

11

TCEQ Registration Form

April 22, 2024

JC Water Resource Recovery Facility, LLC TPDES PERMIT FOR MUNICIPAL WASTEWATER PERMIT NO. WQ0016386001

PLEASE PRINT

Name:

Rick Bailey

Mailing Address:

9500 Valley View Trail

Physical Address (if different):

City/State:

Rio Vista, TX

Zip:

76093

This information is subject to public disclosure under the Texas Public Information Act

Email:

5

Phone Number:

()

- Are you here today representing a municipality, legislator, agency, or group?

☒ Yes

☐ No

If yes, which one?

County

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Friday, May 31, 2024 4:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016386001

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: geocox03@gmail.com <geocox03@gmail.com>
Sent: Friday, May 31, 2024 11:01 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016386001

REGULATED ENTY NAME JC WATER RESOURCE FACILITY

RN NUMBER: RN111787420

PERMIT NUMBER: WQ0016386001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: JC WATER RESOURCE RECOVERY FACILITY LLC

CN NUMBER: CN606169126

NAME: George E. Cox

EMAIL: geocox03@gmail.com

COMPANY:

ADDRESS: 6301 WOODARD AVE
CLEBURNE TX 76033-8101

PHONE: 8175262902

FAX:

COMMENTS: My wife and I reside at 6301 Woodard Avenue, roughly 870 yards north of the proposed facility and only about the length of a football field from the development. While efforts are made to mitigate the smell from such facilities, other similar facilities have a reputation for odors even when operating efficiently. Being due north of the facility, prevailing summer winds would drive the odor directly to our property. Under worse case scenarios, including the inevitable failures of the system, our outdoor areas could be unbearable, and even indoors could be severely compromised. The creek the facility dumps into, within a few miles, flows into Lake Pat Cleburne, the local municipal water supply. Given the inevitable failures of the system, how is the safety of that water supply guaranteed? The facility is naturally linked to the related proposed development. As the public water supply will be unable to serve the proposed 400 to 450 homes, the well which will be required to serve that many families has the potential to compromise the area watertable, rendering our own well unusable. Being in our 70's, on a fixed income, we can ill afford to redrill or pay to connect to public water. Portions of the area of the development are already flood prone. Once the land area is covered with 50% or more of impermeable surfaces, the potential flooding can become extreme. Woodard Avenue east of 2331 becomes impassable now with heavy rains. Added water loading could result in 2331, just north of Hwy 67, regularly becoming impassable. Highway 67 is already an often very busy road. Attempting to turn left off of 2331 or CR 1226 is already quite difficult at times. What impact will up to 900 additional cars have on traffic. Logic suggests that at least 75% of cars from the new development will opt for the otherwise low trafficked Woodard Avenue, affecting the quality of life for every resident on that street. The County Road is a poorly constructed, ill repaired, unstriped road with no shoulders. Is the county solely responsible to improve it sufficiently to prevent countless wrecks, and then maintain it in the face of more than tripling its traffic load. Families have bought and built this far out in the country to embrace a lifestyle free of the problems of dense suburban population. The proposed neighborhood is an insult to that rural sensibility. Neighbors are already moving to escape the problems before our lives and property values are inevitably compromised. Fifty homes on 2 acre lots would be disturbing enough. Thrusting perhaps 2000 people into our back yards is untenable.

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Monday, April 22, 2024 3:32 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016386001

From: geocox03@gmail.com <geocox03@gmail.com>
Sent: Monday, April 22, 2024 3:10 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016386001

REGULATED ENTY NAME JC WATER RESOURCE FACILITY

RN NUMBER: RN111787420

PERMIT NUMBER: WQ0016386001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: JC WATER RESOURCE RECOVERY FACILITY LLC

CN NUMBER: CN606169126

NAME: MR George E. Cox

EMAIL: geocox03@gmail.com

COMPANY:

ADDRESS: 6301 WOODARD AVE
CLEBURNE TX 76033-8101

PHONE: 8175262902

FAX:

COMMENTS: What happens if the development doesn't sell out, or for any other reason, sufficient revenue is not generated to maintain operation? What if JC Water Resource Recovery Facility LLC goes bankrupt. How did this proposal pass ecological review when the continuous flow of water into what would otherwise be mostly dry stream beds will permanently change the ecology of the stream. Regarding the MUD, with the plan being for 400+ homes on little more than 100 net acres, the result will be perhaps 50 or more acres of impermeable surface. Without mitigation, this will result in dramatically greater flooding, especially affecting the two neighbors to the east who will be trapped in their homes when their driveway floods. The dramatically increased flow could even wash out their driveway. Flooding may

affect the bridge on 2331 which normally only approaches flooding. Are the home owners in the mud, who are going to be buying cheap, high density housing, going to be able to afford the inevitably high utility bills that come with private water and sewer supply?

12

TCEQ Registration Form

April 22, 2024

JC Water Resource Recovery Facility, LLC TPDES PERMIT FOR MUNICIPAL WASTEWATER PERMIT NO. WQ0016386001

PLEASE PRINT

Name: Shari Kennedy

Mailing Address: 6601 Woodard Ave.

Physical Address (if different): _____

City/State: Cleburne, TX Zip: 76033

This information is subject to public disclosure under the Texas Public Information Act

Email: shari_kennedy@yahoo.com

Phone Number: (817) 454-6101

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, March 14, 2024 11:11 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016386001
Attachments: WQ00163860011.pdf

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: james.randell@cleburne.net <james.randell@cleburne.net>
Sent: Thursday, March 14, 2024 7:14 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016386001

REGULATED ENTY NAME JC WATER RESOURCE FACILITY

RN NUMBER: RN111787420

PERMIT NUMBER: WQ0016386001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: JC WATER RESOURCE RECOVERY FACILITY LLC

CN NUMBER: CN606169126

NAME: MR James Randell

EMAIL: james.randell@cleburne.net

COMPANY: City of Cleburne

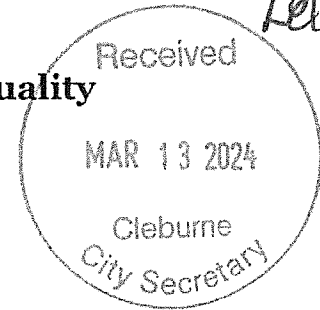
ADDRESS: PO BOX 677
CLEBURNE TX 76033-0677

PHONE: 8176450957

FAX:

COMMENTS: On the Notice Of Public Meeting notification letter that TCEQ sent out in regard to Permit # WQ0016386001 lists a link to the location of proposed treatment facility as <https://gisweb.tceq.texas.gov/LocationMapper/?marker=97.510833.32.3125&level=18> seems to be incorrect. When searching link it took me to Austin Community College in Austin. Can you please send me the correct mapping link.

Texas Commission on Environmental Quality



COMBINED

NOTICE OF PUBLIC MEETING

AND

**NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER**

NEW

PERMIT NO. WQ0016386001

APPLICATION AND PRELIMINARY DECISION. JC Water Resource Recovery Facility, LLC, 525 South Loop 288, Suite 105, Denton, Texas 76205, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016386001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 108,000 gallons per day. TCEQ received this application on August 7, 2023.

The facility will be located approximately 0.25 miles east of the intersection of U.S. Highway 67 and County Road 1226, near the city of Cleburne, in Johnson County, Texas 76033. The treated effluent will be discharged to an unnamed tributary, thence to Robinson Branch, thence to Lake Pat Cleburne in Segment No. 1228 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary and Robinson Branch. The designated uses for Segment No. 1228 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 TAC § 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.510833,32.3125&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

**Monday, April 22, 2024 at 7:00 PM
Cleburne Conference Center (Cross Timbers Room)
1501 W. Henderson Street
Cleburne, Texas, 76033**

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from JC Water Resource Recovery Facility, LLC at the address stated above or by calling Mr. Jason Tuberville, General Partner, Orison Holdings, at 940-305-3533.

Issuance Date: March 11, 2024

Comisión de Calidad Ambiental de Texas



COMBINADO

AVISO DE REUNIÓN PÚBLICA

Y

ANUNCIO DE SOLICITUD Y DECISIÓN PRELIMINAR
PARA EL PERMISO TPDES PARA AGUAS RESIDUALES MUNICIPALES

NUEVO

PERMISO N.º WQ0016386001

SOLICITUD Y DECISIÓN PRELIMINAR. JC Water Resource Recovery Facility, LLC, 525 South Loop 288, Suite 105, Denton, Texas 76205, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) un nuevo Permiso N.º WQ0016386001, autorizar la descarga de aguas residuales domésticas tratadas con un caudal promedio diario que no exceda los 108,000 galones por día. La TCEQ recibió esta solicitud el 7 de agosto del 2023.

La instalación estará ubicada aproximadamente a 0.25 millas al este de la intersección de la autopista U.S. Highway 67 y County Road 1226, cerca de la ciudad de Cleburne, en el Condado de Johnson, Texas 76033. El efluente tratado se descargará un afluente no identificado, de allí a Robinson Branch, de allí al lago Pat Cleburne en el segmento N.º 1228 de la cuenca del Río Brazos. El uso no clasificado del agua receptora es un uso limitado de la vida acuática para el afluente sin nombre y Robinson Branch. Los usos designados para el Segmento N.º 1228 son recreación de contacto primario, suministro público de agua y alto uso de vida acuática. De acuerdo con 30 TAC § 307.5 y los *Procedimientos para Implementar los Estándares de Calidad del Agua Superficial de Texas de la TCEQ* (junio del 2010), se realizó una revisión antidegradación de las aguas receptoras. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán los criterios numéricos y descriptivos para proteger los usos existentes. Esta revisión ha determinado preliminarmente que no hay cuerpos de agua con usos excepcionales, altos o intermedios de vida acuática dentro del tramo de arroyo evaluado; por lo tanto, no se requiere ninguna determinación de degradación de nivel 2. No se espera una degradación significativa de la calidad del agua en los cuerpos de agua con usos excepcionales, altos o intermedios de la vida acuática aguas abajo, y los usos existentes se mantendrán y protegerán. La determinación preliminar puede ser reexaminada y puede ser modificada si se recibe nueva información. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la solicitud.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.510833,32.3125&level=18>

La Directora Ejecutiva de la TCEQ ha completado el examen técnico de la solicitud y ha preparado un proyecto de permiso. El borrador de permiso, de ser aprobado, establecería las condiciones bajo las cuales la instalación debe operar. La Directora Ejecutiva ha tomado una decisión preliminar en el sentido de que este permiso, si se concede, cumple con todos los requisitos legales y reglamentarios. La solicitud de permiso, la decisión preliminar de la Directora Ejecutiva y el borrador del permiso están disponibles para su visualización y copia en Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA. Puede enviar comentarios públicos sobre esta solicitud. La TCEQ llevará a cabo una reunión pública sobre esta solicitud porque fue solicitada por un legislador local.

El propósito de una reunión pública es para brindar la oportunidad de enviar comentarios o hacer preguntas sobre la solicitud. Se llevará a cabo una reunión pública que constará de dos partes, un Período de Discusión Informal y un Período de Comentarios Formales. Una reunión pública no es una audiencia de caso impugnado según la Ley de Procedimiento Administrativo. Durante el Período de Discusión Informal, se alentará al público a hacer preguntas al solicitante y al personal de la TCEQ con respecto a la solicitud de permiso. Los comentarios y preguntas presentados oralmente durante el Período de Discusión Informal no se considerarán antes de que se llegue a una decisión sobre la solicitud de permiso y no se dará una respuesta formal. Las respuestas se proporcionarán oralmente durante el Período de Discusión Informal. Durante el Período de Comentarios Formales sobre la solicitud de permiso, los miembros del público pueden expresar sus comentarios formales oralmente en el registro oficial. La Directora Ejecutiva preparará una respuesta por escrito a todos los comentarios oportunos, pertinentes y sustanciales, o significativos. Todos los comentarios formales serán considerados antes de que se tome una decisión sobre la solicitud de permiso. Se enviará una copia de la respuesta por escrito a cada persona que presente un comentario formal o que haya solicitado estar en la lista de correo para esta solicitud de permiso y proporcione una dirección postal. Solo se pueden considerar las cuestiones relevantes y materiales planteadas durante el Período de Comentarios Formales si se concede una audiencia de caso impugnado sobre esta solicitud de permiso.

La Reunión Pública se llevará a cabo:

**lunes, 22 de abril del 2024 a las 7:00 PM
Cleburne Conference Center (Cross Timbers Room)
1501 W. Henderson Street
Cleburne, Texas, 76033**

Las personas con discapacidades que necesiten adaptaciones especiales en la reunión deben llamar a la Oficina del Secretario Oficial al (512) 239-3300 o al 1-800-RELAY-TX (TDD) al menos una semana antes de la reunión.

OPORTUNIDAD PARA UNA AUDIENCIA DE CASO IMPUGNADO. Después de la fecha límite para presentar comentarios públicos, la Directora Ejecutiva considerará todos los comentarios oportunos y preparará una respuesta a todos los comentarios públicos relevantes y materiales o significativos. **A menos que la solicitud se remita directamente para una audiencia de caso impugnado, la respuesta a los comentarios se enviará por correo a todos los que enviaron comentarios públicos y a las personas que están en la lista de correo para esta solicitud. Si se reciben comentarios, el correo también proporcionará instrucciones para solicitar una audiencia de caso impugnado o la**

reconsideración de la decisión de la Directora Ejecutiva. Una audiencia de caso impugnado es un procedimiento legal similar a un juicio civil en un tribunal de distrito estatal.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, DEBE INCLUIR LOS SIGUIENTES ELEMENTOS EN SU SOLICITUD: su nombre, dirección, número de teléfono; nombre del solicitante y número de permiso propuesto; la ubicación y distancia de su propiedad/actividades en relación con la instalación propuesta; una descripción específica de cómo se vería afectado negativamente por la instalación de una manera que no es común para el público en general; una lista de todas las cuestiones de hecho en disputa que envíe durante el período de comentarios; y la declaración "[Yo/nosotros] solicito una audiencia de caso impugnado". Si la solicitud de audiencia de caso impugnado se presenta en nombre de un grupo o asociación, la solicitud debe designar al representante del grupo para recibir correspondencia futura; identificar por su nombre y dirección física a un miembro individual del grupo que se vería afectado negativamente por la instalación o actividad propuesta; proporcionar la información mencionada anteriormente con respecto a la ubicación del miembro afectado y la distancia de la instalación o actividad; explicar cómo y por qué el miembro se vería afectado; y explicar cómo los intereses que el grupo busca proteger son relevantes para el propósito del grupo.

Después del cierre de todos los períodos de comentarios y solicitudes aplicables, la Directora Ejecutiva enviará la solicitud y cualquier solicitud de reconsideración o de una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración en una reunión programada de la Comisión.

La Comisión solo puede conceder una solicitud de audiencia de caso impugnado sobre cuestiones que el solicitante presentó en sus comentarios oportunos que no fueron retirados posteriormente. **Si se concede una audiencia, el tema de una audiencia se limitará a cuestiones de hecho en disputa o cuestiones mixtas de hecho y derecho relacionadas con preocupaciones relevantes y materiales sobre la calidad del agua presentadas durante el período de comentarios.**

ACCIÓN DEL DIRECTOR EJECUTIVO. La Directora Ejecutiva puede emitir la aprobación final de la solicitud a menos que se presente oportunamente una solicitud de audiencia de caso impugnado o una solicitud de reconsideración. Si se presenta una solicitud de audiencia oportuna o una solicitud de reconsideración, la Directora Ejecutiva no emitirá la aprobación final del permiso y enviará la solicitud y la solicitud a los Comisionados de la TCEQ para su consideración en una reunión programada de la Comisión.

LISTA DE CORREO. Si presenta comentarios públicos, una solicitud para una audiencia de caso impugnado o una reconsideración de la decisión de la Directora Ejecutiva, se le agregará a la lista de correo de esta solicitud específica para recibir avisos públicos futuros enviados por correo por la Oficina del Secretario Oficial. Además, puede solicitar que se le coloque en: (1) la lista de correo permanente para un nombre y número de permiso de solicitante específico; y/o (2) la lista de correo de un condado específico. Si desea ser incluido en la lista de correo permanente y/o del condado, especifique claramente cuál(es) lista(s) y envíe su solicitud a la Oficina del Secretario Oficial de la TCEQ a la dirección que se indica a continuación.

Todos los comentarios públicos por escrito y las solicitudes de reuniones públicas deben enviarse a Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente en

www.tceq.texas.gov/goto/comment dentro de los 30 días a partir de la fecha de publicación de este aviso en el periódico o antes de la fecha de la reunión pública, lo que ocurra más tarde.

INFORMACIÓN DISPONIBLE EN LÍNEA. Para obtener detalles sobre el estado de la solicitud, visite la Base de Datos Integrada de Comisionados en www.tceq.texas.gov/goto/cid. Busque en la base de datos utilizando el número de permiso para esta solicitud, que se proporciona en la parte superior de este aviso.

CONTACTOS E INFORMACIÓN DE LA AGENCIA. Los comentarios y solicitudes del público deben enviarse electrónicamente a www.tceq.texas.gov/goto/comment o por escrito a Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Cualquier información personal que envíe a la TCEQ pasará a formar parte del registro de la agencia; Esto incluye las direcciones de correo electrónico. Para obtener más información sobre esta solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de la TCEQ, sin cargo, al 1-800-687-4040 o visite su sitio web en www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al 1-800-687-4040.

También se puede obtener más información de JC Water Resource Recovery Facility, LLC en la dirección indicada anteriormente o llamando al Sr. Jason Tuberville, socio general de Orison Holdings, al 940-305-3533.

Fecha de Emisión: 11 de marzo del 2024

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Monday, April 22, 2024 4:20 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016386001

From: sschmidt@lhpblaw.com <sschmidt@lhpblaw.com>
Sent: Monday, April 22, 2024 1:28 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016386001

REGULATED ENTY NAME JC WATER RESOURCE FACILITY

RN NUMBER: RN111787420

PERMIT NUMBER: WQ0016386001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: JC WATER RESOURCE RECOVERY FACILITY LLC

CN NUMBER: CN606169126

NAME: Brant Schmidt

EMAIL: sschmidt@lhpblaw.com

COMPANY:

ADDRESS: 7801 W HIGHWAY 67
CLEBURNE TX 76033-8216

PHONE: 8175171928

FAX:

COMMENTS: Which governmental bodies will be tasked with monitoring the environmental impact of the facility, how often will they monitor the environmental impact, and what remedies are available to nearby landowners, cities, and Johnson County to ensure that quality environmental practices are being observed, monitored, and enforced? Will the government of Johnson County government (or city's located in Johnson County) be legally permitted to issue citations to the facility for environmental violations, pollution, hazardous discharges, nuisance related disturbances, zoning violations, or failures to obtain county mandated permits, and if so, which governing bodies may exercise such power with regard to each of the above stated acts or omissions? If this facility is constructed, and low-income housing is

subsequently constructed beside the facility, what will be the traffic impact on the roads bordering the land including West Highway 67, County Road 1226, and other nearby roads? What preventative and/or regulatory measures will be taken to prevent raw or partially treated sewage from escaping onto neighboring properties in the event of a severe flood, whether a rare or common occurrence? If this facility is constructed, what type of nuisance intrusions will emanate from the facility onto nearby properties including but not limited to nuisance odors, sounds, vibrations? If the smells, sounds, or vibrations emanating from the facility emanate onto nearby properties so as to cause a nuisance, how will the state compensate the affected landowners? In answering this question, please describe the owners' available remedies at law and in equity, and specify whether the remedies are statutory or derived from the common law.) If the facility emits unpleasant smells in the future, whether or not legally cognizable, which properties do you anticipate will be most affected by the smell as a result of blowing winds? Will the state or governing body of the facility waive sovereign immunity for negligent acts of the facility that cause a legally cognizable harm or nuisance to nearby property owners? If the facility interferes with nearby property owners' rights by creating conditions that substantially interfere with the use and enjoyment of the nearby owners' land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it, describe the type and quantity of compensation to which the nearby landowner's may be entitled? If nearby livestock and/or crops die, are hindered in growth, or become reduced in fair market value as a result of the facility's acts or omissions, how will the livestock or crop owners they be compensated? If nearby dairy cattle are unable to produce a commercially competitive quantity or quality of milk as a result of the facility's acts or omissions, how will the dairy farmers be compensated by the facility, TCEQ, or the State of Texas? Will the facility obtain water from a water source supplied or administered by Johnson County, or by sharing a water well with a neighboring property, or by drilling a private water well that produces enough water to satisfies the facility's purported needs? If a combination of two or more, please specify an estimate of which percent of the facility's water will be derived from each source. If the facility, drills a private well to procure all or a portion its proposed 108,000 gallons of water per day, how will that withdrawal impact: (1) the quality and quantity of water available in the local water table or reservoirs; and (2) the water recharge rate in the neighboring aquifers, water wells, creeks, stock tanks, and other water sources used by residents, farmers, ranchers, dairymen, and other persons or entities? Will the facility be subject to taxation from the Central Appraisal District? Does TCEQ contend that nearby farms, ranches, and residential properties will not be substantially adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne? How will you compensate the residents of Cleburne and/or Johnson County for discharging waste water, whether treated or untreated, into Lake Pat Cleburne? What checks and balances will you implement for, by, and between the state and local governments to ensure that the facility does not commit acts that benefits the rest of the state to the sole detriment of owner's of land near the facility? If a tenant or landowner's property rights or interests are being adversely affected or violated by the facility's acts and/or omissions, what procedures must they utilize to file a complaint, press charges, obtain just compensation, or exercise any other remedies at law or in equity?

9

TCEQ Registration Form

April 22, 2024

JC Water Resource Recovery Facility, LLC TPDES PERMIT FOR MUNICIPAL WASTEWATER PERMIT NO. WQ0016386001

PLEASE PRINT

Name: BRAWT Schmidt

Mailing Address: 7801 WH 67 Cleburne TX 76033

Physical Address (if different): _____

City/State: TX Zip: 76033

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Monday, April 22, 2024 2:38 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016386001

From: sschmidt@lhpblaw.com <sschmidt@lhpblaw.com>
Sent: Monday, April 22, 2024 2:14 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016386001

REGULATED ENTY NAME JC WATER RESOURCE FACILITY

RN NUMBER: RN111787420

PERMIT NUMBER: WQ0016386001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: JC WATER RESOURCE RECOVERY FACILITY LLC

CN NUMBER: CN606169126

NAME: Sam Schmidt

EMAIL: sschmidt@lhpblaw.com

COMPANY:

ADDRESS: 7801 W HIGHWAY 67
CLEBURNE TX 76033-8216

PHONE: 8172404823

FAX:

COMMENTS: What regulatory measures will be implemented by the facility, the State of Texas, or TCEQ, to ensure that no threatened, endangered, or protected species will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne? Describe how and when you determined whether the following AMPHIBIANS will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne: (1) houston toad (*bufo houstonensis*); (2) strecker's chorus frog (*pseudacris streckeri*); (3) woodhouse's toad (*anaxyrus woodhousii*); and (4) crawfish frog (*lithobates areolatus*)? Describe how and when you determined whether the following BIRDS will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake

Pat Cleburne: (1) bald eagle (*haliaeetus leucocephalus*); (2) whooping crane (*grus americana*); (3) golden-cheeked warbler (*setophaga chrysoparia*); (4) northern bobwhite quail (*colinus virginianus*); (5) american black duck (*anas rubripes*); (6) western burrowing owl (*athene cunicularia hypugaea*); (7) black capped vireo (*vireo atricapilla*); and (8) red-cockaded woodpecker (*picoides borealis*)? Describe how and when you determined whether the following FISH will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne: (1) sharpnose shiner (*notropis oxyrhynchus*); and (2) mississippi silvery minnow (*hybognathus nuchalis*)? Describe how and when you determined whether the following INSECTS will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne: (1) american bumblebee (*bombus pensylvanicus*); (2) monarch butterfly (*danaus plexippus*); and (3) western honey bee (*apis mellifera*)? Describe how and when you determined whether the following MAMMALS will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne: (1) jaguarundi (*herpailurus yagouaroundi*); (2) eastern spotted skunk (*spilogale putorius*); (3) long-tailed weasel (*mustela frenata*); (4) mountain lion (*puma concolor*); (5) muskrat (*ondatra zibethicus*); and (7) swamp rabbit (*sylvilagus aquaticus*)? Describe how and when you determined whether the following REPTILES will be adversely affected by the discharge of wastewater into surrounding creeks, basins, and Lake Pat Cleburne: (1) alligator snapping turtle (*macrochelys temminckii*); (2) brazos water snake (*nerodia harteri*); (3) eastern box turtle (*terrapene carolina carolina*); (4) western box turtle (*terrapene ornata*); (5) ornate box turtle (*terrapene ornata ornata*); (6) common box turtle (*terrapene carolina*); (7) prairie skink (*plestiodon septentrionalis*); and (8) texas horned lizard (*phrynosoma cornutum*)? How may a person lodge a complaint against the facility for an unlawful taking of a species protected by state or federal law? If the facility is notified that it has committed an unlawful taking of a species protected by state or federal law, what is the procedure it will follow to investigate the acts or omissions that caused the unlawful taking? If the facility is not subject to all the same ordinary and customary property taxes from the Johnson County Central Appraisal District as other landowners, how will the facility compensate the County for its use and/or damage of county funded roads that are used by the facility's vehicles, or county property it uses to transport water and/or sewage? How will the facility impact the property values of nearby land, and what recourse do landowners have for substantial diminutions in the fair market value of their real property as a result of acts or omissions committed by the facility? May the Johnson County Central Appraisal District or any other governmental body impose a tax on the facility for unlawful light and/or noise pollution, and if so, what measures may they use to achieve this objective? If members of an endangered species of plants or animals protected by state or federal laws begin dying, or become adversely affected, as a direct result of the facility's acts or omissions, and not by natural causes, how long will the facility wait until it ceases operations? Will the facility designate a portion of acreage on its property for persons to peacefully protest against unlawful environmental practices or takings of endangered species protected by state or federal law, and if so, what procedure should protesters utilize to legally and peacefully protest against the acts or omissions of the facility? Will the facility commit to creating and maintaining a committee that holds monthly public meetings at a designated public forum located in Precinct 1 of Johnson County to allow landowners and residents of Johnson County to voice their concerns with the environmental practices of the facility, and if not, then why? Will the facility commit to funding and managing a charitable fund with which to reasonably compensate nearby landowners for environmental violations committed by the facility that substantially and unreasonably interferes with the landowner's reasonable use and enjoyment of their land, or that detrimentally diminishes or reduce the fair market value of the landowner's land, and if not, then why? If the facility's environmental practices are not subject to adequate oversight by local authorities, how may concerned landowners or residents audit the environmental reports and/or findings from the regulatory bodies in possession of such reports and/or findings, or a lack thereof? If it is determined that the facility emits raw or untreated sewage or wastewater into a body of water used to water a landowner's livestock, will the facility pledge to transport or deliver, whether by pipe or by vehicle transport, adequate water to keep the livestock healthy and commercially fit until the facility adequately cleans the livestock's polluted water supply to a legally or commercially acceptable level of purity? If pollution from the facility makes it impractical, impossible, or illegal for persons to use Lake Pat Cleburne for fishing and other recreational activities, how much will the facility compensate the affected persons and what procedure may the affected persons utilize to apply for and receive just compensation?

10

TCEQ Registration Form

April 22, 2024

JC Water Resource Recovery Facility, LLC TPDES PERMIT FOR MUNICIPAL WASTEWATER PERMIT NO. WQ0016386001

PLEASE PRINT

Name: Sam Schmidt

Mailing Address: 7801 W Hwy 67

Physical Address (if different): _____

City/State: Cleburne, TX Zip: 76033

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

TCEQ Registration Form

April 22, 2024

JC Water Resource Recovery Facility, LLC TPDES PERMIT FOR MUNICIPAL WASTEWATER PERMIT NO. WQ0016386001

PLEASE PRINT

Name: TIM SWAN

Mailing Address: 6364 Woodward Ave Cleburne, TX 76033

Physical Address (if different): _____

City/State: Cleburne TX Zip: 76033

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

④ ②

TCEQ Registration Form

April 22, 2024

**JC Water Resource Recovery Facility, LLC
TPDES PERMIT FOR MUNICIPAL WASTEWATER
PERMIT NO. WQ0016386001**

PLEASE PRINT

Name: Harry Woolley, County Commissioner

Mailing Address: 4300 E. FM 4

Physical Address (if different): _____

City/State: Cleburne TX Zip: 76031

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Johnson County

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.