

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: **IN THE MATTER OF THE APPLICATION BY THE CITY OF VENUS FOR TPDES PERMIT NO. WQ0010883002**  
**TCEQ DOCKET NO. 2025-0467-MWD**

**Attn: Commissioners**

**Background**

This facility is less than 1 mile from my property and the discharge route enters my property within 1 mile of the discharge point. As an affected person under Texas Water Code and Texas Administrative Code, I submitted a Request for Reconsideration and Contested Case Hearing for the Application of WQ0010883002. Due to a TCEQ system error only my Reconsideration Request was logged into the system on the day of deadline. I provided proof of the system error but my Contested Case Hearing Request was/will not be sent to the Commissioners for decision. I am respectfully requesting that my Contested Case Hearing request be reviewed for determination, and my right to Judicial Review not be denied because of a TCEQ System Error. As a Representative for Phillip Farrell Sr., Rene Griffin, Nick Griffin, Gabriel Griffin, Jacob Griffin, Phillip Farrell Jr., Hayden Farrell, and Maliya Farrell, collectively as the 1308 Ozro Family Property. I was responsible for submitting their requests. Those requests were also not accepted due to the same system errors. (see **evidentiary** error documents)

**As an affected person under the Texas Water Code (TWC) and the Texas Administrative Code (TAC) I respectfully request the Commissioners to revoke the current permit and/or deny the renewal application for WQ0010883002. If the commissioners do not find sufficient information herein to make that decision, then I respectfully request the Commissioners refer this application to SOAH for a Contested Case Hearing for further review of Fact and Law.**

The applicant does not own the land that the facility is/or will be located as stated in the original application or subsequent renewal application.

The facilities Buffer Zone cannot not be maintained by ownership of property if the applicant does not own the land as stated in the original application and Renewal Application. (see **evidentiary** documents)

The current permit is over 6 years old and phase 1 is not operational. The applicant did not provide information from the developer for any expected completion dates for development. They have not proven a continued need for this facility.

Precedent was set by the Commission regarding ownership as a threshold in the **Stephen Selinger TPDES Permit NO. WQ0015932001**. Using ownership as a “Threshold Requirement”, the ED, OPIC, and ALJ, all recommended denial of the permit based on ownership of land and the Commissioners ultimately denied the permit.

**EDs Closing Argument Conclusion for SOAH in the Stephen Selinger TPDES Permit NO. WQ0015932001**

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 Argument Conclusion for SOAH in the Stephen Selinger TPDES Permit NO. WQ0015932001**

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 in the Stephen Selinger TPDES Permit NO. WQ0015932001**

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 applicant is in violation of the current permit. The applicant does not own the land for the facility or its required buffer zone as stated in the current permit. The applicant allowed unauthorized discharges for which they received citations for. The applicant did not maintain required records under the permit. This shows a pattern for non compliance with TCEQ permit requirements. The current permit should be revoked and/or the renewal denied. **Compliance Investigation #2008335, MWD\_10883-002\_CP\_20241016\_Compliance**

**Regionalization** The applicant did not provide truthful information in regards to Regionalization for this facility. The applicant is a contracted city of Trinity River Authorities' (TRA) **Mountain Creek Regional Wastewater System. As a contracting City they have the right to include this subdivisions waste into their collection system.**

**Currently the applicant IS transporting sewage from its lift station for this subdivision to its TRA collection system. The city can utilize its TRA collection system for this subdivision and does need this facility.** (see **evidentiary** documents)

The service area proposed for this permit is also listed in the proposed service are for a TPDES application across the street WQ0016216001 Buffalo Hills. (see **evidentiary** documents)

**Compliance:**The ED looks at the previous 5 years in regards to compliance history. This facility has not been operational in the past 5 years. I refer to its last year(s) of operation for any facility of this applicant, and the CURRENT compliance history for this facility. Applicant has a very bad compliance history for its last permitted facility 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. Enforcement Action Order, Docket NO. 1997-0286-MWD-E.** Under this current permit they have received **citations** for 2 separate unauthorized discharges of untreated waste water July 1, 2024 and August 26, 2024. They also have received **citations** for failure to maintain records for collection, haul and disposal of untreated waste. **Compliance Investigation #2008335, MWD\_10883-002\_CP\_20241016\_Compliance.**

*This shows a pattern of continued non compliance and lack of regard for permit requirements.*

**Applicant submitted an application for Renewal without Changes:** Changes made to the current permit in the renewal application are as follows:

The Facility was moved ¼ mile south which affects surrounding land owners not in original permit. The ED did not require notice to affected landowners because the permit was processed as Renewal Without Changes. (Material Change) Discharge was moved ¼ mile south and changed from discharge by a pipe to discharge into an unnamed tributary. (Material Change) The current permit did not require affected landowner notification. Moving of the facility as well as the discharge point does affect other landowners in close proximity to the facility and the discharge route. No notification to affected landowners was required because renewal permit was processed as a Renewal **Without** Changes.

The facility was changed from extended aeration to conventional activated sludge process. This also required further review and approval.

**The ED responded to request by stating there is no right for Contested Case Hearing referring to 30 TAC § 55.201(i)(5)**

This applicant did make changes that “materially” changed the facility location and discharge route and it impacts landowners that were not properly notified. The original application using a “**Proposed**” location was not required by the commission to notify affected landowners. Under the Renewal with no changes application the applicant still was not required by the commission to notify affected landowners.

As an affected landowner I was not given the required notification. In fact I **stumbled** upon this application, after receiving a NORI for the facility across the street from this one. Buffalo Hills WQ0016216001

The ED did not adequately address ownership of the land by the applicant. Only referred me to the portion of the application where the applicant **falsely** stated they did.

**OPIC responded to requests by stating an evidentiary record would be necessary for OPIC to make a recommendation to the Commission as to whether the ED’s decision should be reconsidered.**

**OPIC also refers to Commission Rule 55.201(i)(5)**

For reasons stated above I disagree with OPIC and refer to Texas Water Code (TWC) section 26.028(C) Except as otherwise provided by this section, the commission, on the motion of a commissioner, or on the request of the executive director or any affected person, **shall** hold a public hearing on the application for a permit, permit amendment, or **renewal** of a permit.

**Applicants Response to Comments - The Applicant Did Not Respond to Any Comments**

**Evidentiary Documents:**

**System Error Responses 3 for 2/24/2025 and 1 for 2/25/2025. I continued to submit documents on the 25<sup>th</sup> as the system actually showed on the 25<sup>th</sup> they were accepted regardless of the Error Notices.**



## eComment Application Error

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

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## Ownership/Buffer Zone Documents:

### Open Records Request to the Applicant. Response Showing They Do Not Have a Deed.



**Open Records** <openrecords@cityofvenus.org>  
to me, Open ▾

Tue, May 28, 2024, 11:52 AM



Good morning,  
No such documents exist.



---

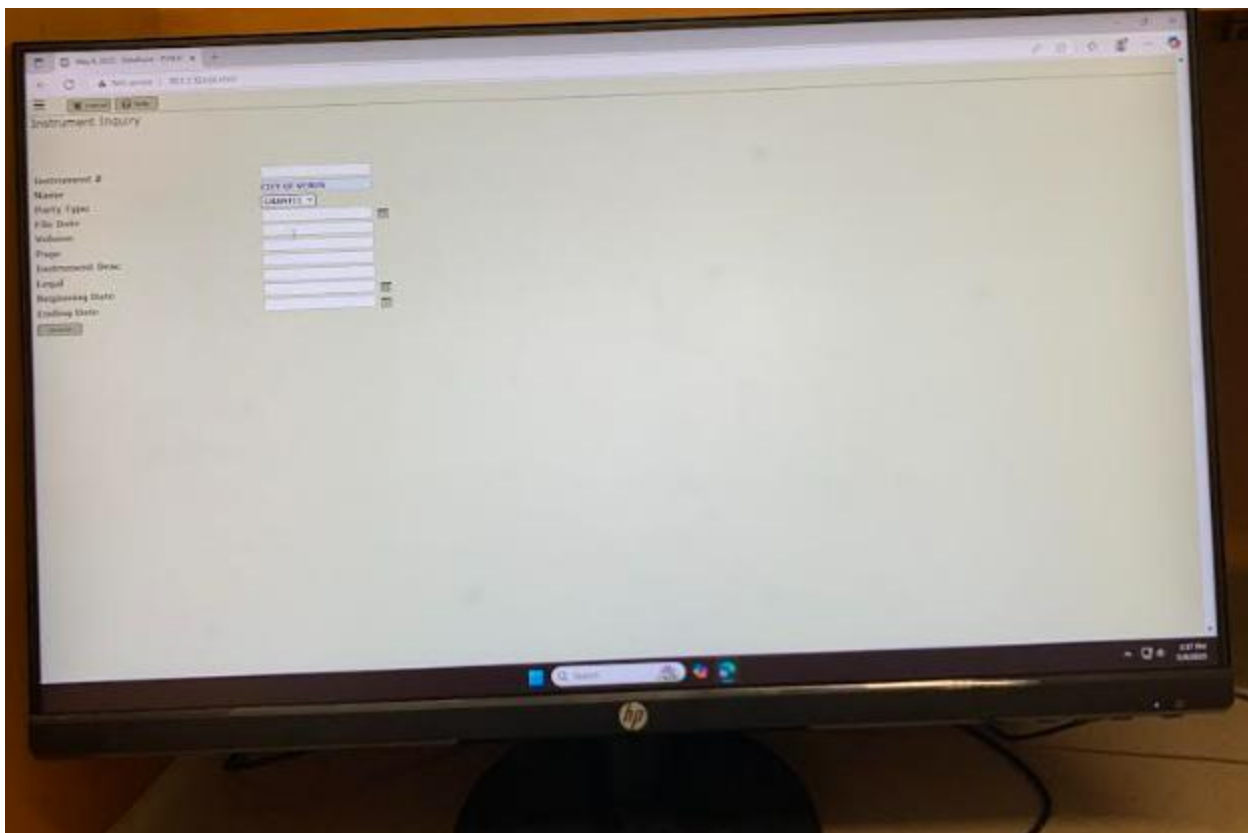
**From:** Robyn Farrell <[robynfarrell1979@gmail.com](mailto:robynfarrell1979@gmail.com)>  
**Sent:** Friday, May 24, 2024 11:59 PM  
**To:** Open Records <[openrecords@cityofvenus.org](mailto:openrecords@cityofvenus.org)>  
**Subject:** Brahman Ranch PID

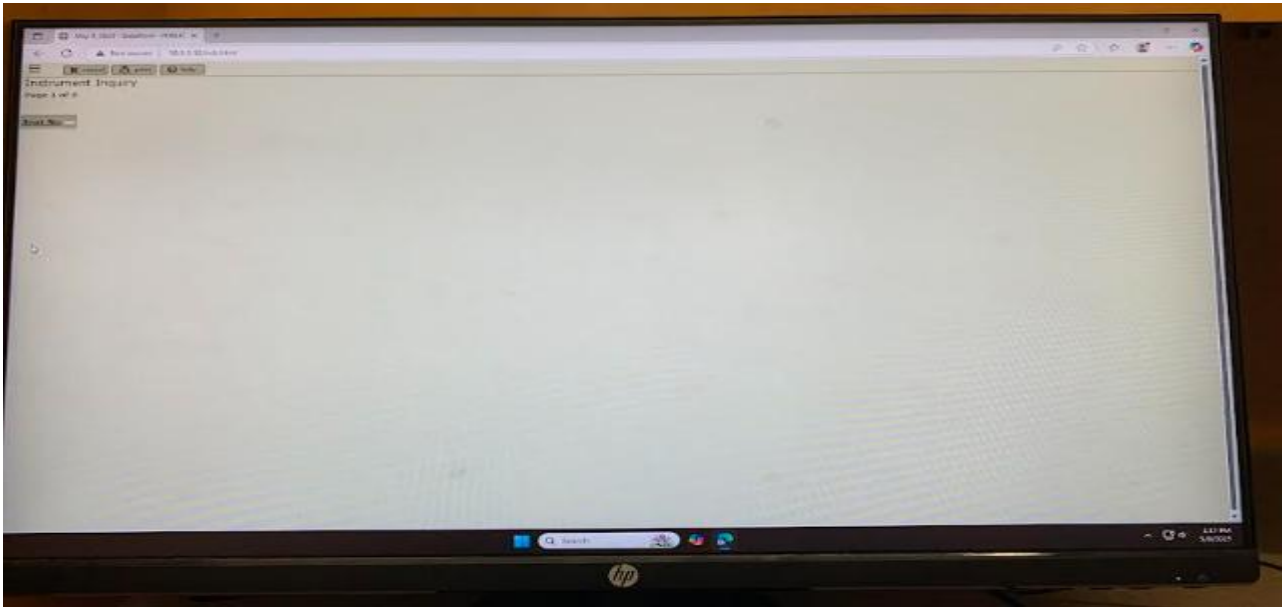
I am requesting the following Documents:

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

### Ellis County Clerks Office Deed Search Showing No Recorded Deed for City of Venus the Applicant





Ellis County Central Appraisal District Showing Ownership of Land in the Developers Name

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

Pick a search option

Ellis County

Addresses: (1 of 3)

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

Pick a search option

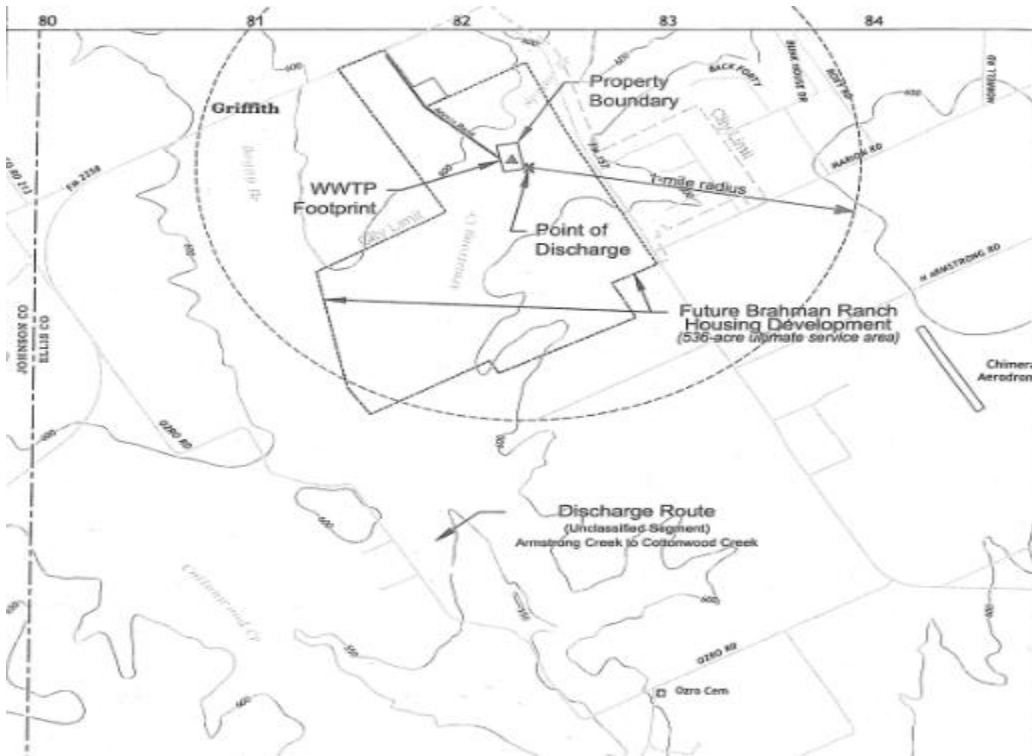
Ellis County

Parcels (Courtesy of ECAD): (2 of 3)

ECAD Property Search	<a href="#">More info</a>
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	



Only map provided with Application that even comes close to a Buffer Zone Map. Grossly Insufficient



Regionalization - Acceptance of Waste From This Development to the TRA's Collection System

**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,

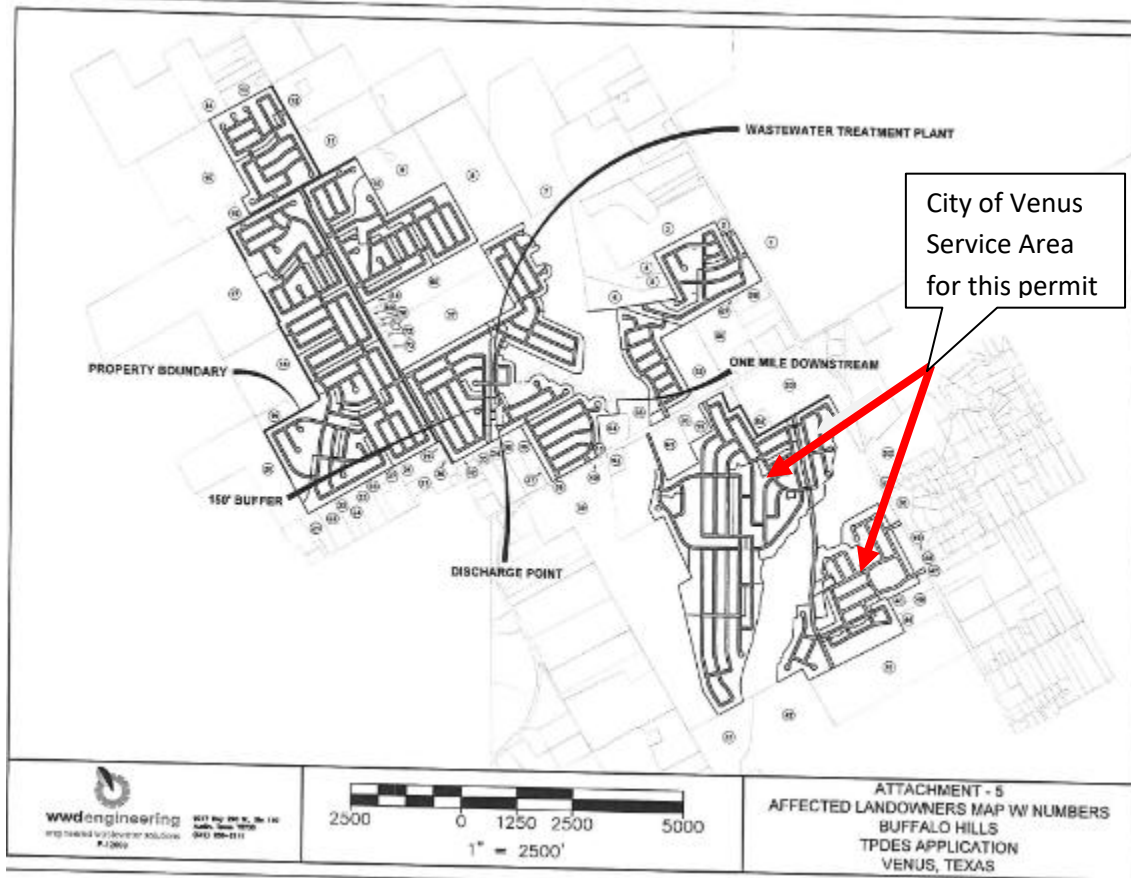
We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

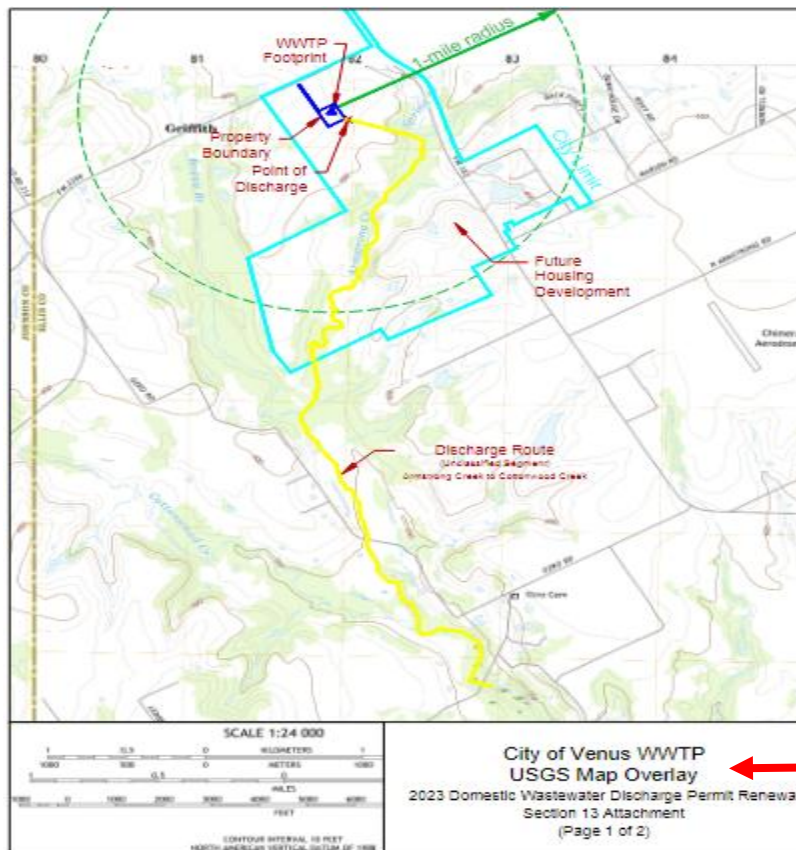
**Natalie D. Taylor**

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

This Same Development is included In the Service Area for Buffalo Hills WQ0016216001. Same Developer



Changes Made to Facility Location and Discharge Route. Original proposed Location



Note 2023 Date and for Renewal



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## Ownership/Buffer Zone Documents:

### Open Records Request to the Applicant. Response Showing They Do Not Have a Deed.



**Open Records** <openrecords@cityofvenus.org>  
to me, Open ▾

Tue, May 28, 2024, 11:52 AM



Good morning,  
No such documents exist.



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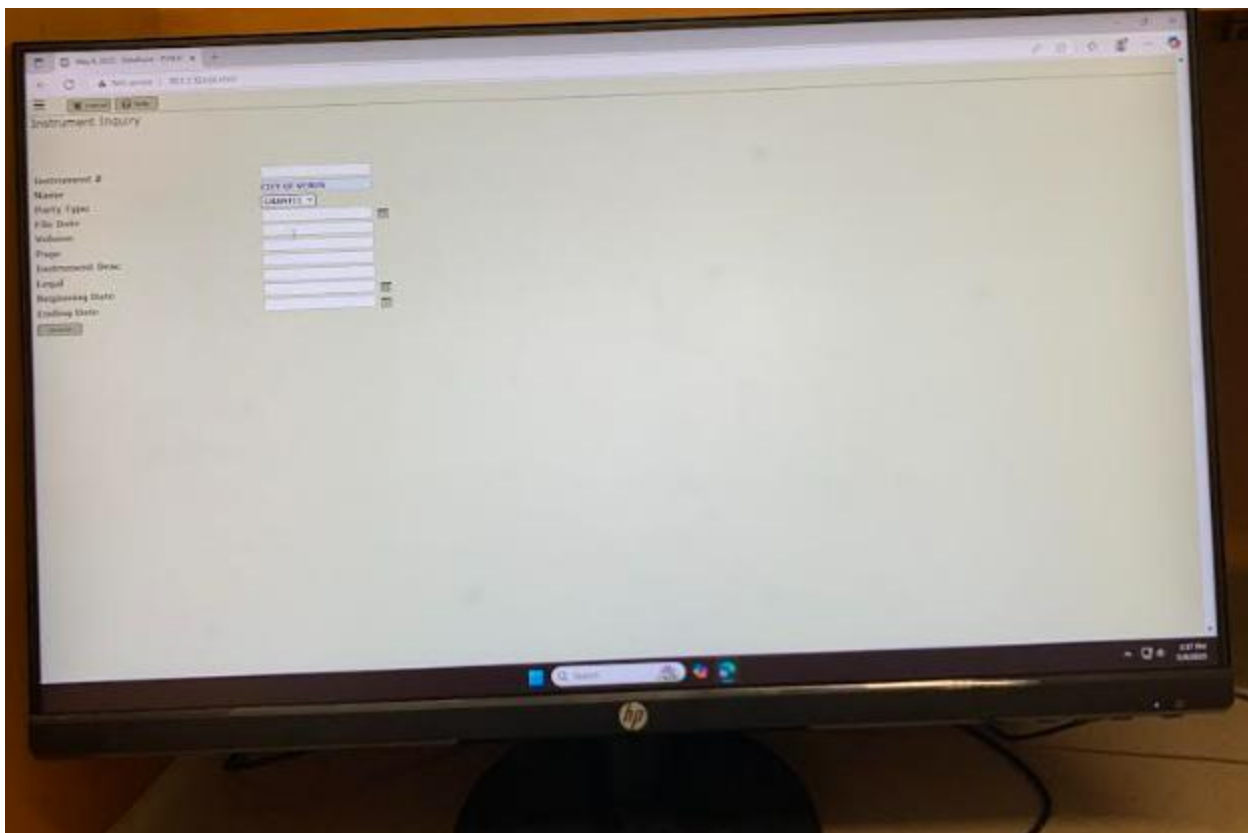
**From:** Robyn Farrell <[robynfarrrell1979@gmail.com](mailto:robynfarrrell1979@gmail.com)>  
**Sent:** Friday, May 24, 2024 11:59 PM  
**To:** Open Records <[openrecords@cityofvenus.org](mailto:openrecords@cityofvenus.org)>  
**Subject:** Brahman Ranch PID

I am requesting the following Documents:

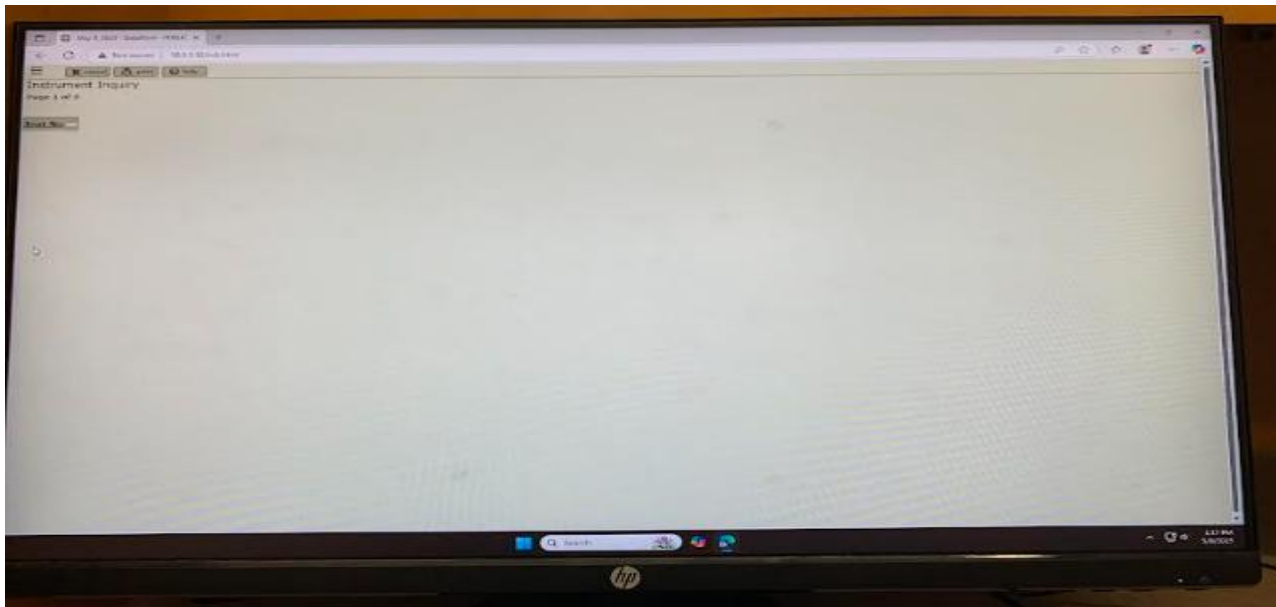
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2. Copy of road easement conveyance to the sewer plant if not included in above mentioned deed

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Robyn Farrell

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Ellis County Central Appraisal District Showing Ownership of Land in the Developers Name

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

Pick a search option

Ellis County

157

Armstrong

Venus

(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

Pick a search option

Ellis County

157

Armstrong

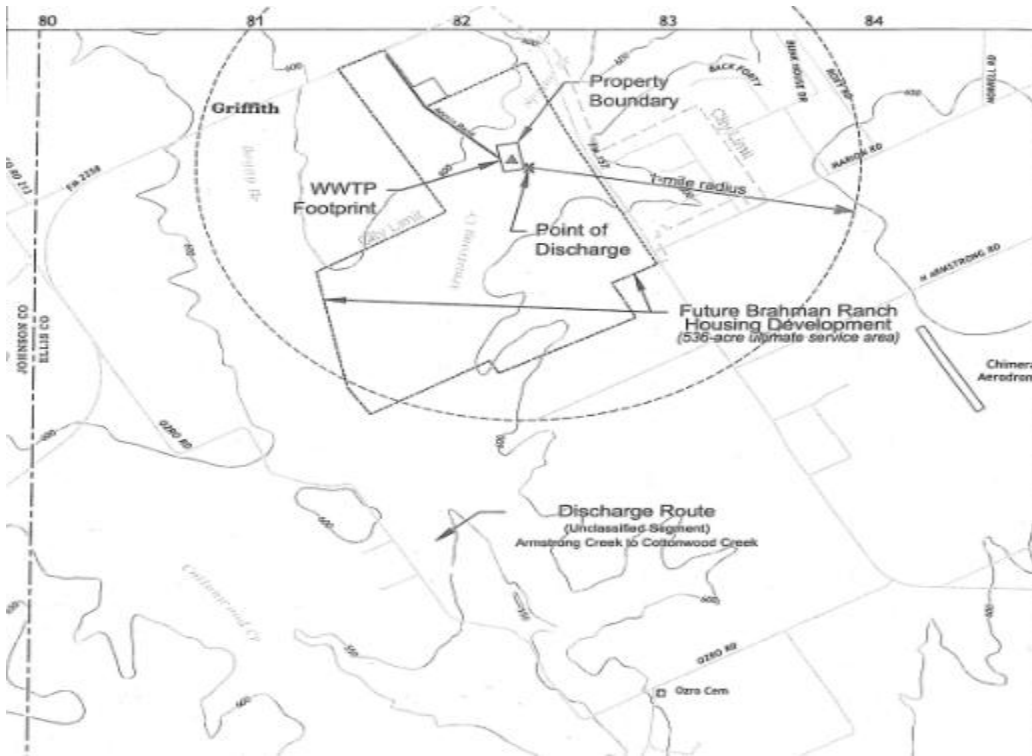
Venus

(2 of 3)

Parcels (Courtesy of ECAD):

ECAD Property Search	<a href="#">More info</a>
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	

Only map provided with Application that even comes close to a Buffer Zone Map. Grossly Insufficient



Regionalization - Acceptance of Waste From This Development to the TRA's Collection System

**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,

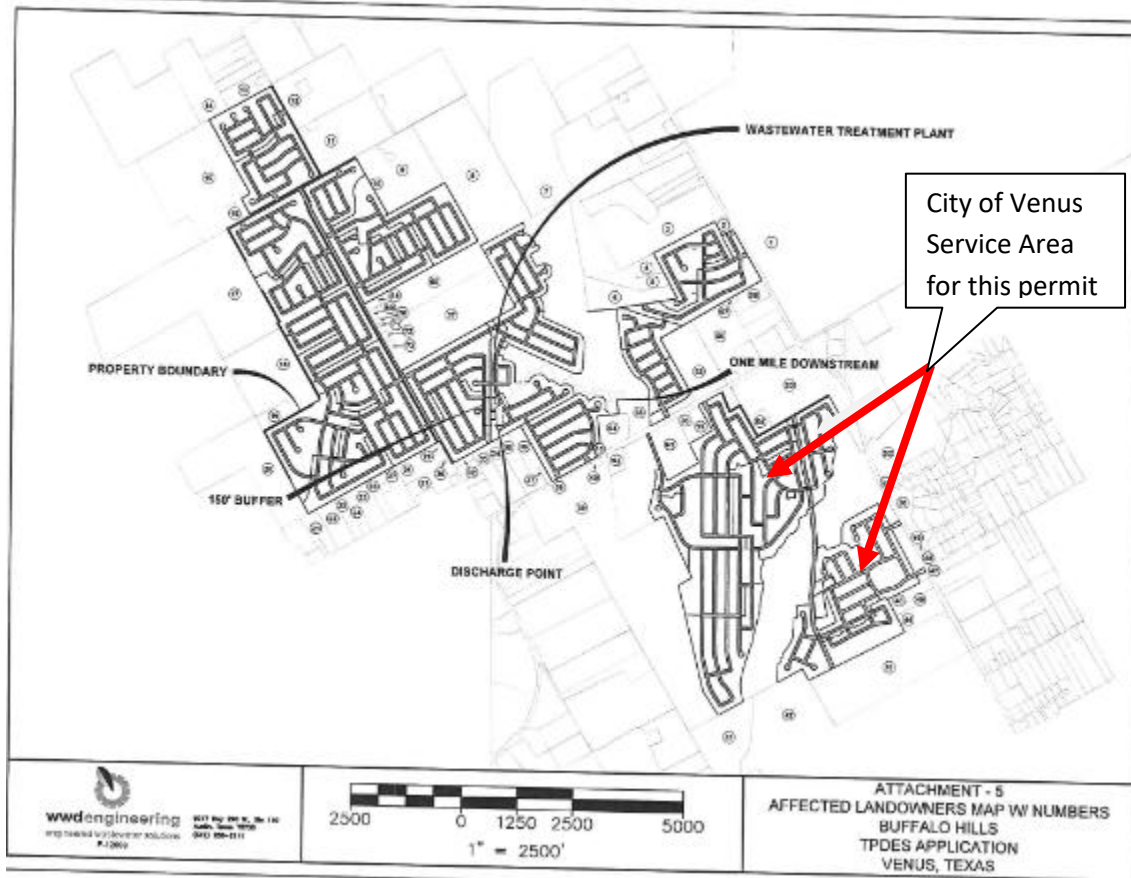
We appreciate your patience. Attached are all the sample results for the wastewater you wish to discharge, including for Oil & Grease (O&G). We've reviewed all results and see no issue with this release. Feel free to move forward with this discharge at your leisure, but please let us know when this occurs.

Thank you,

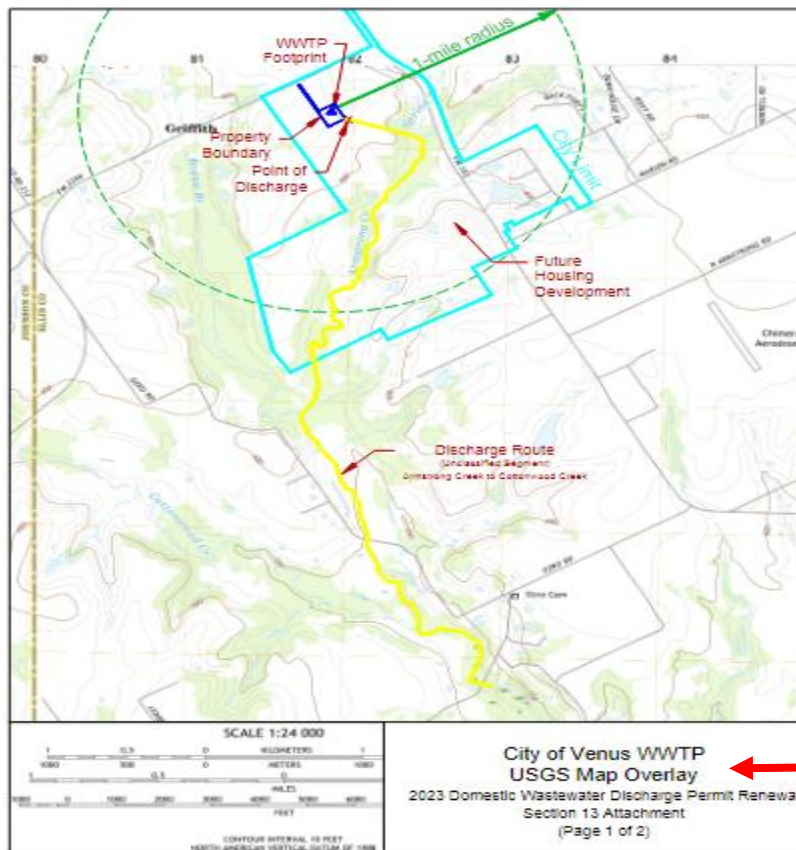
**Natalie D. Taylor**

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

This Same Development is included In the Service Area for Buffalo Hills WQ0016216001. Same Developer



Changes Made to Facility Location and Discharge Route. Original proposed Location



Note 2023 Date and for Renewal

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**Specifically the EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST Does not pertain to this permit application**

### III. Procedural Background

The permit application was received on June 26, 2023, and declared administratively complete on August 9, 2023. The first Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on August 22, 2023, in the Galveston County Daily News. The combined NORI and Notice of Application and Preliminary Decision (NAPD) was published on April 19, 2024, in English in the Galveston County Daily News and was published in Spanish in La Prensa De Houston on April 28, 2024.

The public comment period ended on May 28, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

**This is part of the official record and needs to have correct information.**