

I am person affected by TDPES PERMIT No. WQ0010883002 under the Texas Water Code (TWC) and Texas Administrative Code (TAC) The effluent discharge route will traverse my 177 acres of farmland lengthwise (property id 303501).

The impact to my property (which includes two NRCS riparian buffers) meets requirements to be considered affected more so than for the general public. Accessing portions of my property will become impossible with any new increase of current/flow conditions. Haying my land will be difficult when the proposed sewer plant or the storm water discharge increase the current flow of Cottonwood Creek in the slightest amount. Only a single hay cutting was possible in 2024 due to current flows and heavy rainfall that year. This photo shows flood water from Cottonwood Creek in 2015 before any housing developments even broke ground. Its stream channel is not nearly as deep as the Chambers Creek channel.



I can normally expect 3 or 4 cuttings in an average year. Any increase flow created by effluent from this facility must be considered as impacting my acreage. This photo is

between Cottonwood and North Chambers from the Maypearl bridge. The FM66 bridge precludes access from any direction other than the north.



My acreage straddles Cottonwood Creek. About 90 acres are wholly unreachable without the use of my low water crossing on Cottonwood. It has limited stream flow most of the year, but driving equipment and hauling hay in a deeper flow would become impossible, and my hay acreage would be unusable. This photo shows the location of the crossing.





The ED disregarded my request for Contested Case Hearing regarding information that the Applicant did not and still does not own the property that this facility is located on. Applicant stated ownership in the original application and again in this renewal application. Including ownership of the Buffer Zone Requirements in both applications. As ownership is a threshold requirement it meets the requirement for revocation of the existing permit, denial of the renewal application or for a contested case hearing

“The Executive Director concludes that Martha Johnson submitted a hearing request that complies with 30 TAC § 55.201(c) and (d).” But the Executive Director incorrectly states that I am not an affected person. This was based on Distance which no legal distance requirements exist. The ED also stated “Martha Johnson is not listed as an owner of property on the affected landowners list provided by the Applicant with the application”. The applicant was not required to submit an updated affected landowner’s map even though changes were made from the original permit application. (Changing location of

facility and the discharge route ¼ mile south and closer to my property) should require notification to all new affected landowners, this was not done.

I respectfully request the Commissioners deny this permit request. If it cannot deny the permit on the information I have provided then I request that the EDs Response to Comments, Hearing Request and Backup Documents regarding my comments listed above be sent the State Office of Administrative Hearings for determination of Facts and Applicable Law.

Thank you for your consideration of my request

Sincerely,

Dr. Martha Johnson