

TCEQ DOCKET NO. 2025-0906-MWD

APPLICATION BY BL 374, LLC FOR	§	BEFORE THE TEXAS COMMISSION
TEXAS POLLUTANT DISCHARGE	§	ON
ELIMINATION SYSTEM PERMIT NO.	§	ENVIRONMENTAL QUALITY
WQ0016411001	§	

**APPLICANT’S RESPONSE TO HEARING REQUESTS AND
REQUESTS FOR RECONSIDERATION**

BL 374, LLC (“Applicant”) respectfully files this Response to Hearing Requests and Requests for Reconsideration in the above-referenced matter and in support thereof shows the following.

I. Introduction

The Office of the Chief Clerk identified the following individuals who timely filed requests for a contested case hearing from the following individuals: Teri Berbel, Chasity Cooper, Charles Crook, Anthony Evangelista, Carol Ann Everhart, Truman Goodman, Ranier Granberry, Marlyne Hammond, Roger and Jan Hurlbut, Cliff Layton, Patrick Seth Lewis, Keith Meister, Fayneshia Nunn, David Ray Owens, Susan Smart, Daren Smith, Paul and Leanne Smith, Alan Taylor II, Wren Tidwell, Will, Seth, Althea, and Emma Turner, Kathleen Voelkel, and Marilyn Whitley. Paul Smith also filed a hearing request on behalf of the Bent Trail Home Owners Association (“BTHOA”). The following individuals filed hearing requests before the end of the hearing request period but did not file comments during the comment period: Terri Blackmon, Torri Dorram, Mary and Robert Reichardt, Rose Sherman, John Watkins, and Clint Werner.

The Chief Clerk also identified the following individuals has having filed requests for reconsideration of the executive director’s decision: Teri Berbel, Torry Dorram, Ranier Granberry, Marlyne Hammond, Robert Reichardt, Rose Sherman, Susan Smart, John Watkins,

and Clint Werner. Lastly, while the Chief Clerk identified Marilyn Whitley as having filed a request for reconsideration, the e-comment filed by Ms. Whitley on September 23, 2024 requests that the Commission “reconsider placement” of the WWTP and does not expressly state that the person is requesting reconsideration of the executive director's decision as required by 30 TAC § 55.201(e).

For the reasons stated herein, the Texas Commission on Environmental Quality (the “Commission”) should deny the hearing requests of all but four requestors, deny all requests for reconsideration, and refer this matter to the State Office of Administrative Hearings and the Commission’s Alternative Dispute Resolution program.

II. Background

On September 14, 2023, the Applicant filed with the Commission an application for new Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0016411001 (“Application”), which if issued would authorize Applicant to discharge treated domestic wastewater from a new wastewater treatment facility—the Tarrant County MUD No. 2 wastewater treatment facility (“WWTP”). Under the terms of the proposed permit, the daily average flow for the WWTP shall not exceed 0.245 million gallons per day (“MGD”) in the Interim phase and a daily average flow not to exceed 0.49 MGD in the Final phase. The WWTP will be located approximately 0.6 miles northeast of the intersection of Bennett Lawson Road and Gibson Cemetery Road in Tarrant County, Texas 76063.

On October 24, 2023 the Commission declared the application administratively complete. Notice of Receipt of Application and Intent to Obtain Water Quality Permit (“NORI”) was published in English on November 8, 2023, in the *Fort Worth Star Telegram*, and in Spanish on November 7, 2023 in *La Prensa Comunidad*. The Notice of Application and Preliminary

Decision (“NAPD”) was published in English on May 5, 2024, in the *Fort Worth Star Telegram*, and in Spanish on May 7, 2024 in *La Prensa Comunidad*. A public meeting was held at the Anchora Event Center, 403 East Broad Street, Mansfield, Texas 76063 on September 23, 2024. The public comment period ended on September 23, 2024, at the close of the public meeting. The executive director filed the Response to Comments on March 27, 2025. The hearing request period ended on May 3, 2025.

III. Review Standard for Requests for Hearing

Based on the information submitted in the hearing requests and a review of the information available in the Chief Clerk’s file on this application, governing law requires the Commission to deny the hearing requests submitted by Teri Berbel, Terri Blackmon, Chasity Cooper, Charles Crook, Torri Dorram, Anthony Evangelista, Carol Ann Everhart, Truman Goodman, Ranier Granberry, Marlyne Hammond, Roger and Jan Hurlbut, Cliff Layton, Patrick Seth Lewis, Keith Meister, Fayneshia Nunn, David Ray Owens, Mary and Robert Reichardt, Rose Sherman, Alan Taylor II, Wren Tidwell, Will, Seth, Althea, and Emma Turner, Kathleen Voelkel, John Watkins, and Clint Warner.

A. Applicable Law

The application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under Title 30 Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issued raised solely in a public comment which has been withdrawn, and must be based only on the affected person’s timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

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

B. Request by Group or Association

Under 30 TAC § 55.205(b), a request by a group or association for a contested case may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

The executive director, the public interest counsel, or the applicant may request that a group or association provide an explanation of how the group or association meets the requirements of subsection (b).

C. Affected Person

Under 30 TAC § 55.203(a), an “affected person” is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. Under 30 TAC § 55.203(c), the relevant factors to be considered in determining whether a person is affected include the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of the property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

D. Determining Whether a Person is an Affected Person

Under § 55.203(d), to determine whether a person is an affected person for purposes of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following factors:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the executive director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission shall grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the Executive Director's Response to Comments, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)-(D), the hearing request must also be timely filed with the Chief Clerk pursuant to a right to hearing authorized by law and comply with the requirements of § 55.201(d).

IV. Evaluation of Requests

Applicant has evaluated each request below and recommends that the Commission deny the following requests.

Bent Trail Home Owners Association

This requestor identified the association's President, Paul Smith, and provided the same mailing address identified in Mr. Smith's separate individual hearing request below. While this request appears to meet the administrative requirements for groups and associations in 30 TAC § 55.205, the only fact issue raised in the request relates to maintenance of a road bridge across an unidentified creek. That issue is not relevant or material to the Commission's decision on the Application. Therefore, under Section 55.211(b), there is no issue raised in this request that may be referred by the Commission. Consequently, this request must be denied.

Terry Berbel

This requestor provided an address at 7505 Bent Trl, Mansfield, TX 76063-3034. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding flooding and erosion, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Terry Berbel is not an affected person.

Terri Blackmon

This requestor did not timely file comments during the comment period and is not identified in the executive director's Response to Comments. Section 5.115(a-1) of the Texas Water Code provides that the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Therefore, this hearing request must be denied.

Chasity Cooper

This requestor provided an address at 5204 Hidden Valley Ct., Mansfield, TX 76063-5290. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding runoff, road widening, water retention, wildlife habitat, and flooding, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Chasity Cooper is not an affected person.

Charles Crook

This requestor provided two addresses: one at 7716 Gibson Cem. Rd., Mansfield, TX 76063 and a second at 2400 Highway 287 N Ste 110, Mansfield, TX 76063-8872. Beyond listing the mailing addresses, the requestor stated that his family and he live within 1,000 feet of the proposed WWTP. Further, while the requestor states general concerns regarding water quality,

air pollution, eminent domain, runoff, roadways, and jurisdictional waters, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Charles Crook is not an affected person.

Torri Dorram

This requestor did not timely file comments during the comment period and is not identified in the executive director's Response to Comments. Section 5.115(a-1) of the Texas Water Code provides that the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Therefore, this hearing request must be denied.

Anthony W. Evangelista

This requestor provided an address at 5994 Bennett Lawson Rd, Mansfield, TX 76063-3009. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the

subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding treatment plant design and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Anthony William Evangelista is not an affected person.

Carol Ann Everhart

This requestor provided an address at 7506 Bent Trl, Mansfield, TX 76063-3033. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d).

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be

affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Carol Ann Everhart is not an affected person.

Truman Goodman

This requestor provided an address at 7481 Bent Trl, Mansfield, TX 76063-3035. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding flooding and erosion, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not

common to members of the general public. Therefore, Truman Goodman is not an affected person.

Ranier Granberry

This requestor provided an address at 10517 Hackamore Cir, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding air quality, erosion, use of waterways, and increased traffic, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Ranier Granberry is not an affected person.

Marlyne Hammond

This requestor provided an address at 7360 Sunflower Creek Dr, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding air quality, odor, and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Marlyne Hammond is not an affected person.

Roger and Jan Hurlbut

These requestors submitted separate hearing requests but provided the same address at 7501 Bent Trl, Mansfield, TX 76063-3034. Beyond listing the mailing address, Jan Hurlbut did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Roger Hurlbut

claims to have ownership interest in a private road that crosses the discharge rout by virtue of being a member of the BTHOA.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. Further, Mr. Hurlbut did not identify any specific property interest in the road that crosses the discharge route. It is unclear, for example, whether the BTHOA's declarations of covenants, conditions, and restrictions grant individual homeowners an easement for a shared roadway. Distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Roger and Jan Hurlbut are not affected persons.

Cliff Layton

This requestor provided an address at 7125 Diamond Oaks Dr, Mansfield, TX 76063-3027. Further, while the requestor states general concerns regarding treatment plant design and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by Section 55.201(d).

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be

affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Cliff Layton is not an affected person.

Patrick Seth Lewis

This requestor provided an address at 7370 Sunflower Creek Dr, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d).

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Patrick Seth Lewis is not an affected person.

Keith Meister

This requestor provided an address at 5337 Hidden Valley Ct, Mansfield, TX 76063-5289. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d).

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Keith Meister is not an affected person.

Fayneshia Nunn

This requestor provided an address at 5325 Hidden Valley Ct, Mansfield, TX 76063-5289. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding flooding, storm runoff, wildlife habitat, and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Fayneshia Nunn is not an affected person.

David Ray Owens

This requestor provided an address at 7494 Bent Trl, Mansfield, TX 76063-3032. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding erosion and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such,

distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, David Ray Owens is not an affected person.

Robert and Mary Reichardt

These requestors submitted separate hearing requests but provided the same address at 6295 Levy County Line Rd, Burleson, TX 76028. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d).

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Robert and Mary Reichardt are not affected persons.

Rose Sherman

This requestor did not timely file comments during the comment period and is not identified in the executive director's Response to Comments. Section 5.115(a-1) of the Texas

Water Code provides that the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Therefore, this hearing request must be denied.

Alan Taylor II

This requestor provided an address at 506 N. Walnut Creek Dr, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding dams, impact to the local environment, plant design, and water quality, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Alan Taylor II is not an affected person.

Wren Tidwell

This requestor provided an address at 5301 Hidden Valley Ct, Mansfield, TX 76063-5289. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, while the requestor states general concerns regarding health and safety, odor, regionalization, wildlife habitat, flooding, need, water quality, and storm runoff, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Wren Tidwell is not an affected person.

Will, Seth, Althea, and Emma Turner

These requestors provided the same address at 7339 Gibson Cemetery Rd, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d).

Based on the Applicant's independent investigation, this requestor's mailing address is adjacent to the treatment facility and the watercourse downstream from the proposed point of discharge. However, because the hearing request did not substantially comply with all requirements, it should be denied.

Kathleen Voelkel

This requestor provided an address at 7562 Dick Price Rd, Mansfield, TX 76063. Beyond listing the mailing address, the requestor did not include any specific description of the location and distance relative to the proposed facility or activity that is the subject of the Application as required by Section 55.201(d). Further, the hearing request does not explain how or why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public as required by the same rule.

Historically, the Commission has considered, consistent with the mapping requirements in 30 TAC Section 305.48(a)(2), people who own property adjacent to the treatment facility or within a reasonable distance along the watercourse from the proposed point of discharge to be affected persons and does not require that notice be mailed to such persons. Based on the Applicant's independent investigation, this requestor's mailing address is not adjacent to the treatment facility or the watercourse downstream from the proposed point of discharge. As such, distance restrictions or other limitations imposed by law on the affected interest preclude the Commission from determining that this requestor has a personal justiciable interest that is not common to members of the general public. Therefore, Kathleen Voelkel is not an affected person.

John Watkins

This requestor did not timely file comments during the comment period and is not identified in the executive director's Response to Comments. Section 5.115(a-1) of the Texas Water Code provides that the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Therefore, this hearing request must be denied.

Clint Werner

This requestor did not timely file comments during the comment period and is not identified in the executive director's Response to Comments. Section 5.115(a-1) of the Texas Water Code provides that the Commission may not find that a hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Therefore, this hearing request must be denied.

V. Requests for Reconsideration

Section 55.201(e) of the Commission's rules prescribe the following requirements for requests for reconsideration of the executive director's decision:

- (1) the request must be in writing and be filed by United States mail, facsimile, or hand delivery with the chief clerk within the time provided;
- (2) the request should also contain the name, address, daytime telephone number, and, where possible, fax number of the person who files the request; and
- (3) the request for reconsideration must expressly state that the person is requesting reconsideration of the executive director's decision, and give reasons why the decision should be reconsidered.

None of the requests for reconsideration presents any issue that the executive director did not address in the Response to Comments. For the reasons explained in the Response to Comments, the draft permit meets all state and federal legal and technical requirements and will, if issued,

protect human health and safety, the environment, and physical property. For those reasons, the Commission should deny all requests for reconsideration of the executive director's decision.

VI. Conclusion

The Commission should deny all hearing requests identified herein for the reasons explained. If the Commission decides to grant any hearing request in this matter, the Applicant respectfully requests that the Commission refer this matter concurrently to the State Office of Administrative Hearings and to the Commission Alternative Dispute Resolution program.

Respectfully submitted,

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ATTORNEYS FOR BL 374, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2025, the foregoing document was filed with the TCEQ Chief Clerk, and was served on the same day by electronic mail to the executive director, the public interest counsel, and the director of the External Relations Division, and by deposit in the U.S. Mail to all requestors identified on the attached mailing list in accordance with 30 Tex. Admin. Code § 55.209(d).

/s/ James Aldredge
JAMES ALDREDGE

Mailing List

Bent Trail Home Owners Association 7457 Bent Trl Mansfield, TX 76063	Keith Meister 5337 Hidden Valley Ct Mansfield, TX 76063-5289
Terry Berbel 7505 Bent Trl, Mansfield, TX 76063-3034	Fayneshia Nunn 5325 Hidden Valley Ct Mansfield, TX 76063-5289
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Marlyne Hammond 7360 Sunflower Creek Dr Mansfield, TX 76063	Will, Seth, Althea, and Emma Turner 7339 Gibson Cemetery Rd Mansfield, TX 76063
Roger and Jan Hurlbut 7501 Bent Trl, Mansfield, TX 76063 3034	Kathleen Voelkel 7562 Dick Price Rd Mansfield, TX 76063
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