

## Brahman Ranch PID

2 messages

**Robyn Farrell** <robynfarrrell1979@gmail.com>  
To: Open Records <openrecords@cityofvenus.org>

Fri, May 24, 2024 at 11:59 PM

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell

---

**Open Records** <openrecords@cityofvenus.org>  
To: Robyn Farrell <robynfarrrell1979@gmail.com>, Open Records <openrecords@cityofvenus.org>

Tue, May 28, 2024 at 11:51 AM

\* Good morning,  
No such documents exist.

**From:** Robyn Farrell <robynfarrrell1979@gmail.com>  
**Sent:** Friday, May 24, 2024 11:59 PM  
**To:** Open Records <openrecords@cityofvenus.org>  
**Subject:** Brahman Ranch PID

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell



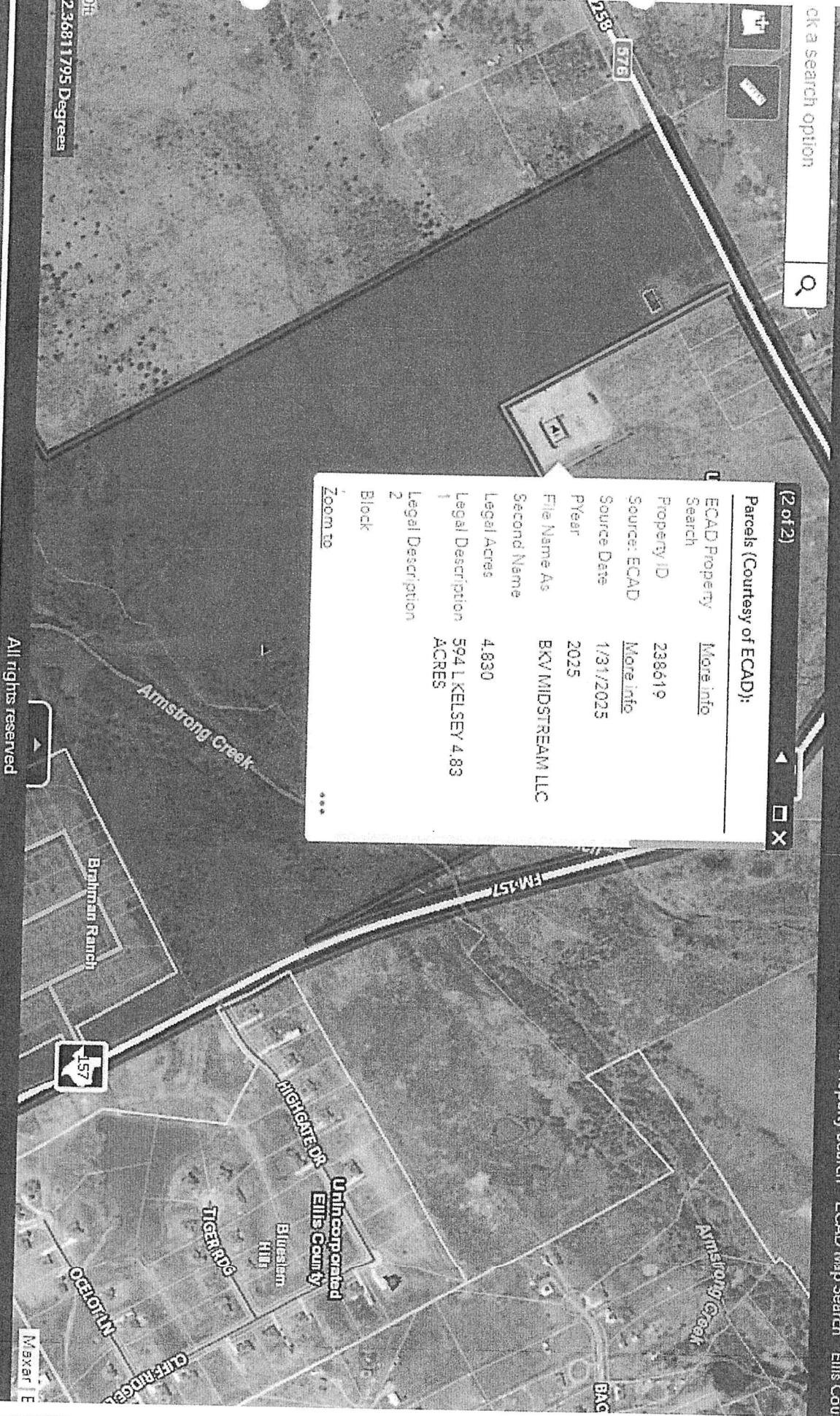
Exhibit 6

Click a search option

(2 of 2)

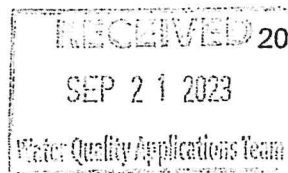
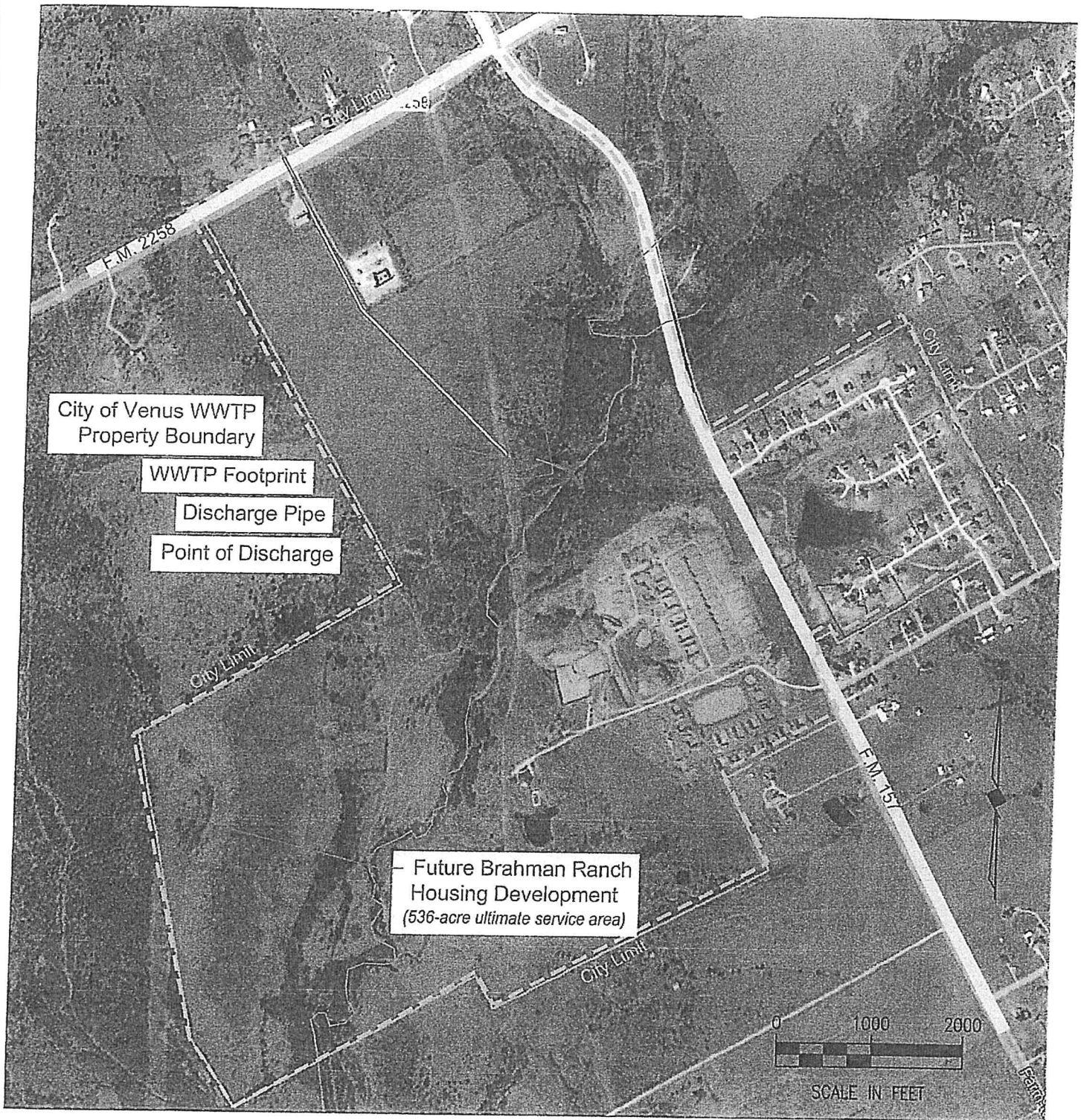
Parcels (Courtesy of ECAD):

ECAD Property Search	More Info
Property ID	238619
Source: ECAD	More Info
Source Date	1/31/2025
PYear	2025
File Name As	BKV MIDSTREAM LLC
Second Name	
Legal Acres	4.830
Legal Description	594 L KELSEY 4.83 ACRES
Legal Description	
Block	
Zoom to	



All rights reserved

Exhibit 5



2023 Domestic Wastewater Discharge Permit Renewal

City of Venus WWTP

**Attachment-C**

Site Drawing

10054 - Section 3

(Page 1 of 1)



Reviewed By ECW

FEB 27 2025 RFR

IP No. 260669	Name FARRELL PHILLIP	Organization	Title
---------------	----------------------	--------------	-------

IP Detail

Address

Electronic Communications

Items & Actions

Additional IDs

Counties

Customers & Regulated Entities

Request Received Date03/19/2023m

Last Polling Datemm

☐ Legislator

Comment

Save

Reset

Individual

Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete
FARRELL PHILLIP		SR			NO	X

Add...

Address

Street/PO Box	1308 OZRO RD	State	TX	Zip	76064-4870
City	VENUS	Country	USA		
Building/Mail Drop		Multiple Addresses	No		

Electronic Communications

Type	PHONE	Country	Phone	(214) 890-8214	Ext.
Type		Country	Fax		Ext.
Type	EMAIL	robynfarrell1979@gmail.com			

IP No. 260669

Name FARRELL PHILLIP

Organization

Title

IP Detail Address Electronic Communications **Items & Actions** Additional IDs Counties Customers & Regulated Entities

## Items

Show more columns

Number	Program	ID Type	Additional ID	Principal	CN	Status	Active	Comments	Delete
<a href="#">134802</a>	WWPERMIT	PERMIT	WQ0010833002	CITY OF VENUS	CN600636864	ACTIVE	YES	<a href="#">NO</a>	<a href="#">x</a>
<a href="#">132205</a>	DIST	REG	D-02152023-058 + 1	BUFFALO HILLS MUNIC...	CN606108231	ACTIVE	YES	<a href="#">NO</a>	<a href="#">x</a>
<a href="#">131990</a>	-	INTCNLNUM	D-02212023-061 + 1	BRAHMAN RANCH MU...	CN606109627	ACTIVE	YES	<a href="#">NO</a>	<a href="#">x</a>
<a href="#">131507</a>	WWPERMIT	PERMIT	WQ0016273001	CLEAR UTILITIES LLC	CN606086437	ACTIVE	YES	<a href="#">NO</a>	<a href="#">x</a>
<a href="#">130665</a>	WWPERMIT	PERMIT	WQ0016243001	CIRCLE S MIDLOTHIAN ...	CN606072684	ACTIVE	YES	<a href="#">NO</a>	<a href="#">x</a>

Associate...

## Actions

Date/Time	Type	Delivery	Acknowledgement	Comments	Documents	Delete
<a href="#">02/25/2025 01:12 PM</a>	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	YES	<a href="#">x</a>
<a href="#">02/25/2025 01:12 PM</a>	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	YES	<a href="#">x</a>
<a href="#">02/25/2025 11:06 AM</a>	TBD	ECOMMENT	-	YES	YES	<a href="#">x</a>
<a href="#">07/11/2024 04:51 PM</a>	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	YES	<a href="#">x</a>
<a href="#">11/14/2023 06:38 AM</a>	PUBLIC MEETING - REQ ENG	ECOMMENT	-	YES	NO	<a href="#">x</a>

Add...

Edit Protestant Comments

Comments

See attached

Documents

File Name

Remove

PFS Recon.pdf

x

1-1 of 1 records

Page 1 of 1

1 5

+ Choose File

Drag & Drop files to the box above to upload, or select Choose File

Ok

Reset

Cancel

Phillip Farrell Sr  
1308 Ozro Rd.  
Venus, Tx 76084

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request Reconsideration of the Executive Directors Decision.

I am an affected person within the definition of that term by the Texas Administration Code:

My property is located at 1308 Ozro Road, consisting of approximately 38 acres. The confluence of Boggy Branch and Armstrong Creek is located on my property. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be reconsidered and denied for the following deficiencies pertaining to this application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of the application. This was brought to the attention of the TCEQ staff reviewing the application as well as representatives from the ED, and OPIC during the Public Meeting as well as through comments in writing. A simple search of Ellis county online records would have shown the applicant did/does not own the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained by ownership of property if applicant does not own the land as stated in the application. (See Exhibit 4 ECAD and 5 OPR for ownership)

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends

the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System. (See Exhibit 1 acceptance letter from TRA to the applicant.)

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following

violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility. (See Exhibits 2&3)

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation (See Exhibit 6)

**A reconsideration of this decision could save precious resources for all in time and monies spent going through a Contested Case Hearing.**

Respectively,

Phillip Farrell Sr

Exhibit 1



Outlook

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**FW: Lift Station Waste**

---

From Natalie Taylor <taylorn@trinityra.org>

Date Wed 2/5/2025 7:57 AM

To Kyle Sugg <KSugg@cityofvenus.org>

2 attachments (1 MB)

2024.10.08\_Lab Report\_74-003000124.pdf; 2024.10.08\_Lab Report\_74-003000224.pdf;

Mr. Sugg,

Please see the confirmation for release below, along with the attached data results.

Please let me know if there is anything else we can do to assist.

Regards,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Natalie Taylor

**Sent:** Wednesday, October 23, 2024 3:46 PM

**To:** Johnny Coker <jcoker@cityofvenus.org>

**Cc:** Dale Burrow <BurrowD@trinityra.org>; Jason De La Rosa <delarosaje@trinityra.org>

**Subject:** RE: Lift Station Waste

Good afternoon Johnny,

\* We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Johnny Coker <[jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)>  
**Sent:** Wednesday, October 16, 2024 2:34 PM  
**To:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Subject:** RE: Lift Station Waste

**Warning:** This email was received from an external source. Do not click any links or open any attachments unless you trust the sender and know the content is safe. If you suspect that this email is malicious please report it with the Phish Alert button.

Natalie, thank you for responding and I'm looking forward to the results.

**From:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Sent:** Wednesday, October 16, 2024 1:57 PM  
**To:** Dale Burrow <[BurrowD@trinityra.org](mailto:BurrowD@trinityra.org)>; Johnny Coker <[jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)>  
**Subject:** RE: Lift Station Waste

Johnny,

Once we get back all the results we will review and assess if the water can be released to our system. We appreciate your patience.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Dale Burrow <[BurrowD@trinityra.org](mailto:BurrowD@trinityra.org)>  
**Sent:** Wednesday, October 16, 2024 1:54 PM  
**To:** [jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)  
**Cc:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Subject:** Lift Station Waste

Hi Johnny,

Here is the lab report for the BOD/TSS results. The O&G will take a little longer and I will get that to you as soon as it is released. Please let me know if you have any questions.

**Dale Burrow**

**Environmental Services Coordinator**

Environmental Services Division | Trinity River Authority

O: 972-975-4317 | C: 469-475-3548



Exhibit 2

MWD\_10883-002\_CP\_20241016\_COMPLIANCE  
Texas Commission on Environmental Quality  
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oee@tceq.texas.gov

Customer: City of Venus  
Customer Number: CN600636864

Regulated Entity Name: CITY OF VENUS WWTP SITE B

Regulated Entity Number: RN101612505

Investigation #	2008335	Incident Numbers	426368
Investigator:	DEANN CLINE	Site Classification	DOMESTIC MINOR
Conducted:	08/19/2024 -- 08/19/2024	NAIC Code:	221320
Program(s):	WASTEWATER	SIC Code:	4952
Investigation Type:	Compliance Invest File Review	Location:	LOCATED APPROX 0.5 MI SW OF THE INTEREX FM 157 & FM 2258
Additional ID(s)	WQ0010883002 TX0138703		

Address: ,	Local Unit:	REGION 04 - DFW METROPLEX
	Activity Type(s)	WWCRR - WW Compliance Record Review WWCMPL - WW Complaint

<u>Principal(s):</u>	
Role	Name
RESPONDENT	CITY OF VENUS

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
REGULATED ENTITY CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444
REGULATED ENTITY MAIL CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444

**Other Staff Member(s):**

Role	Name
Supervisor	GARY SINCLAIR
QA Reviewer	MAITE MARTIN

**Associated Check List**

<u>Checklist Name</u>	<u>Unit Name</u>
WQ COMPLAINT INVESTIGATION	Complaint

**Investigation Comments:****INTRODUCTION**

On July 17, 2024, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (DFW) Regional Office received complaints (Incident No. 426368) alleging that the City of Venus was unlawfully storing and transporting raw domestic wastewater from an unpermitted facility in Venus, Ellis County, Texas. The complaint was assigned to Water Quality Investigator, Ms. Deann Cline, and was investigated in house on August 19, 2024. The complaint allegations were not substantiated at the time of the investigation; however, a violation and Area of Concern were noted. Based on the findings of this investigation, a Notice of Violation and Resolution (NOV) letter was issued to acknowledge compliance.

**GENERAL FACILITY AND PROCESS INFORMATION**

The City of Venus (the City) owns and operates the City of Venus Wastewater Treatment Plant (WWTP) Site B, located approximately 0.5 mile southwest of the FM 157 and FM 2258 intersection in Venus, Ellis County, Texas. The WWTP, which is not yet in operation, is authorized to discharge a daily average flow not to exceed 0.045 million gallons per day (MGD) of treated domestic wastewater during Interim Phase I of their permit. There is one lift station in the collection system.

**BACKGROUND**

There has not yet been a Comprehensive Compliance Investigation (CCI) at this site, as the plant is not yet operating, but a minor reconnaissance investigation was conducted on July 11, 2024, to determine compliance with wastewater treatment regulations and no issues were found.

A new permit was issued to the City for this facility on March 22, 2019. On September 21, 2023, the TCEQ received a permit renewal application. The permit renewal is currently pending. A Notice of Completion Form was submitted on February 15, 2024.

This complaint has been filed as Incident No. 426368 and is associated to this report.

**ADDITIONAL INFORMATION**

Ms. Cline contacted the complainants on July 26, 2024, and notified them that she was the assigned investigator for the complaint.

On August 19, 2024, the investigator contacted Mr. Johnny Coker, City of Venus Utility Operator and Chief Operator of the facility, to discuss allegations made in the complaint and inquired as to whether any wastewater was entering the collection system. Mr. Coker stated that there were currently no Certificates of Occupancy filed for Brahman Ranch Municipal Utility District (MUD), the community served by the facility. He indicated that nobody occupied the model home either, so did not believe that wastewater was entering the collection system. Mr. Coker stated that the lift station within the collection system had been pumped and hauled once since the system was installed, but another pump and haul was planned soon. He also indicated that most of what was removed was stormwater that had infiltrated the collection system during development. Mr. Coker did not have a copy of the trip ticket readily available. This item was noted and resolved as an Area of Concern.

On August 20, 2024, Mr. Coker emailed the investigator and indicated that he had misspoke on August 19, 2024, and that there were Certificates of Occupancy filed for Brahman Ranch MUD. The investigator contacted Mr. Matt Crain, Foreman for the development, by phone to inquire as to whether the model home

was using their restroom facilities, to which he said they were.

An Exit Interview Form (EIF) and Records Request (RR) was sent to Mr. Coker on August 21, 2024. Records requested included all haul tickets from pump and haul activities from the lift station. These records were received on August 28, 2024. Upon reviewing the records, it was found that the wastewater was transported by BCAC Underground, Transporter Authorization No. 25398, to Cold Springs Processing, Municipal Solid Waste (MSW) No. 01225. Cold Springs Processing is not authorized to accept untreated domestic wastewater, and a violation was noted for this item.

Mr. Coker has a level "C" Wastewater Treatment Operator license (License No. WW0013137) that was verified, is current, and complies with the licensing requirements for this facility.

On September 30, 2024, the investigator spoke with Mr. Coker on the phone to discuss the additional finding regarding the proper management of wastewater pumped from the lift station. Mr. Coker had indicated that the City would like to pump the wastewater from the Brahman Ranch MUD lift station to their collection system that sends wastewater to be treated at Trinity River Authority's (TRA) Mountain Creek WWTP, Permit No. WQ0010348001. The investigator replied that the City would need to contact the operator of the facility and have an agreement with them to accept the additional wastewater.

As required, a letter and copy of this report will be mailed to both the City and the complainants.

<u>NOV Date</u>	10/16/2024	<u>Method</u>	WRITTEN
<u>NOV Date</u>	10/16/2024	<u>Method</u>	AREA OF CONCERN
OUTSTANDING ALLEGED VIOLATION(S)			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 894239

Compliance Due Date: 11/15/2024

Violation Start Date: 8/19/2024

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010883002, WQ0010883002

Permit Conditions 2.g.

EPA ID TX0138703, TX0138703

Permit Conditions 2.g.

**Alleged Violation:**

Investigation: 2008335

Comment Date: 10/02/2024

Failure to prevent the unauthorized discharge of wastewater. Specifically, on July 9, 2024, and August 26, 2024, untreated wastewater was taken to Cold Springs Processing (MSW No. 01225), which was not authorized to receive untreated domestic wastewater.

**Recommended Corrective Action:** Ensure that untreated domestic wastewater is sent to a location where it is authorized to be treated and discharged from a permitted outfall.

AREA OF CONCERN

Track Number: 894283

Resolution Status Date: 10/9/2024

Violation Start Date: 8/21/2024

Violation End Date: 8/28/2024

8/19/2024 Inv. # - 2008335

Page 4 of 4

Exhibit 2, Pg. 4

30 TAC Chapter 312.141(a)

30 TAC Chapter 312.145

PERMIT WQ0010883002, WQ0010883002

EPA ID TX0138703, TX0138703

## Alleged Violation:

Investigation: 2008335

Comment Date: 10/02/2024

Failure to maintain a record of each individual collection and deposit of untreated domestic wastewater collected in the form of a trip ticket. Specifically, the facility did not maintain a record of the collection, haul, and disposal of untreated domestic wastewater that was collected from the Brahman Ranch Lift Station on July 9, 2024.

**Resolution:** On August 28, 2024, the TCEQ DFW Region Office received copies of trip tickets for the two pump and hauls that had occurred from the lift station at the Brahman Ranch MUD on July 9, 2024, and on August 26, 2024. Mr. Coker also stated during a phone conversation on August 21, 2024, that he would maintain all future trip tickets from pump and haul activities from the facility's collection system.

Signed

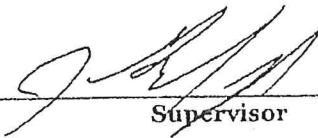


Environmental Investigator

Date

10/9/24

Signed



Supervisor

Date

10/15/2024

## Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)☐ Maps, Plans, Sketches☒ Letter to Facility (specify type): NOV☐ Photographs☐ Investigation Report☒ Correspondence from the facility☐ Sample Analysis Results☒ Other (specify):☐ ManifestsExit Interview Form/Records Req.☐ Notice of Registration

## List of Attached files

8.26.24 Dump Ticket recd 8.28.24.pdf

Exhibit 3

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF VENUS  
TNRCC WATER QUALITY  
PERMIT NO. 10883-001

§                    BEFORE THE  
§  
§            TEXAS NATURAL RESOURCE  
§  
§            CONSERVATION COMMISSION  
§

AGREED ORDER  
DOCKET NO. 1998-0286-MWD-E

At its OCT 27 1999 agenda, the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC") considered this agreement of the parties, resolving an enforcement action regarding the City of Venus ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 (the "Code"). The Executive Director of the TNRCC, represented by the Litigation Division, and the City, represented by John L. Wilson of the law firm of McGinnis, Lochridge & Kilgore, L.L.P., presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility located approximately 0.5 miles northwest of the City of Venus at a point approximately 500 feet north of U.S. Highway 67 and approximately 200 feet west of Farm-to-Market Road 157, in Venus, Johnson County, Texas (the "Facility").

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 2

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Code.
3. During inspections on March 21, April 6, and July 17, 1995; August 6, 1996, January 22 and September 18, 1997; and July 22, 1998, a TNRCC Arlington Regional Office investigator documented unauthorized discharges into or adjacent to Grassy Creek. Sludge was noted in the receiving stream during inspections on March 21, 1995, July 17, 1995, August 6, 1996, January 22, 1997, September 18, 1997, and July 22, 1998. On January 22, 1997, a TNRCC investigator observed approximately twenty dead fish within one-quarter mile downstream of the Facility.
4. During a compliance inspection conducted at the Facility on September 18, 1997, a TNRCC investigator documented that grab samples taken about two feet from the Facility outfall in Grassy Creek showed values of 235 milligrams per liter ("mg/L") for five-day biochemical oxygen demand ("BOD<sub>5</sub>") concentration and 3,470 mg/L for total suspended solids concentration ("TSS").
5. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; January 22 and September 18, 1997; and July 22, 1998, a TNRCC investigator documented the City's failure to report to the TNRCC the discharges of sludge or noncompliant effluent to Grassy Creek.
6. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; and January 22 and September 18, 1997, a TNRCC investigator documented the City's failure to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City. As a result, septic conditions of the Facility's wastewater occurred when the gear box for the rotator malfunctioned.
7. The City received notices of the violations on or about April 12, 1995, October 13, 1996, August 5, 1997, and December 1, 1997.
8. The Executive Director recognizes that the City constructed a new transfer lift station and wastewater treatment facility, TNRCC Water Quality Permit No. 10883-002, which became operational on April 22, 1997.

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 3

### CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TNRCC pursuant to the Code chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact Nos. 2, 3, and 4, the City has failed to prevent unauthorized discharges of sludge into Grassy Creek in violation of the Code § 26.121 and TNRCC Water Quality Permit No. 10883-001.
3. As evidenced by Finding of Fact No. 5, the City has failed to report noncompliances to the TNRCC, which may endanger human health or safety or the environment in violation of 30 TEX. ADMIN. CODE § 305.125(9) and Permit No. 10883-001.
4. As evidenced by Finding of Fact No. 6, the City has failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(5), the Code § 26.121, and Permit No. 10883-001.
5. Pursuant to the TEX. WATER CODE §§ 7.051 and 26.136, the Commission has the authority to assess an administrative penalty against the City for violations of the Code, TNRCC rules, and orders adopted under the Code.
6. An administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in the Code § 26.136.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS that:

1. The City is assessed an administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) for violations of the Code and rules of the TNRCC. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: City of Venus; Docket No. 1998-0286-MWD-E; Enforcement ID No. 8212" to:



City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 4

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE §§ 7.067 and 26.136(n), and the TEX. HEALTH & SAFETY CODE § 361.252(o) and § 382.088(j). Twenty-six thousand dollars (\$26,000.00) of the assessed administrative penalty shall be remitted with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally remitted portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, the City shall develop a plan and schedule for the removal of all sludge in or adjacent to Grassy Creek within one-quarter mile of the Facility. The plan shall include the maintenance of written records of the amount of sludge removed, the technique used, and the ultimate disposal site. The plan shall be available at the plant for inspection by an authorized representative of the TNRCC for three years.

If sludge becomes apparent or is known to enter the receiving stream from the Facility, disposal of sludge shall be carried out in accordance with all applicable rules of the TNRCC and in a manner that prevents contamination of surface or groundwater. A copy of the completed records included in the City's plan for sludge removal shall be provided to the TNRCC within thirty (30) days following the completion of the project and disposal of the sludge.

In the event that access to the adjacent affected properties is denied for whatever reason(s), then the remediation on these properties will be excluded from the above requirements provided that the City can submit information to Merrilee Gerberding, TNRCC Enforcement Division, substantiating that it made every reasonable attempt to obtain the property owner's permission to enter their property;

- b. Within 60 days after the effective date of this Agreed Order, the City shall develop written Standard Operating Procedures ("SOP") for the operation and routine scheduled and preventative maintenance of all components of the wastewater



treatment facilities. The SOP shall be prepared by a Texas registered professional engineer.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer review the SOP in the field with the City's wastewater treatment facility operator(s). Immediately following the review, the City shall implement the SOP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Standard Operating Manual Information."

The City shall submit written verification of the completion of the review to the TNRCC. A daily log book documenting operations and maintenance activities shall be maintained for a period of three years and shall be made available to TNRCC representatives upon request;

- c. Within 60 days after the effective date of this Agreed Order, the City shall develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TNRCC Certified Wastewater Operator.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer or "A" operator review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Solids Management Plan Information."

Within 120 days after the effective date of this Agreed Order, the City shall submit a copy of the SMP and written verification of completion of the SMP field review to the TNRCC. The City shall maintain organized, written records of the process control test results for a period of three years at the plant site. The City shall keep these records in a daily log book and/or checklist and shall make the records available to TNRCC representatives upon request.

- d. The City shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Exhibit 3, Pg. 6

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 6

Ms. Merrilee Gerberding, Coordinator  
Enforcement Division, MC 149  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Sid Slocum, Water Section Manager  
Arlington Regional Office  
Texas Natural Resource Conservation Commission  
1101 East Arkansas Lane  
Arlington, Texas 76010-6499

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City causes any pollution or any discharge of waste without a permit or in violation of a permit, and thereby fails to comply with any of the technical requirements in this Agreed Order within the prescribed schedules, and that failure is caused by an act of God, war, strike, riot, or other catastrophe, such failure is not a violation of the Code ch. 26. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

Exhibit 3, Pg. 7

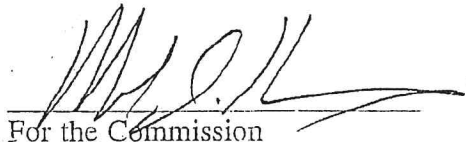
City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 7

9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b).

Exhibit 3 pg. 8

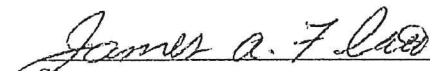
SIGNATURE PAGE

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Venus. I am authorized to agree to the attached Agreed Order on behalf of the City of Venus, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, the City of Venus waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

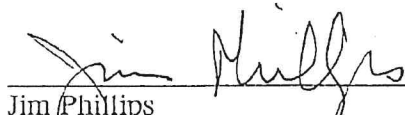
  
Signature

8-11-99  
Date

JAMES A. FLATT  
Name (printed or typed)  
Authorized Representative  
City of Venus

MAYOR  
Title

I, the undersigned, on behalf of the Executive Director of the Texas Natural Resource Conservation Commission, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

  
Jim Phillips  
Deputy Director  
Office of Legal Services  
Texas Natural Resource Conservation Commission

8/26/99  
Date

Exhibit 4

Ellis County, Texas - General Web Map    V4    FEMA Flood Map Viewer    FEMA Flood Map Changes Viewer    ECAD W

Ellis County

Pick a search option

0 300' 600ft

-97.06162746 32.36413065 Degrees

Armstrong Creek

HIGHWAY 157

STOCK AVE

COTTLEMAN

Water Treatment Plant

(1 of 3)

Addresses:

Web Source	Ellis Co NCT911 Database
Web Source Date	12/3/2024
Source	Johnson 911 Addressing
Search Full Address	241 FM 2258, Venus
Search Old Address	BRAHMAN RANCH WATER TREATMENT, Venus
Place Type	Utilities
NCT Type	Water Treatment Plant
Priority (Labels)	
Placement	
Method	
Zoom to	



Ellis County, Texas - General Web Map

V4 FEMA Flood Map Viewer FEMA Flood Map Changes View

+

-

Home

Layers

Full Screen

Print

Measure

Info

Help

Pick a search option

Ellis County

157

2 of 3

Parcels (Courtesy of ECAD):

ECAD	<a href="#">More info</a>
Property Search	
Property ID	189385
Source: ECAD	<a href="#">More info</a>
Source Date	1/31/2025
PYear	2025
File Name As	MISKIMON RICHARD K & SHERIR & FALLS CREEK LAND & CATTLE LLC
Second Name	
Legal Acres	236.756
Legal Description 1	560 J JACKSON 1016 JE SLAUGHTER 103 F BRIGANCE 594 L KELSEY 236.7561 ACRES

Zoom to \*\*\*

0 300 600ft

-97.06325825 32.36454751 Degrees

Exhibit 5



Robyn Farrell <robynfarrrell1979@gmail.com>

---

## Brahman Ranch PID

2 messages

---

**Robyn Farrell** <robynfarrrell1979@gmail.com>  
To: Open Records <openrecords@cityofvenus.org>

Fri, May 24, 2024 at 11:59 PM

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell

---

**Open Records** <openrecords@cityofvenus.org>  
To: Robyn Farrell <robynfarrrell1979@gmail.com>, Open Records <openrecords@cityofvenus.org>

Tue, May 28, 2024 at 11:51 AM



Good morning,  
No such documents exist.

**From:** Robyn Farrell <robynfarrrell1979@gmail.com>  
**Sent:** Friday, May 24, 2024 11:59 PM  
**To:** Open Records <openrecords@cityofvenus.org>  
**Subject:** Brahman Ranch PID

I am requesting the following Documents:

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2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell



Exhibit 6

[Texas - General Web Map](#) [V4 FEMA Flood Map Viewer](#) [FEMA Flood Map Changes Viewer](#) [ECAD Website](#) [ECAD Property Search](#) [ECAD Map Search](#) [Ellis County](#)

Click a search option

2 of 2

Parcels (Courtesy of ECAD):

ECAD Property Search	More info
Property ID	238619
Source: ECAD	<a href="#">More info</a>
Source Date	1/31/2023
Year	2025
File Name As	BCV MIDSTREAM LLC
Second Name	
Legal Acres	4.830
Legal Description	594 L KELSEY 4.83 ACRES
Legal Description	
Block	
Zoom to	

004

32.56811795 Degrees

Armstrong Creek

FM 157

Highgate Dr

Unincorporated Ellis County

Bluestem Hills

Tiger Dog

Orlov Rd

Curry Ridge

Armstrong Creek

Back

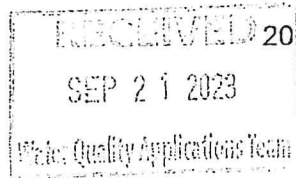
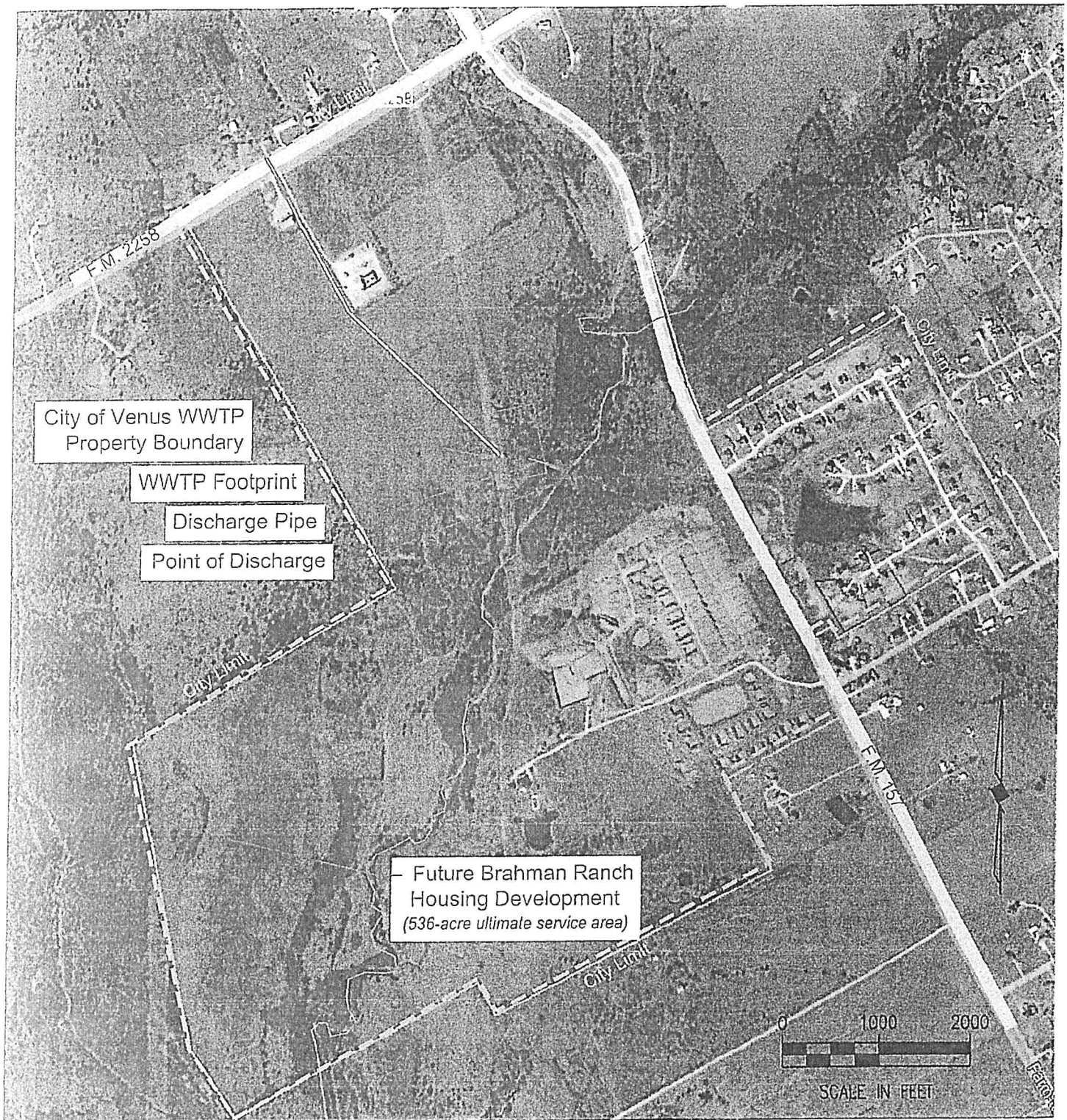
157

Brahman Ranch

Meyer

All rights reserved

Exhibit 5



## City of Venus WWTP

2023 Domestic Wastewater Discharge Permit Renewal

### Attachment-C

#### Site Drawing

10054 - Section 3

(Page 1 of 1)

**Tammy Johnson**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:25 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Error.pdf

---

**From:** robynfarrrell1979@gmail.com <robynfarrrell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 9:51 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Robyn Farrell

**EMAIL:** [robynfarrrell1979@gmail.com](mailto:robynfarrrell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error



## eComment Application Error

An unexpected error has occurred. This information is automatically being sent to the application administrator. If you have any immediate concerns regarding this application, please contact the application's IT representative. Thanks for your patience.

You may press your browser's Back button to try again.

© 2002 - 2025 Texas Commission on Environmental Quality





## Tammy Johnson

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:22 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Robyn Farrell CCH.docx

Attachment = H  
eComment = comment

---

**From:** robynfarell1979@gmail.com <robynfarell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 1:11 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Robyn Farrell

**EMAIL:** [robynfarell1979@gmail.com](mailto:robynfarell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error



Robyn Farrell  
1308 Ozro Rd.  
Venus, Tx 76084

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request a Contested Case Hearing for the above mentioned application.

I am an affected person within the definition of that term by the Texas Administration Code: My property is located at 1308 Ozro Road, consisting of approximately 38 acres. My property is less than 1 mile from the proposed facility and discharge route. The confluence of Boggy Branch (with permit pending for TPDES (Buffalo Hills) and Armstrong Creek is located on my property. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be denied for the following deficiencies pertaining to this application and the following environmental, procedural and technical deficiencies in the application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of the application. This was brought to the attention of the TCEQ staff reviewing the application as well as representatives from the ED, and OPIC during the Public Meeting as well as through comments in writing. A simple search of Ellis county online records would have shown the applicant did/does not own the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained by ownership of property if applicant does not own the land as stated in the application

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**



The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System.

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following

violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility.

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation

**Environmental:**

1. Contamination of my private water well from toxins including PFAS which this TPDES is not testing for, this is the only source for water I have
2. Contamination of the soil from PFAS transported in creek and floodwaters
3. My Grandchildren play, swim, and fish in these creeks, even in drought years there are multiple holding pools within the creeks. I am concerned about skin absorption and ingestion of toxins including PFAS.
4. Contamination of the fish in my stock ponds which we use for food. The pond is fed by Armstrong Creek and Boggy Branch.
5. This plant will contaminate the creek and affect all fish and aquatic life along with the entire ecosystem of these creeks. Including endangered species per Texas Parks and Wildlife.
6. The waterways in Ellis County have numerous endangered species, and migratory birds through this corridor and these have not been addressed.
7. Loss of wildlife habitat from the thousands of acres associated with this TPDES and the development it will service.
8. I will have the odor/smells and air pollutants from not just this plant but all 3 that are in very close proximity to each other and my farm

**Flooding;**

1. The amount of additional water from this TPDES and its development will increase flooding on my property
2. It will cause creek bank erosion, accumulation of sediment and expansion of the floodplain. This will cause loss of land from my property to the floodplain.
3. The loss of useable agricultural land will cause economic damages to my property
4. FEMA has not determined a Base Flood Elevation in this area, and there are no flow meters that establish current flow. It would be impossible to determine the flooding downstream without a comprehensive flood study which was not done.
5. There are no flood mitigation dams downstream to protect landowners and other communities.
6. The facility is in a floodplain but there are no controls in the application to protect the facility of

Flooding

Application:

Nearby WWTP's

Improper flow characteristics were determined. Personal observation is not adequate.

Downstream characteristics are not accurate

Applicant did not contact all other WWTPs as required or TRA

The amount of sludge being contained onsite is too large for a floodplain

This TPDES is only one part of a multi-thousand acre development. The Master Plan includes approximately 4200 +/- acres including 3 TPDES pending, 2 pending MUD applications

This 4200 acre massive development MUST be reviewed as one. The environmental impacts including flooding on my property will be cumulative. The TPDES's for this entire development are 1 mile apart from each other. The acreage is all contiguous and will dump effluent and storm water into the same 2 creeks in the same watershed. My property will be affected by this entire development as both of these creeks Armstrong Creek and Boggy Branch merge on my property before heading downstream. All 3 TPDES requesting permits are not sufficient to handle the GPD of the portions of this development they are to service and all will require expansion.

Dams were not looked at

Affects of LOMR's were not looked at

Applicant did not provide affected landowner Name, Address, and mailing list with application for required notification

Respectively,

Robyn Farrell

## Tammy Johnson

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:22 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Nick Griffin CCH1.docx

H

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**From:** robynfarrell1979@gmail.com <robynfarrell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 1:10 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Nick Griffn

**EMAIL:** [robynfarrell1979@gmail.com](mailto:robynfarrell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** See attached



Rene Griffin, RN  
1308 Ozro Rd.  
Venus, Tx 76084  
Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

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**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned

or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility.

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7. Loss of wildlife habitat from the thousands of acres associated with this TPDES and the development it will service.



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Application:

3. Nearby WWTP's

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creeks Armstrong Creek and Boggy Branch merge on my property before heading downstream. All 3  
TPDES requesting permits are not sufficient to handle the GPD of the portions of this development they  
are to service and all will require expansion.

Application:

Applicant did not provide affected landowner Name, Address, and mailing list with application for  
required notification

Dams effect is unknown.

Applicant does not own the land

The applicant does not have a lease for the property

Applicant does not have a road easement to the property

Respectively,

Rene Griffin, RN



Reviewed By GCW

FEB 27 2025 RFR

IP No. 300614

Name GRIFFIN,NICK

Organization

Title

IP Detail	Address	Electronic Communications	Items & Actions	Additional IDs	Counties	Customers & Regulated Entities																		
<p>* Request Received Date <input type="text" value="02/25/2025"/> <input type="text" value="m"/> Last Polling Date <input type="text" value=""/> <input type="text" value="m"/> <input type="checkbox"/> Legislator</p> <p>Comment <input type="text"/></p> <p><input type="button" value="Save"/> <input type="button" value="Reset"/></p>																								
<b>Individual</b>																								
Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete																		
GRIFFIN,NICK					NO	X																		
<input type="button" value="Add..."/>																								
<b>Address</b>																								
<table><tr><td>Street/PO Box</td><td>1308 OZRO RD</td><td>State</td><td>TX</td><td>Zip</td><td>76084-4870</td></tr><tr><td>City</td><td>VENUS</td><td>Country</td><td>USA</td><td colspan="2"></td></tr><tr><td>Building/Mail Drop</td><td colspan="3"></td><td>Multiple Addresses</td><td>No</td></tr></table>							Street/PO Box	1308 OZRO RD	State	TX	Zip	76084-4870	City	VENUS	Country	USA			Building/Mail Drop				Multiple Addresses	No
Street/PO Box	1308 OZRO RD	State	TX	Zip	76084-4870																			
City	VENUS	Country	USA																					
Building/Mail Drop				Multiple Addresses	No																			
<b>Electronic Communications</b>																								
<table><tr><td>Type</td><td>PHONE</td><td>Country</td><td>Phone</td><td>(214) 850-8214</td><td>Ext.</td></tr><tr><td>Type</td><td></td><td>Country</td><td>Fax</td><td></td><td>Ext.</td></tr><tr><td>Type</td><td>EMAIL</td><td colspan="4">robynfarrrell1979@gmail.com</td></tr></table>							Type	PHONE	Country	Phone	(214) 850-8214	Ext.	Type		Country	Fax		Ext.	Type	EMAIL	robynfarrrell1979@gmail.com			
Type	PHONE	Country	Phone	(214) 850-8214	Ext.																			
Type		Country	Fax		Ext.																			
Type	EMAIL	robynfarrrell1979@gmail.com																						

IP No. 300814

Name GRIFFIN,NICK

Organization

Title

IP Detail

Address

Electronic Communications

Items & Actions

Additional IDs

Counties

Customers & Regulated Entities

Items

Show more columns

Number ↕	Program ↕	ID Type ↕	Additional ID ↕	Principal ↕	CN ↕	Status ↕	Active ↕	Comments ↕	Delete
134802	WWPERMIT	PERMIT	WQ0010683002	CITY OF VENUS	CN500636864	ACTIVE	YES	NO	✕

Associate...

Actions

Date/Time ↕	Type ↕	Delivery ↕	Acknowledgement ↕	Comments ↕	Documents ↕	Delete
02/25/2025 01:09 PM	MAILING LIST ADD	ECOMMENT	-	YES	YES	✕
02/25/2025 11:15 AM	TBD	ECOMMENT	-	YES	YES	✕

Add...

Edit Protestant Comments

Comments

See attached

Documents

File Name	Remove
<a href="#">Nick Griffin Recon.pdf</a>	x

1-1 of 1 records      Page 1 of 1      1      5 ▾

+ Choose File

Drag & Drop files to the box above to upload, or select Choose File

OkResetCancel

Nick Griffin  
1308 Ozro Rd.  
Venus, Tx 76084

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request Reconsideration of the Executive Directors Decision.

I am an affected person within the definition of that term by the Texas Administration Code:

My property is located at 1308 Ozro Road, consisting of approximately 38 acres. The confluence of Boggy Branch and Armstrong Creek is located on my property. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be reconsidered and denied for the following deficiencies pertaining to this application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of the application. This was brought to the attention of the TCEQ staff reviewing the application as well as representatives from the ED, and OPIC during the Public Meeting as well as through comments in writing. A simple search of Ellis county online records would have shown the applicant did/does not own the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained by ownership of property if applicant does not own the land as stated in the application. (See Exhibit 4 ECAD and 5 OPR for ownership)

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends



the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System. (See Exhibit 1 acceptance letter from TRA to the applicant.)

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following

violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility. (See Exhibits 2&3)

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facility's new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicant's Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation (See Exhibit 6)

**A reconsideration of this decision could save precious resources for all in time and monies spent going through a Contested Case Hearing.**

Respectively,

Nick Griffin



---

**FW: Lift Station Waste**

---

From Natalie Taylor <taylorn@trinityra.org>

Date Wed 2/5/2025 7:57 AM

To Kyle Sugg <KSugg@cityofvenus.org>

2 attachments (1 MB)

2024.10.08\_Lab Report\_74-003000124.pdf; 2024.10.08\_Lab Report\_74-003000224.pdf;

Mr. Sugg,

Please see the confirmation for release below, along with the attached data results.

Please let me know if there is anything else we can do to assist.

Regards,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Natalie Taylor

**Sent:** Wednesday, October 23, 2024 3:46 PM

**To:** Johnny Coker <jcoker@cityofvenus.org>

**Cc:** Dale Burrow <BurrowD@trinityra.org>; Jason De La Rosa <delarosaje@trinityra.org>

**Subject:** RE: Lift Station Waste

Good afternoon Johnny,

\* We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Johnny Coker <jcoker@cityofvenus.org>  
**Sent:** Wednesday, October 16, 2024 2:34 PM  
**To:** Natalie Taylor <taylorn@trinityra.org>  
**Subject:** RE: Lift Station Waste

**Warning:** This email was received from an external source. Do not click any links or open any attachments unless you trust the sender and know the content is safe. If you suspect that this email is malicious please report it with the Phish Alert button.

Natalie, thank you for responding and I'm looking forward to the results.

**From:** Natalie Taylor <taylorn@trinityra.org>  
**Sent:** Wednesday, October 16, 2024 1:57 PM  
**To:** Dale Burrow <BurrowD@trinityra.org>; Johnny Coker <jcoker@cityofvenus.org>  
**Subject:** RE: Lift Station Waste

Johnny,

Once we get back all the results we will review and assess if the water can be released to our system. We appreciate your patience.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Dale Burrow <BurrowD@trinityra.org>  
**Sent:** Wednesday, October 16, 2024 1:54 PM  
**To:** jcoker@cityofvenus.org  
**Cc:** Natalie Taylor <taylorn@trinityra.org>  
**Subject:** Lift Station Waste

Hi Johnny,

Here is the lab report for the BOD/TSS results. The O&G will take a little longer and I will get that to you as soon as it is released. Please let me know if you have any questions.

**Dale Burrow**

**Environmental Services Coordinator**

Environmental Services Division | Trinity River Authority

O: 972-975-4317 | C: 469-475-3548

Exhibit 2

MWD\_10883-002\_CP\_20241016\_COMPLIANCE  
Texas Commission on Environmental Quality  
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact [occe@tceq.texas.gov](mailto:occe@tceq.texas.gov)

Customer: City of Venus  
Customer Number: CN600636864

Regulated Entity Name: CITY OF VENUS WWTP SITE B

Regulated Entity Number: RN101612505

Investigation # 2008335

Incident Numbers

426368

Investigator: DEANN CLINE

Site Classification DOMESTIC MINOR

Conducted: 08/19/2024 -- 08/19/2024

NAIC Code: 221320

Program(s): WASTEWATER

SIC Code: 4952

Investigation Type: Compliance Invest File Review

Location: LOCATED APPROX 0.5 MI SW OF THE  
INTEREX FM 157 & FM 2258

Additional ID(s) WQ0010883002  
TX0138703

Address: ,

Local Unit: REGION 04 - DFW METROPLEX

Activity Type(s) WWCRR - WW Compliance Record Review

WWCMPL - WW Complaint

Principal(s):

Role

Name

RESPONDENT

CITY OF VENUS

Contact(s):

Role

Title

Name

Phone

REGULATED  
ENTITY MAIL  
CONTACT

UTILITY OPERATOR

JOHNNY COKER

Phone (817) 401-8120

NOV CONTACT

UTILITY OPERATOR

JOHNNY COKER

Phone (817) 401-8120

REGULATED  
ENTITY CONTACT

UTILITY OPERATOR

JOHNNY COKER

Phone (817) 401-8120

NOV CONTACT

MAYOR

HON Alejandro Galaviz

Office (817) 648-0444

REGULATED  
ENTITY MAIL  
CONTACT

MAYOR

HON Alejandro Galaviz

Office (817) 648-0444

Exhibit 2, Pg. 2

Other Staff Member(s):

Role	Name
Supervisor	GARY SINCLAIR
QA Reviewer	MAITE MARTIN

Associated Check ListChecklist Name

WQ COMPLAINT INVESTIGATION

Unit Name

Complaint

Investigation Comments:INTRODUCTION

On July 17, 2024, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (DFW) Regional Office received complaints (Incident No. 426368) alleging that the City of Venus was unlawfully storing and transporting raw domestic wastewater from an unpermitted facility in Venus, Ellis County, Texas. The complaint was assigned to Water Quality Investigator, Ms. Deann Cline, and was investigated in house on August 19, 2024. The complaint allegations were not substantiated at the time of the investigation; however, a violation and Area of Concern were noted. Based on the findings of this investigation, a Notice of Violation and Resolution (NOV) letter was issued to acknowledge compliance.

GENERAL FACILITY AND PROCESS INFORMATION

The City of Venus (the City) owns and operates the City of Venus Wastewater Treatment Plant (WWTP) Site B, located approximately 0.5 mile southwest of the FM 157 and FM 2258 intersection in Venus, Ellis County, Texas. The WWTP, which is not yet in operation, is authorized to discharge a daily average flow not to exceed 0.045 million gallons per day (MGD) of treated domestic wastewater during Interim Phase I of their permit. There is one lift station in the collection system.

BACKGROUND

There has not yet been a Comprehensive Compliance Investigation (CCI) at this site, as the plant is not yet operating, but a minor reconnaissance investigation was conducted on July 11, 2024, to determine compliance with wastewater treatment regulations and no issues were found.

A new permit was issued to the City for this facility on March 22, 2019. On September 21, 2023, the TCEQ received a permit renewal application. The permit renewal is currently pending. A Notice of Completion Form was submitted on February 15, 2024.

This complaint has been filed as Incident No. 426368 and is associated to this report.

ADDITIONAL INFORMATION

Ms. Cline contacted the complainants on July 26, 2024, and notified them that she was the assigned investigator for the complaint.

On August 19, 2024, the investigator contacted Mr. Johnny Coker, City of Venus Utility Operator and Chief Operator of the facility, to discuss allegations made in the complaint and inquired as to whether any wastewater was entering the collection system. Mr. Coker stated that there were currently no Certificates of Occupancy filed for Brahman Ranch Municipal Utility District (MUD), the community served by the facility. He indicated that nobody occupied the model home either, so did not believe that wastewater was entering the collection system. Mr. Coker stated that the lift station within the collection system had been pumped and hauled once since the system was installed, but another pump and haul was planned soon. He also indicated that most of what was removed was stormwater that had infiltrated the collection system during development. Mr. Coker did not have a copy of the trip ticket readily available. This item was noted and resolved as an Area of Concern.

On August 20, 2024, Mr. Coker emailed the investigator and indicated that he had misspoke on August 19, 2024, and that there were Certificates of Occupancy filed for Brahman Ranch MUD. The investigator contacted Mr. Matt Crain, Foreman for the development, by phone to inquire as to whether the model home

was using their restroom facilities, to which he said they were.

An Exit Interview Form (EIF) and Records Request (RR) was sent to Mr. Coker on August 21, 2024. Records requested included all haul tickets from pump and haul activities from the lift station. These records were received on August 28, 2024. Upon reviewing the records, it was found that the wastewater was transported by BCAC Underground, Transporter Authorization No. 25398, to Cold Springs Processing, Municipal Solid Waste (MSW) No. 01225. Cold Springs Processing is not authorized to accept untreated domestic wastewater, and a violation was noted for this item.

Mr. Coker has a level "C" Wastewater Treatment Operator license (License No. WW0013137) that was verified, is current, and complies with the licensing requirements for this facility.

On September 30, 2024, the investigator spoke with Mr. Coker on the phone to discuss the additional finding regarding the proper management of wastewater pumped from the lift station. Mr. Coker had indicated that the City would like to pump the wastewater from the Brahman Ranch MUD lift station to their collection system that sends wastewater to be treated at Trinity River Authority's (TRA) Mountain Creek WWTP, Permit No. WQ0010348001. The investigator replied that the City would need to contact the operator of the facility and have an agreement with them to accept the additional wastewater.

As required, a letter and copy of this report will be mailed to both the City and the complainants.

NOV Date	10/16/2024	Method	WRITTEN
NOV Date	10/16/2024	Method	AREA OF CONCERN
OUTSTANDING ALLEGED VIOLATION(S)			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 894239

Compliance Due Date: 11/15/2024

Violation Start Date: 8/19/2024

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010883002, WQ0010883002

Permit Conditions 2.g.

EPA ID TX0138703, TX0138703

Permit Conditions 2.g.

**Alleged Violation:**

Investigation: 2008335

Comment Date: 10/02/2024

Failure to prevent the unauthorized discharge of wastewater. Specifically, on July 9, 2024, and August 26, 2024, untreated wastewater was taken to Cold Springs Processing (MSW No. 01225), which was not authorized to receive untreated domestic wastewater.

**Recommended Corrective Action:** Ensure that untreated domestic wastewater is sent to a location where it is authorized to be treated and discharged from a permitted outfall.

AREA OF CONCERN

Track Number: 894283

Resolution Status Date: 10/9/2024

Violation Start Date: 8/21/2024

Violation End Date: 8/28/2024



8/19/2024 Inv. # - 2008335

Page 4 of 4

Exhibit 2, Pg. 4

30 TAC Chapter 312.141(a)  
30 TAC Chapter 312.145

PERMIT WQ0010883002, WQ0010883002

EPA ID TX0138703, TX0138703

**Alleged Violation:****Investigation: 2008335**

Comment Date: 10/02/2024

Failure to maintain a record of each individual collection and deposit of untreated domestic wastewater collected in the form of a trip ticket. Specifically, the facility did not maintain a record of the collection, haul, and disposal of untreated domestic wastewater that was collected from the Brahman Ranch Lift Station on July 9, 2024.

**Resolution:** On August 28, 2024, the TCEQ DFW Region Office received copies of trip tickets for the two pump and hauls that had occurred from the lift station at the Brahman Ranch MUD on July 9, 2024, and on August 26, 2024. Mr. Coker also stated during a phone conversation on August 21, 2024, that he would maintain all future trip tickets from pump and haul activities from the facility's collection system.

Signed

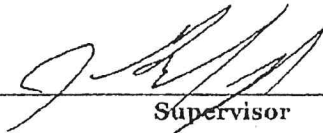


Environmental Investigator

Date

10/9/24

Signed



Supervisor

Date

10/15/2024

**Attachments: (in order of final report submittal)**☐ Enforcement Action Request (EAR)☐ Maps, Plans, Sketches☒ Letter to Facility (specify type): NOV☐ Photographs☐ Investigation Report☒ Correspondence from the facility☐ Sample Analysis Results☒ Other (specify):☐ ManifestsExit Interview Form/Records Req.☐ Notice of Registration**List of Attached files**

8.26.24 Dump Ticket recd 8.28.24.pdf

Exhibit 3

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS NATURAL RESOURCE
CITY OF VENUS	§	
TNRCC WATER QUALITY	§	CONSERVATION COMMISSION
PERMIT NO. 10883-001	§	

AGREED ORDER  
DOCKET NO. 1998-0286-MWD-E

At its OCT 27 1999 agenda, the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC") considered this agreement of the parties, resolving an enforcement action regarding the City of Venus ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 (the "Code"). The Executive Director of the TNRCC, represented by the Litigation Division, and the City, represented by John L. Wilson of the law firm of McGinnis, Lochridge & Kilgoré, L.L.P., presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility located approximately 0.5 miles northwest of the City of Venus at a point approximately 500 feet north of U.S. Highway 67 and approximately 200 feet west of Farm-to-Market Road 157, in Venus, Johnson County, Texas (the "Facility").

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 2

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Code.
3. During inspections on March 21, April 6, and July 17, 1995; August 6, 1996, January 22 and September 18, 1997; and July 22, 1998, a TNRCC Arlington Regional Office investigator documented unauthorized discharges into or adjacent to Grassy Creek. Sludge was noted in the receiving stream during inspections on March 21, 1995, July 17, 1995, August 6, 1996, January 22, 1997, September 18, 1997, and July 22, 1998. On January 22, 1997, a TNRCC investigator observed approximately twenty dead fish within one-quarter mile downstream of the Facility.
4. During a compliance inspection conducted at the Facility on September 18, 1997, a TNRCC investigator documented that grab samples taken about two feet from the Facility outfall in Grassy Creek showed values of 235 milligrams per liter ("mg/L") for five-day biochemical oxygen demand ("BOD<sub>5</sub>") concentration and 3,470 mg/L for total suspended solids concentration ("TSS").
5. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; January 22 and September 18, 1997; and July 22, 1998, a TNRCC investigator documented the City's failure to report to the TNRCC the discharges of sludge or noncompliant effluent to Grassy Creek.
6. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; and January 22 and September 18, 1997, a TNRCC investigator documented the City's failure to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City. As a result, septic conditions of the Facility's wastewater occurred when the gear box for the rotator malfunctioned.
7. The City received notices of the violations on or about April 12, 1995, October 13, 1996, August 5, 1997, and December 1, 1997.
8. The Executive Director recognizes that the City constructed a new transfer lift station and wastewater treatment facility, TNRCC Water Quality Permit No. 10883-002, which became operational on April 22, 1997.

### CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TNRCC pursuant to the Code chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact Nos. 2, 3, and 4, the City has failed to prevent unauthorized discharges of sludge into Grassy Creek in violation of the Code § 26.121 and TNRCC Water Quality Permit No. 10883-001.
3. As evidenced by Finding of Fact No. 5, the City has failed to report noncompliances to the TNRCC, which may endanger human health or safety or the environment in violation of 30 TEX. ADMIN. CODE § 305.125(9) and Permit No. 10883-001.
4. As evidenced by Finding of Fact No. 6, the City has failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(5), the Code § 26.121, and Permit No. 10883-001.
5. Pursuant to the TEX. WATER CODE §§ 7.051 and 26.136, the Commission has the authority to assess an administrative penalty against the City for violations of the Code, TNRCC rules, and orders adopted under the Code.
6. An administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in the Code § 26.136.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS that:

1. The City is assessed an administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) for violations of the Code and rules of the TNRCC. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: City of Venus; Docket No. 1998-0286-MWD-E; Enforcement ID No. 8212" to:

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 4

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE §§ 7.067 and 26.136(n), and the TEX. HEALTH & SAFETY CODE § 361.252(o) and § 382.088(j). Twenty-six thousand dollars (\$26,000.00) of the assessed administrative penalty shall be remitted with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally remitted portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, the City shall develop a plan and schedule for the removal of all sludge in or adjacent to Grassy Creek within one-quarter mile of the Facility. The plan shall include the maintenance of written records of the amount of sludge removed, the technique used, and the ultimate disposal site. The plan shall be available at the plant for inspection by an authorized representative of the TNRCC for three years.

If sludge becomes apparent or is known to enter the receiving stream from the Facility, disposal of sludge shall be carried out in accordance with all applicable rules of the TNRCC and in a manner that prevents contamination of surface or groundwater. A copy of the completed records included in the City's plan for sludge removal shall be provided to the TNRCC within thirty (30) days following the completion of the project and disposal of the sludge.

In the event that access to the adjacent affected properties is denied for whatever reason(s), then the remediation on these properties will be excluded from the above requirements provided that the City can submit information to Merrilee Gerberding, TNRCC Enforcement Division, substantiating that it made every reasonable attempt to obtain the property owner's permission to enter their property;

- b. Within 60 days after the effective date of this Agreed Order, the City shall develop written Standard Operating Procedures ("SOP") for the operation and routine scheduled and preventative maintenance of all components of the wastewater

treatment facilities. The SOP shall be prepared by a Texas registered professional engineer.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer review the SOP in the field with the City's wastewater treatment facility operator(s). Immediately following the review, the City shall implement the SOP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Standard Operating Manual Information."

The City shall submit written verification of the completion of the review to the TNRCC. A daily log book documenting operations and maintenance activities shall be maintained for a period of three years and shall be made available to TNRCC representatives upon request;

- c. Within 60 days after the effective date of this Agreed Order, the City shall develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TNRCC Certified Wastewater Operator.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer or "A" operator review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Solids Management Plan Information."

Within 120 days after the effective date of this Agreed Order, the City shall submit a copy of the SMP and written verification of completion of the SMP field review to the TNRCC. The City shall maintain organized, written records of the process control test results for a period of three years at the plant site. The City shall keep these records in a daily log book and/or checklist and shall make the records available to TNRCC representatives upon request.

- d. The City shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Exhibit 3, Pg. 6

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 6

Ms. Merrilee Gerberding, Coordinator  
Enforcement Division, MC 149  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Sid Slocum, Water Section Manager  
Arlington Regional Office  
Texas Natural Resource Conservation Commission  
1101 East Arkansas Lane  
Arlington, Texas 76010-6499

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City causes any pollution or any discharge of waste without a permit or in violation of a permit, and thereby fails to comply with any of the technical requirements in this Agreed Order within the prescribed schedules, and that failure is caused by an act of God, war, strike, riot, or other catastrophe, such failure is not a violation of the Code ch. 26. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.



Exhibit 3, Pg. 7

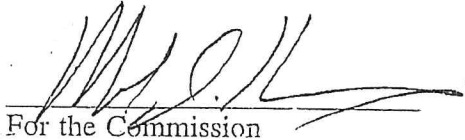
City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 7

9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b).

Exhibit 3 pg. 8

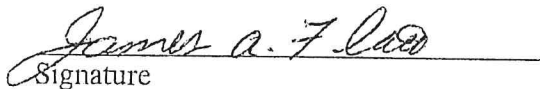
## SIGNATURE PAGE

### TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Venus. I am authorized to agree to the attached Agreed Order on behalf of the City of Venus, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, the City of Venus waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

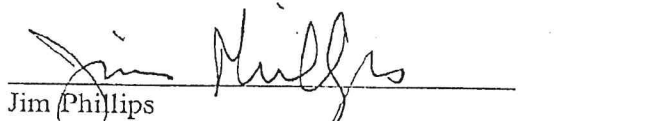
  
Signature

8-11-99  
Date

JAMES A. FLATTS  
Name (printed or typed)  
Authorized Representative  
City of Venus

MAYOR  
Title

I, the undersigned, on behalf of the Executive Director of the Texas Natural Resource Conservation Commission, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

  
Jim Phillips  
Deputy Director  
Office of Legal Services  
Texas Natural Resource Conservation Commission

8/26/99  
Date

Exhibit 4

Ellis County, Texas - General Web Map v4 FEMA Flood Map Viewer FEMA Flood Map Changes Viewer ECAD W

Pick a search option

Ellis County

0 300 600ft

-97.06162746 32.36413065 Degrees

Armstrong Creek

Highway 157

Stock Ave

Cattman St

157

(1 of 3)

Addresses:

Web Source	Ellis Co NCT911 Database
Web Source Date	12/3/2024
Source	Johnson, 911 Addressing
Search Full Address	241 FM 2258, Venus
Search Old Address	BRAHMAN RANCH WATER TREATMENT, Venus
Place Type	Utilities
NCT Type	Water Treatment Plant
Priority (Labels)	
Placement	
Method	
Zoom to	

Ellis County, Texas - General Web Map

v4 FEMA Flood Map Viewer FEMA Flood Map Changes View

+

-

Pick a search option

Q

Home

Layers

Full Screen

Print

Zoom In

Zoom Out

Reset

Previous View

Next View

Ellis County

157

0' 300' 600ft

97.06325825 32.36454751 Degrees

(2 of 3)

Parcels (Courtesy of ECAD):

ECAD	<a href="#">More info</a>
Property Search	
Property ID	169385
Source: ECAD	<a href="#">More info</a>
Source Date	1/31/2025
PYear	2025
File Name As	MISKIMON RICHARD K & SHERIR & FALLS CREEK LAND & CATTLE LLC
Second Name	
Legal Acres	236.756
Legal Description 1	560 J JACKSON 1016 J E SLAUGHTER 103 F BRIGANCE 594 L KELSEY 236.7561 ACRES ***
Zoom to	

Exhibit 5



Robyn Farrell <robynfarrrell1979@gmail.com>

---

## Brahman Ranch PID

2 messages

---

Robyn Farrell <robynfarrrell1979@gmail.com>

Fri, May 24, 2024 at 11:59 PM

To: Open Records <openrecords@cityofvenus.org>

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell

---

Open Records <openrecords@cityofvenus.org>

Tue, May 28, 2024 at 11:51 AM

To: Robyn Farrell <robynfarrrell1979@gmail.com>, Open Records <openrecords@cityofvenus.org>



Good morning,

No such documents exist.

From: Robyn Farrell <robynfarrrell1979@gmail.com>

Sent: Friday, May 24, 2024 11:59 PM

To: Open Records <openrecords@cityofvenus.org>

Subject: Brahman Ranch PID

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,

Robyn Farrell



Exhibit 6

Texas - General Web Map

V4 FEMA Flood Map Viewer FEMA Flood Map Changes Viewer ECAD Website ECAD Property Search ECAD Map Search Ellis Cou

Click a search option



(2 of 2)

Parcels (Courtesy of ECAD):

ECAD Property Search [More info](#)

Property ID 238619

Source: ECAD [More info](#)

Source Date 1/31/2025

Year 2025

File Name As B/MIDSTREAM LLC

Second Name

Legal Acres 4.830

Legal Description 594 L KELSEY 4.83 ACRES

Legal Description

Block

Zoom to

\*\*\*

Armstrong Creek

Brahman Ranch



Highway 93

Unincorporated Ellis County

Elletts Hill

Trinity

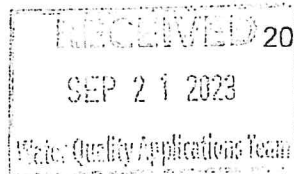
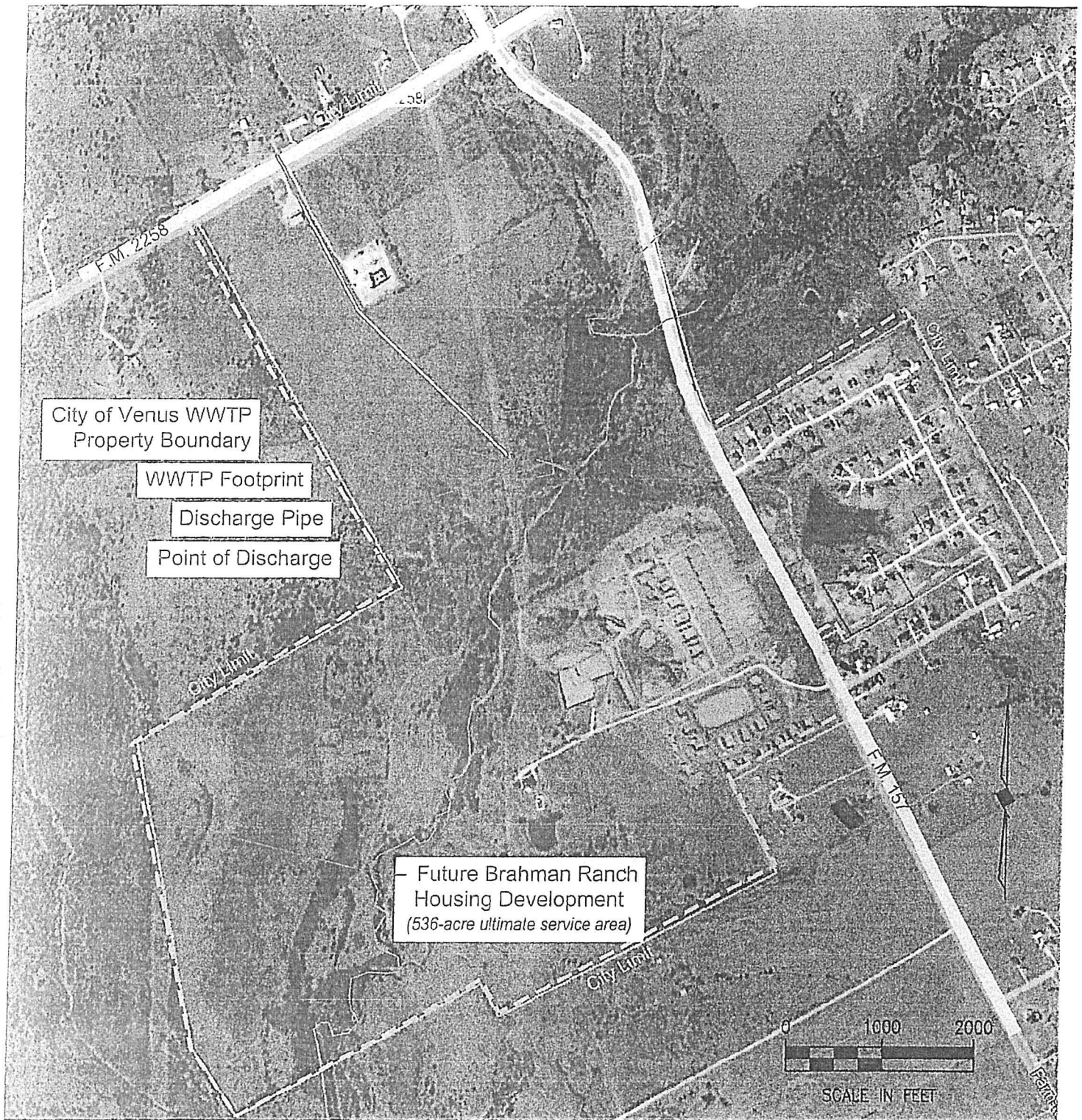
Highway 93

Highway 93

All rights reserved

Maxar

Exhibit 5



City of Venus WWTP

2023 Domestic Wastewater Discharge Permit Renewal

**Attachment-C**

**Site Drawing**

10054 - Section 3

(Page 1 of 1)

## Tammy Johnson

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 25, 2025 1:25 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0010883002  
**Attachments:** Rene Griffin CCH1.docx

Attachment = H  
eComment = comment

---

**From:** robynfarrell1979@gmail.com <robynfarrell1979@gmail.com>  
**Sent:** Tuesday, February 25, 2025 1:13 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0010883002

**REGULATED ENTY NAME** CITY OF VENUS WWTP SITE B

**RN NUMBER:** RN101612505

**PERMIT NUMBER:** WQ0010883002

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** CITY OF VENUS

**CN NUMBER:** CN600636864

**NAME:** Rene Griffin

**EMAIL:** [robynfarrell1979@gmail.com](mailto:robynfarrell1979@gmail.com)

**COMPANY:**

**ADDRESS:** 1308 ozro rd  
Venus, TX 76084

**PHONE:** 2148508214

**FAX:**

**COMMENTS:** The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error



Rene Griffin, RN  
1308 Ozro Rd.  
Venus, Tx 76084  
Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

I respectfully request a Contested Case Hearing for the above mentioned application.

I am an affected person within the definition of that term by the Texas Administration Code: My property is located at 1308 Ozro Road, consisting of approximately 38 acres. My property is less than 1 mile from the proposed facility and discharge route. The confluence of Boggy Branch (with permit pending for TPDES (Buffalo Hills) and Armstrong Creek is located on my property. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be denied for the following deficiencies pertaining to this application and the following environmental, procedural and technical deficiencies in the application.

The application should be denied for the following deficiencies pertaining to this application and the following environmental, procedural and technical deficiencies in the application.

The applicant did/does not own the land that the facility is/or will be located as stated in section 9 (D) of the application. This was brought to the attention of the TCEQ staff reviewing the application as well as representatives from the ED, and OPIC during the Public Meeting as well as through comments in writing. A simple search of Ellis county online records would have shown the applicant did/does not own the land for the facility as they stated on not 1 (August 2018) but 2 (September 2023) applications. I have attached Maps showing this for your review. Section 6(B) Buffer Zones cannot not be maintained by ownership of property if applicant does not own the land as stated in the application.

**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would

have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

After considering the evidence presented, OPIC concludes that Applicant has met its burden with respect to Issues A-C referred by the Commission. However, because Applicant failed to demonstrate ownership or a sufficient property interest in the land where the proposed wastewater treatment facility will be located, OPIC cannot find the application was accurately completed, and therefore recommends the draft permit be denied.

**ALJ Decision**

Section 305.43 requires that an owner of a facility must apply for a TPDES permit. The TPDES application form contains Section 9 Regulated Entity and Permitted Site Information, which requires that either the applicant must own the land where the proposed wastewater treatment facility will be located, or otherwise provide proof of a property interest in the land, such as a lease agreement or deed recorded easement.

ALJ Concluded Applicant does not own the land on which the proposed Facility is to be located, as required by TCEQ rules, and the Draft Permit should be denied.

**The Commission followed the recommendations of the ALJ, ED, and OPIC and denied the permit.**

**Regionalization:**

The applicant in its application(s) did not show why it was more cost effective or reasonable to build a new plant instead of connecting to the cities current lines serviced by the TRA's Mountain Creek Regional Wastewater System that are/were within 3 miles. They simply state none available. The applicant is currently sending sewage from this development to their owned current lines in TRA's CCN and processing through the TRA's Mountain Creek Regional Wastewater System. (See Exhibit 1 acceptance letter from TRA to the applicant.)

**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned

or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility.

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation

**Environmental:**

1. Contamination of my private water well from toxins including PFAS which this TPDES is not testing for, this is the only source for water I have
2. Contamination of the soil from PFAS transported in creek and floodwaters
3. I have two young boys that play, swim, and fish in these creeks, even in drought years there are multiple holding pools within the creeks. I am concerned about skin absorption and ingestion of toxins including PFAS.
4. Contamination of the fish in my stock ponds which we use for food. The pond is fed by Armstrong Creek and Boggy Branch.
5. This plant will contaminate the creek and affect all fish and aquatic life along with the entire ecosystem of these creeks. Including endangered species per Texas Parks and Wildlife.
6. The waterways in Ellis County have numerous endangered species, and migratory birds through this corridor and these have not been addressed.
7. Loss of wildlife habitat from the thousands of acres associated with this TPDES and the development it will service.

8. I will have the odor/smells and air pollutants from not just this plant but all 3 that are in very close proximity to each other and my farm

Flooding;

1. The amount of additional water from this TPDES and its development will increase flooding on my property
2. It will cause creek bank erosion, accumulation of sediment and expansion of the floodplain. This will cause loss of land from my property to the floodplain.
3. The loss of useable agricultural land will cause economic damages to my property
4. FEMA has not determined a Base Flood Elevation in this area, and there are no flow meters that establishes current flow. It would be impossible to determine the flooding downstream without a comprehensive flood study which was not done.
5. There are no flood mitigation dams downstream to protect landowners and other communities.

Application:

3. Nearby WWTP's
5. Improper flow characteristics were determined. Personal observation is not adequate.
6. Downstream characteristics are inaccurate
8. Applicant did not contact all other WWTPs as required. Or the TRA
10. The amount of sludge being contained onsite is too large for a floodplain

This TPDES is only one part of a multi-thousand acre development. The Master Plan includes approximately 4200 +/- acres including 3 TPDES pending applications 2 pending MUD applications,

This 4200 acre massive development MUST be reviewed as one. The environmental impacts including flooding on my property will be cumulative. The TPDES's for this entire development are 1 mile apart from each other. The acreage is all contiguous and will dump effluent and storm water into the same 2 creeks in the same watershed. My property will be affected by this entire development as both of these

creeks Armstrong Creek and Boggy Branch merge on my property before heading downstream. All 3 TPDES requesting permits are not sufficient to handle the GPD of the portions of this development they are to service and all will require expansion.

Application:

Applicant did not provide affected landowner Name, Address, and mailing list with application for required notification

Dams effect is unknown.

Applicant does not own the land

The applicant does not have a lease for the property

Applicant does not have a road easement to the property

Respectively,

Rene Griffin, RN

Reviewed By GCW  
FEB 27 2025 RFR

IP No. 300813	Name GRIFFIN, RENE	Organization	Title
---------------	--------------------	--------------	-------

IP Detail	Address	Electronic Communications	Items & Actions	Additional IDs	Counties	Customers & Regulated Entities
-----------	---------	---------------------------	-----------------	----------------	----------	--------------------------------

\* Request Received Date        Last Polling Date        ☐ Legislator

Comment

**Individual**

Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete
GRIFFIN, RENE	-	-			NO	X

**Address**

Street/PO Box	1308 OZRO RD	State	TX	Zip	76084-4870
City	VENUS	Country	USA		
Building/Mail Drop	Multiple Addresses No				

**Electronic Communications**

Type	PHONE	Country	Phone	(214) 850-8214	Ext.
Type		Country	Fax		Ext.
Type	EMAIL	robynfarrell1979@gmail.com			

IP No. 300813

Name GRIFFIN,RENE

Organization

Title

IP Detail

Address

Electronic Communications

Items &amp; Actions

Additional IDs

Counties

Customers &amp; Regulated Entities

## Items

Show more columns

Number ↕	Program ↕	ID Type ↕	Additional ID ↕	Principal ↕	CN ↕	Status ↕	Active ↕	Comments ↕	Delete
134802	WWPERMIT	PERMIT	WQ0010683002	CITY OF VENUS	CN600636864	ACTIVE	YES	NO	x

Associate...

## Actions

Date/Time ↕	Type ↕	Delivery ↕	Acknowledgement ↕	Comments ↕	Documents ↕	Delete
<a href="#">02/25/2025 01:13 PM</a>	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	YES	x
<a href="#">02/25/2025 01:13 PM</a>	HEARING REQUEST ENGLISH	ECOMMENT	-	YES	YES	x
<a href="#">02/25/2025 01:09 PM</a>	HEARING REQUEST ENGLISH	ECOMMENT	-	YES	YES	x
<a href="#">02/25/2025 11:12 AM</a>	TBD	ECOMMENT	-	YES	YES	x

Add...

Edit Protestant Comments

Comments

The EComment system was down late yesterday and kept sending error messages. I am requesting an extension to today 2/25/2025 due to system error

Documents

File Name	Remove
<u>Rene Recon.pdf</u>	x
1-1 of 1 records      Page 1 of 1      1      5 ▾	

+ Choose File

Drag & Drop files to the box above to upload, or select Choose File

Ok      Reset      Cancel



Rene Griffin, RN  
1308 Ozro Rd.  
Venus, Tx 76084

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

In Re: Application for City of Venus, for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002

Attn: Chief Clerk Gharis

I respectfully request Reconsideration of the Executive Directors Decision.

I am an affected person within the definition of that term by the Texas Administration Code:

My property is located at 1308 Ozro Road, consisting of approximately 38 acres. The confluence of Boggy Branch and Armstrong Creek is located on my property. (Do not use 911 address for determining distance as it is not reflective of property boundaries)

The application should be reconsidered and denied for the following deficiencies pertaining to this application.

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**ED Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

ED witness Mr. Rahim testified that had the ED been made aware during the technical review that Poetry Road LLC was the land owner instead of Selinger, the ED would not have proceeded with issuing the Draft Permit until that issue had been resolved. He explained that if Staff had been made aware of this discrepancy when the Application was originally reviewed, the Application would have been returned to Selinger Because of this discrepancy in ownership, Mr. Rahim testified that he recommends the Draft Permit be denied.

**Conclusion:**

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. However, due to the issue of land ownership, the ED respectfully recommends

the Administrative Law Judges issue a Proposal for Decision recommending the Commission deny the application.

**OPIC Closing Arguments Stephen Selinger TPDES Permit NO. WQ0015932001**

**Conclusion:**

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**Compliance:**

Comments have been made in writing and at the Public Meeting during official comment period regarding the applicants compliance record. It was brought to the TCEQ's attention that this applicant has a very bad compliance history and was forced to shut down their plant after failing multiple inspections over 4 consecutive years including unauthorized discharges into the adjacent creek, sludge in the receiving stream, approximately 20 dead fish 1 quarter mile downstream from the facility, and failure to report the discharge of sludge and noncompliant effluent into the creek.(see attached exhibit) This was when they bought into the TRA Mountain Creek Regional Wastewater System and have not owned or operated a plant since. It was also brought out during the meeting that the applicant was currently accepting sewage into this collection system. The public made official comments at the meeting and in writing as to their concerns where this sewage was stored and being released to. During a complaint investigation while this permit is still being processed, the applicant was cited for the following

violations. Failure to prevent the unauthorized discharge of wastewater twice 1 prior and 1 after investigator contacted facility. (See Exhibits 2&3)

**Applicant submitted an application for Renewal without Changes:**

Applicant did not report the moving of the facility. It did acknowledge the moving of the discharge point further down in the application. This should have been a major amendment as it involved the addition of landowners being within 1 mile of the facilities new location and even closer to the new discharge point which should have required landowner notification which was not done. Maps are grossly inadequate. (See Exhibit 5 Applicants Attachment-C Site Drawing.) It does not even show the facility, in fact it shows a Gas Substation (See Exhibit 6)

**A reconsideration of this decision could save precious resources for all in time and monies spent going through a Contested Case Hearing.**

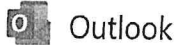
Respectively,

Rene Griffin, RN

2/5/25, 8:03 AM

Exhibit 1

Mail - Kyle Sugg - Outlook



---

**FW: Lift Station Waste**

---

**From** Natalie Taylor <taylorn@trinityra.org>

**Date** Wed 2/5/2025 7:57 AM

**To** Kyle Sugg <KSugg@cityofvenus.org>

2 attachments (1 MB)

2024.10.08\_Lab Report\_74-003000124.pdf; 2024.10.08\_Lab Report\_74-003000224.pdf;

Mr. Sugg,

Please see the confirmation for release below, along with the attached data results.

Please let me know if there is anything else we can do to assist.

Regards,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Natalie Taylor

**Sent:** Wednesday, October 23, 2024 3:46 PM

**To:** Johnny Coker <jcoker@cityofvenus.org>

**Cc:** Dale Burrow <BurrowD@trinityra.org>; Jason De La Rosa <delarosaje@trinityra.org>

**Subject:** RE: Lift Station Waste

Good afternoon Johnny,

\* We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Johnny Coker <[jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)>  
**Sent:** Wednesday, October 16, 2024 2:34 PM  
**To:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Subject:** RE: Lift Station Waste

**Warning:** This email was received from an external source. Do not click any links or open any attachments unless you trust the sender and know the content is safe. If you suspect that this email is malicious please report it with the Phish Alert button.

Natalie, thank you for responding and I'm looking forward to the results.

**From:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Sent:** Wednesday, October 16, 2024 1:57 PM  
**To:** Dale Burrow <[BurrowD@trinityra.org](mailto:BurrowD@trinityra.org)>; Johnny Coker <[jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)>  
**Subject:** RE: Lift Station Waste

Johnny,

Once we get back all the results we will review and assess if the water can be released to our system. We appreciate your patience.

Thank you,

**Natalie D. Taylor**

Manager, Environmental Services  
Trinity River Authority of Texas  
**Direct:** 972-975-4322  
**Metro:** 972-263-2251  
**E-Mail:** [taylorn@trinityra.org](mailto:taylorn@trinityra.org)  
6500 W. Singleton Blvd.  
Dallas, TX 75212

**From:** Dale Burrow <[BurrowD@trinityra.org](mailto:BurrowD@trinityra.org)>  
**Sent:** Wednesday, October 16, 2024 1:54 PM  
**To:** [jcoker@cityofvenus.org](mailto:jcoker@cityofvenus.org)  
**Cc:** Natalie Taylor <[taylorn@trinityra.org](mailto:taylorn@trinityra.org)>  
**Subject:** Lift Station Waste

Hi Johnny,

Here is the lab report for the BOD/TSS results. The O&G will take a little longer and I will get that to you as soon as it is released. Please let me know if you have any questions.

**Dale Burrow**

**Environmental Services Coordinator**

Environmental Services Division | Trinity River Authority

O: 972-975-4317 | C: 469-475-3548

Exhibit 2

MWD\_10883-002\_CP\_20241016\_COMPLIANCE  
Texas Commission on Environmental Quality  
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: City of Venus  
Customer Number: CN600636864

Regulated Entity Name: CITY OF VENUS WWTP SITE B

Regulated Entity Number: RN101612505

Investigation #	2008335	Incident Numbers	426368
Investigator:	DEANN CLINE	Site Classification	DOMESTIC MINOR
Conducted:	08/19/2024 -- 08/19/2024	NAIC Code:	221320
Program(s):	WASTEWATER	SIC Code:	4952
Investigation Type:	Compliance Invest File Review	Location:	LOCATED APPROX 0.5 MI SW OF THE INTEREX FM 157 & FM 2258
Additional ID(s)	WQ0010883002 TX0138703		

Address: ,

Local Unit: REGION 04 - DFW METROPLEX

Activity Type(s) WWCRR - WW Compliance Record Review

WWCMPL - WW Complaint

Principal(s):

Role	Name
RESPONDENT	CITY OF VENUS

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
REGULATED ENTITY CONTACT	UTILITY OPERATOR	JOHNNY COKER	Phone (817) 401-8120
NOV CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444
REGULATED ENTITY MAIL CONTACT	MAYOR	HON Alejandro Galaviz	Office (817) 648-0444

Exhibit 2, Pg. 2

**Other Staff Member(s):**

Role	Name
Supervisor	GARY SINCLAIR
QA Reviewer	MAITE MARTIN

**Associated Check List**

<u>Checklist Name</u>	<u>Unit Name</u>
WQ COMPLAINT INVESTIGATION	Complaint

**Investigation Comments:****INTRODUCTION**

On July 17, 2024, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (DFW) Regional Office received complaints (Incident No. 426368) alleging that the City of Venus was unlawfully storing and transporting raw domestic wastewater from an unpermitted facility in Venus, Ellis County, Texas. The complaint was assigned to Water Quality Investigator, Ms. Deann Cline, and was investigated in house on August 19, 2024. The complaint allegations were not substantiated at the time of the investigation; however, a violation and Area of Concern were noted. Based on the findings of this investigation, a Notice of Violation and Resolution (NOV) letter was issued to acknowledge compliance.

**GENERAL FACILITY AND PROCESS INFORMATION**

The City of Venus (the City) owns and operates the City of Venus Wastewater Treatment Plant (WWTP) Site B, located approximately 0.5 mile southwest of the FM 157 and FM 2258 intersection in Venus, Ellis County, Texas. The WWTP, which is not yet in operation, is authorized to discharge a daily average flow not to exceed 0.045 million gallons per day (MGD) of treated domestic wastewater during Interim Phase I of their permit. There is one lift station in the collection system.

**BACKGROUND**

There has not yet been a Comprehensive Compliance Investigation (CCI) at this site, as the plant is not yet operating, but a minor reconnaissance investigation was conducted on July 11, 2024, to determine compliance with wastewater treatment regulations and no issues were found.

A new permit was issued to the City for this facility on March 22, 2019. On September 21, 2023, the TCEQ received a permit renewal application. The permit renewal is currently pending. A Notice of Completion Form was submitted on February 15, 2024.

This complaint has been filed as Incident No. 426368 and is associated to this report.

**ADDITIONAL INFORMATION**

Ms. Cline contacted the complainants on July 26, 2024, and notified them that she was the assigned investigator for the complaint.

On August 19, 2024, the investigator contacted Mr. Johnny Coker, City of Venus Utility Operator and Chief Operator of the facility, to discuss allegations made in the complaint and inquired as to whether any wastewater was entering the collection system. Mr. Coker stated that there were currently no Certificates of Occupancy filed for Brahman Ranch Municipal Utility District (MUD), the community served by the facility. He indicated that nobody occupied the model home either, so did not believe that wastewater was entering the collection system. Mr. Coker stated that the lift station within the collection system had been pumped and hauled once since the system was installed, but another pump and haul was planned soon. He also indicated that most of what was removed was stormwater that had infiltrated the collection system during development. Mr. Coker did not have a copy of the trip ticket readily available. This item was noted and resolved as an Area of Concern.

On August 20, 2024, Mr. Coker emailed the investigator and indicated that he had misspoke on August 19, 2024, and that there were Certificates of Occupancy filed for Brahman Ranch MUD. The investigator contacted Mr. Matt Crain, Foreman for the development, by phone to inquire as to whether the model home

was using their restroom facilities, to which he said they were.

An Exit Interview Form (EIF) and Records Request (RR) was sent to Mr. Coker on August 21, 2024. Records requested included all haul tickets from pump and haul activities from the lift station. These records were received on August 28, 2024. Upon reviewing the records, it was found that the wastewater was transported by BCAC Underground, Transporter Authorization No. 25398, to Cold Springs Processing, Municipal Solid Waste (MSW) No. 01225. Cold Springs Processing is not authorized to accept untreated domestic wastewater, and a violation was noted for this item.

Mr. Coker has a level "C" Wastewater Treatment Operator license (License No. WW0013137) that was verified, is current, and complies with the licensing requirements for this facility.

On September 30, 2024, the investigator spoke with Mr. Coker on the phone to discuss the additional finding regarding the proper management of wastewater pumped from the lift station. Mr. Coker had indicated that the City would like to pump the wastewater from the Brahman Ranch MUD lift station to their collection system that sends wastewater to be treated at Trinity River Authority's (TRA) Mountain Creek WWTP, Permit No. WQ0010348001. The investigator replied that the City would need to contact the operator of the facility and have an agreement with them to accept the additional wastewater.

As required, a letter and copy of this report will be mailed to both the City and the complainants.

NOV Date	10/16/2024	Method	WRITTEN
NOV Date	10/16/2024	Method	AREA OF CONCERN
OUTSTANDING ALLEGED VIOLATION(S)			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 894239

Compliance Due Date: 11/15/2024

Violation Start Date: 8/19/2024

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010883002, WQ0010883002

Permit Conditions 2.g.

EPA ID TX0138703, TX0138703

Permit Conditions 2.g.

**Alleged Violation:**

**Investigation: 2008335**

Comment Date: 10/02/2024

Failure to prevent the unauthorized discharge of wastewater. Specifically, on July 9, 2024, and August 26, 2024, untreated wastewater was taken to Cold Springs Processing (MSW No. 01225), which was not authorized to receive untreated domestic wastewater.

**Recommended Corrective Action:** Ensure that untreated domestic wastewater is sent to a location where it is authorized to be treated and discharged from a permitted outfall.

AREA OF CONCERN

Track Number: 894283

Resolution Status Date: 10/9/2024

Violation Start Date: 8/21/2024

Violation End Date: 8/28/2024



8/19/2024 Inv. # - 2008335

Page 4 of 4

Exhibit 2, Pg. 4

30 TAC Chapter 312.141(a)  
30 TAC Chapter 312.145

PERMIT WQ0010883002, WQ0010883002

EPA ID TX0138703, TX0138703


**Alleged Violation:****Investigation: 2008335**

Comment Date: 10/02/2024

Failure to maintain a record of each individual collection and deposit of untreated domestic wastewater collected in the form of a trip ticket. Specifically, the facility did not maintain a record of the collection, haul, and disposal of untreated domestic wastewater that was collected from the Brahman Ranch Lift Station on July 9, 2024.

**Resolution:** On August 28, 2024, the TCEQ DFW Region Office received copies of trip tickets for the two pump and hauls that had occurred from the lift station at the Brahman Ranch MUD on July 9, 2024, and on August 26, 2024. Mr. Coker also stated during a phone conversation on August 21, 2024, that he would maintain all future trip tickets from pump and haul activities from the facility's collection system.

Signed

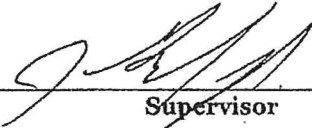


Environmental Investigator

Date

10/9/24

Signed



Supervisor

Date

10/15/2024

**Attachments: (in order of final report submittal)**☐ Enforcement Action Request (EAR)☐ Maps, Plans, Sketches☒ Letter to Facility (specify type): NOV☐ Photographs☐ Investigation Report☒ Correspondence from the facility☐ Sample Analysis Results☒ Other (specify):☐ ManifestsExit Interview Form/Records Req.☐ Notice of Registration**List of Attached files**

8.26.24 Dump Ticket recd 8.28.24.pdf

Exhibit 3

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS NATURAL RESOURCE
CITY OF VENUS	§	
TNRCC WATER QUALITY	§	CONSERVATION COMMISSION
PERMIT NO. 10883-001	§	

AGREED ORDER  
DOCKET NO. 1998-0286-MWD-E

At its OCT 27 1999 agenda, the Texas Natural Resource Conservation Commission ("Commission" or "TNRCC") considered this agreement of the parties, resolving an enforcement action regarding the City of Venus ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 (the "Code"). The Executive Director of the TNRCC, represented by the Litigation Division, and the City, represented by John L. Wilson of the law firm of McGinnis, Lochridge & Kilgore, L.L.P., presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility located approximately 0.5 miles northwest of the City of Venus at a point approximately 500 feet north of U.S. Highway 67 and approximately 200 feet west of Farm-to-Market Road 157, in Venus, Johnson County, Texas (the "Facility").

# Exhibit 3, Pg. 2

City of Venus

DOCKET NO. 1998-0286-MWD-E

Page 2

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Code.
3. During inspections on March 21, April 6, and July 17, 1995; August 6, 1996, January 22 and September 18, 1997; and July 22, 1998, a TNRCC Arlington Regional Office investigator documented unauthorized discharges into or adjacent to Grassy Creek. Sludge was noted in the receiving stream during inspections on March 21, 1995, July 17, 1995, August 6, 1996, January 22, 1997, September 18, 1997, and July 22, 1998. On January 22, 1997, a TNRCC investigator observed approximately twenty dead fish within one-quarter mile downstream of the Facility.
4. During a compliance inspection conducted at the Facility on September 18, 1997, a TNRCC investigator documented that grab samples taken about two feet from the Facility outfall in Grassy Creek showed values of 235 milligrams per liter ("mg/L") for five-day biochemical oxygen demand ("BOD<sub>5</sub>") concentration and 3,470 mg/L for total suspended solids concentration ("TSS").
5. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; January 22 and September 18, 1997; and July 22, 1998, a TNRCC investigator documented the City's failure to report to the TNRCC the discharges of sludge or noncompliant effluent to Grassy Creek.
6. During compliance inspections conducted at the Facility on March 21, April 6, and July 17, 1995; August 6, 1996; and January 22 and September 18, 1997, a TNRCC investigator documented the City's failure to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City. As a result, septic conditions of the Facility's wastewater occurred when the gear box for the rotator malfunctioned.
7. The City received notices of the violations on or about April 12, 1995, October 13, 1996, August 5, 1997, and December 1, 1997.
8. The Executive Director recognizes that the City constructed a new transfer lift station and wastewater treatment facility, TNRCC Water Quality Permit No. 10883-002, which became operational on April 22, 1997.

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 3

### CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TNRCC pursuant to the Code chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact Nos. 2, 3, and 4, the City has failed to prevent unauthorized discharges of sludge into Grassy Creek in violation of the Code § 26.121 and TNRCC Water Quality Permit No. 10883-001.
3. As evidenced by Finding of Fact No. 5, the City has failed to report noncompliances to the TNRCC, which may endanger human health or safety or the environment in violation of 30 TEX. ADMIN. CODE § 305.125(9) and Permit No. 10883-001.
4. As evidenced by Finding of Fact No. 6, the City has failed to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed by the City to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(5), the Code § 26.121, and Permit No. 10883-001.
5. Pursuant to the TEX. WATER CODE §§ 7.051 and 26.136, the Commission has the authority to assess an administrative penalty against the City for violations of the Code, TNRCC rules, and orders adopted under the Code.
6. An administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in the Code § 26.136.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS that:

1. The City is assessed an administrative penalty in the amount of twenty-six thousand dollars (\$26,000.00) for violations of the Code and rules of the TNRCC. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: City of Venus; Docket No. 1998-0286-MWD-E; Enforcement ID No. 8212" to:

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 4

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE §§ 7.067 and 26.136(n), and the TEX. HEALTH & SAFETY CODE § 361.252(o) and § 382.088(j). Twenty-six thousand dollars (\$26,000.00) of the assessed administrative penalty shall be remitted with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally remitted portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, the City shall develop a plan and schedule for the removal of all sludge in or adjacent to Grassy Creek within one-quarter mile of the Facility. The plan shall include the maintenance of written records of the amount of sludge removed, the technique used, and the ultimate disposal site. The plan shall be available at the plant for inspection by an authorized representative of the TNRCC for three years.

If sludge becomes apparent or is known to enter the receiving stream from the Facility, disposal of sludge shall be carried out in accordance with all applicable rules of the TNRCC and in a manner that prevents contamination of surface or groundwater. A copy of the completed records included in the City's plan for sludge removal shall be provided to the TNRCC within thirty (30) days following the completion of the project and disposal of the sludge.

In the event that access to the adjacent affected properties is denied for whatever reason(s), then the remediation on these properties will be excluded from the above requirements provided that the City can submit information to Merrilee Gerberding, TNRCC Enforcement Division, substantiating that it made every reasonable attempt to obtain the property owner's permission to enter their property;

- b. Within 60 days after the effective date of this Agreed Order, the City shall develop written Standard Operating Procedures ("SOP") for the operation and routine scheduled and preventative maintenance of all components of the wastewater

treatment facilities. The SOP shall be prepared by a Texas registered professional engineer.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer review the SOP in the field with the City's wastewater treatment facility operator(s). Immediately following the review, the City shall implement the SOP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Standard Operating Manual Information."

The City shall submit written verification of the completion of the review to the TNRCC. A daily log book documenting operations and maintenance activities shall be maintained for a period of three years and shall be made available to TNRCC representatives upon request;

- c. Within 60 days after the effective date of this Agreed Order, the City shall develop a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or an "A" TNRCC Certified Wastewater Operator.

Within 90 days after the effective date of this Agreed Order, the City shall have the engineer or "A" operator review the SMP in the field with the City's wastewater treatment plant operator(s). Immediately following the field review, the City shall implement the SMP. Information regarding items recommended for inclusion in an SOP and recommended references, are available in the Enforcement Division handout entitled "Solids Management Plan Information."

Within 120 days after the effective date of this Agreed Order, the City shall submit a copy of the SMP and written verification of completion of the SMP field review to the TNRCC. The City shall maintain organized, written records of the process control test results for a period of three years at the plant site. The City shall keep these records in a daily log book and/or checklist and shall make the records available to TNRCC representatives upon request.

- d. The City shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Exhibit 3, Pg. 6

City of Venus  
DOCKET NO. 1998-0286-MWD-E  
Page 6

Ms. Merrilee Gerberding, Coordinator  
Enforcement Division, MC 149  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Sid Slocum, Water Section Manager  
Arlington Regional Office  
Texas Natural Resource Conservation Commission  
1101 East Arkansas Lane  
Arlington, Texas 76010-6499

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City causes any pollution or any discharge of waste without a permit or in violation of a permit, and thereby fails to comply with any of the technical requirements in this Agreed Order within the prescribed schedules, and that failure is caused by an act of God, war, strike, riot, or other catastrophe, such failure is not a violation of the Code ch. 26. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

Exhibit 3, Pg. 7

City of Venus

DOCKET NO. 1998-0286-MWD-E

Page 7

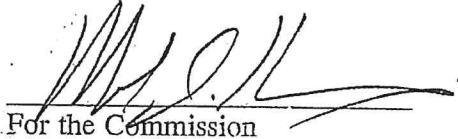
9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b).



Exhibit 3 pg. 8

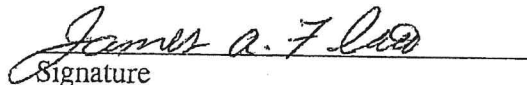
## SIGNATURE PAGE

### TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Venus. I am authorized to agree to the attached Agreed Order on behalf of the City of Venus, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, the City of Venus waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

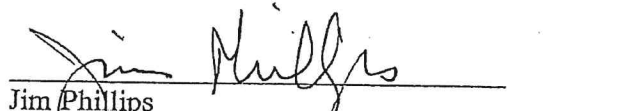
  
Signature

8-11-99  
Date

JAMES A. FLATT  
Name (printed or typed)  
Authorized Representative  
City of Venus

MAYOR  
Title

I, the undersigned, on behalf of the Executive Director of the Texas Natural Resource Conservation Commission, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

  
Jim Phillips  
Deputy Director  
Office of Legal Services  
Texas Natural Resource Conservation Commission

8/24/99  
Date

Instructions: Send this signed, original Signature Page and Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Ordering Provision No. 1 of this Agreed Order.

Exhibit 4

Ellis County, Texas - General Web Map

V4 FEMA Flood Map Viewer

FEMA Flood Map Changes Viewer

ECAD W

+

-

Home

Layers

Full Screen

Print

Search

Pick a search option

Ellis County

0 300 600ft

-97.06162746 32.36413065 Degrees

Armstrong Creek

HIGHWAY 157

STOCK AVE

GARTMAN ST

Armstrong Creek

V6

(1 of 3)

Addresses:

Web Source	Ellis Co NCT911 Database
Web Source Date	12/3/2024
Source	Johnson 911 Addressing
Search Full Address	241 FM 2258, Venus
Search Old Address	BRAHMAN RANCH WATER TREATMENT, Venus
Place Type	Utilities
NCT Type	Water Treatment Plant
Priority (Labels)	
Placement Method	
Zoom to	***

Ellis County, Texas - General Web Map

v4 FEMA Flood Map Viewer FEMA Flood Map Changes View

+

-

Home

Layers

Full Screen

Print

Download

Upload

Pick a search option

Ellis County

0 500 600ft

-97.06325825 32.36454751 Degrees

(2 of 3)

Parcels (Courtesy of ECAD):

ECAD	<a href="#">More info</a>
Property Search	
Property ID	189385
Source: ECAD	<a href="#">More info</a>
Source Date	1/31/2025
PYear	2025
File Name As	MISKIMON RICHARD K & SHERI R & FALLS CREEK LAND & CATTLE LLC
Second Name	
Legal Acres	236.756
Legal Description 1	560 J JACKSON 1016 J E SLAUGHTER 103 F BRIGANCE 594 L KELSEY 236.7561 ACRES

Zoom to

Exhibit 5



Robyn Farrell <robynfarrrell1979@gmail.com>

---

## Brahman Ranch PID

2 messages

---

**Robyn Farrell** <robynfarrrell1979@gmail.com>

Fri, May 24, 2024 at 11:59 PM

To: Open Records <openrecords@cityofvenus.org>

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,  
Robyn Farrell

---

**Open Records** <openrecords@cityofvenus.org>

Tue, May 28, 2024 at 11:51 AM

To: Robyn Farrell <robynfarrrell1979@gmail.com>, Open Records <openrecords@cityofvenus.org>

\* Good morning,  
No such documents exist.

**From:** Robyn Farrell <robynfarrrell1979@gmail.com>

**Sent:** Friday, May 24, 2024 11:59 PM

**To:** Open Records <openrecords@cityofvenus.org>

**Subject:** Brahman Ranch PID

I am requesting the following Documents:

1. Copy of Deed conveying property for the Sewer Plant in Brahman Ranch PID (all phases) to the City of Venus
2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

Kind regards,

Robyn Farrell



Exhibit 6

Texas - General Web Map

V4

FEMA Flood Map Viewer

FEMA Flood Map Changes Viewer

ECAD Website

ECAD Property Search

ECAD Map Search

Ellis County

Click a search option



(2 of 2)

Parcels (Courtesy of ECAD):

ECAD Property Search	More Info
Property ID	238619
Source: ECAD	More Info
Source Date	1/31/2025
Year	2025
File Name As	BKV MIDSTREAM LLC
Second Name	
Legal Acres	4.830
Legal Description	594 L KELSEY 4.83 ACRES
Legal Description	
Block	
Zoom to	

0064  
32.36811795 Degrees

All rights reserved

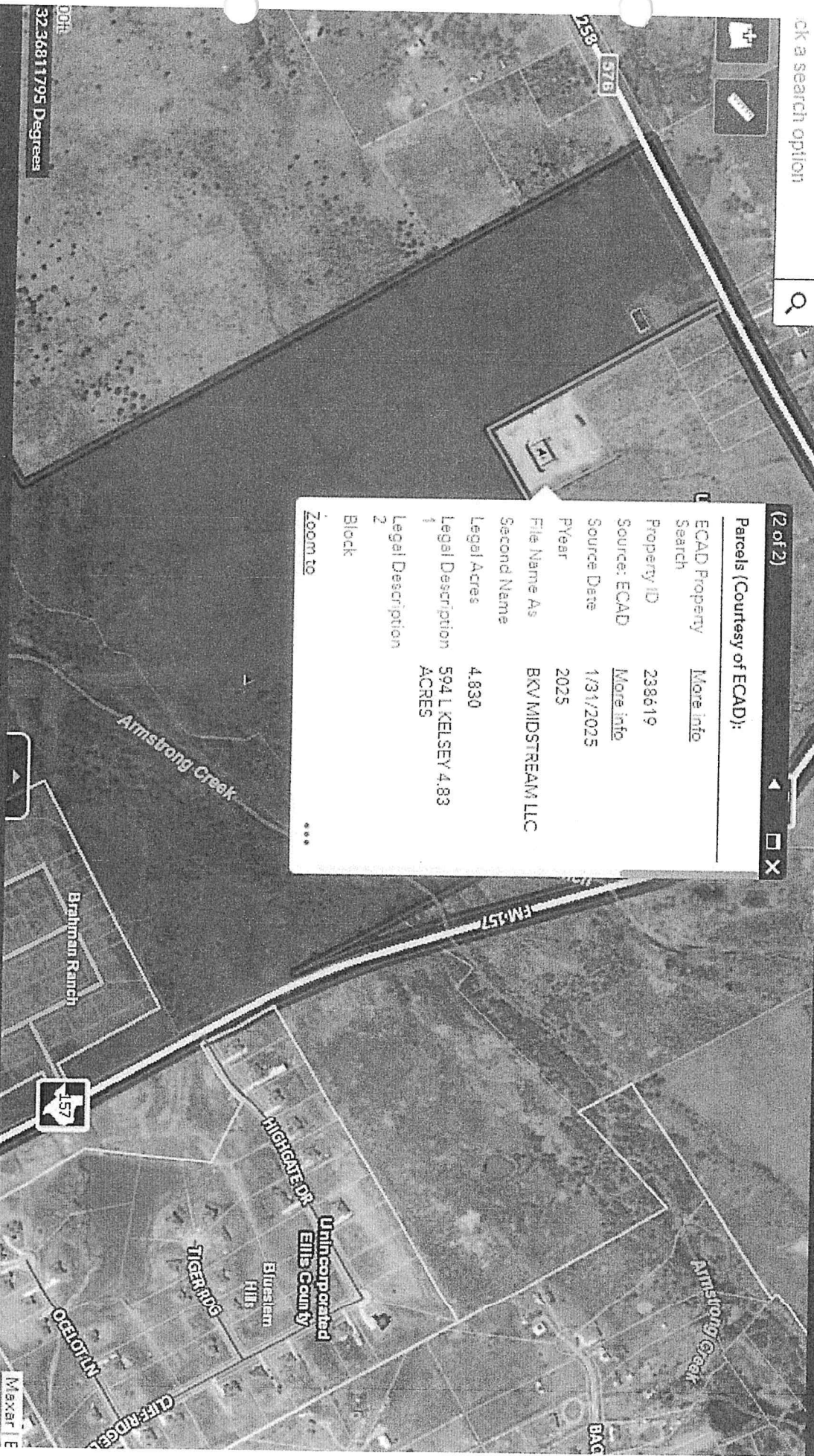
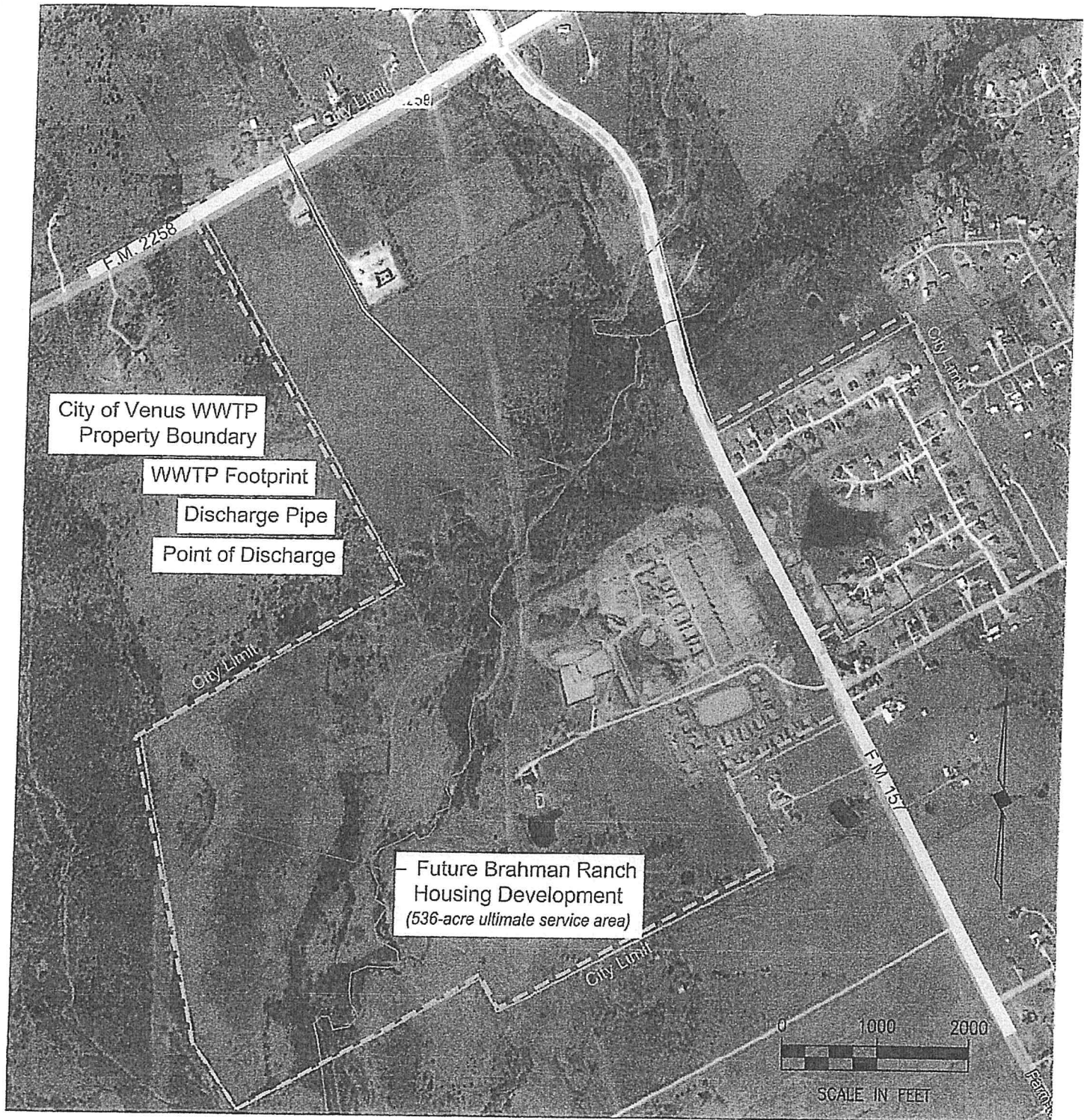


Exhibit 5



RECEIVED 20  
SEP 21 2023  
Water Quality Applications Team

City of Venus WWTP

## 2023 Domestic Wastewater Discharge Permit Renewal

### Attachment-C

## Site Drawing

10054 - Section 3

(Page 1 of 1)