

TCEQ DOCKET NO. 2025-0906-MWD

APPLICATION BY	§	BEFORE THE
BL 374 LLC	§	
FOR TPDES PERMIT NO.	§	TEXAS COMMISSION ON
WQ0016411001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Hearing Requests on an application by BL 374 LLC (Applicant) for a new TPDES Permit No. WQ0016411001. The Office of the Chief Clerk received timely contested case hearing requests from the following individuals: Teri R. Berbel; Terri Webb Blackmon; Charles Cook; Chasity Cooper; Torri Dorram; Anthony William Evangelista; Carol Ann Everhart; Truman Goodman; Rainer Granberry; Marlyne S. Hammond; Roger Hurlbut; Jan Hurlbut; Cliff Clifton Layton; Patrick Seth Lewis; Keith Meister; Fayneshia Nunn; David Ray Owens; Dan and Kerry Smith; Leanne and Paul Smith; Kirk Tidwell; Will, Seth, Althea, and Emma Turner; Kathleen Voelkel; Clint Werner; and John Watkins.

The ED recommends that the Commission grant the hearing request of Roger Hurlbut; Keith Meister; Paul Smith, Kathleen Voelkel; and Will, Seth, Althea, & Emma Turner. The ED recommends that the Commission deny the remaining hearing and reconsideration requests.

Attached for Commission consideration is a satellite map of the area showing the locations of the facility, discharge route, and requestors.

II. ATTACHMENTS FOR COMMISSION CONSIDERATION

- Attachment A - ED's GIS Maps (2) and its Appendix¹

III. FACILITY DESCRIPTION

The Applicant applied to the TCEQ for a new permit, TPDES Permit No. WQ0016411001, to authorize the discharge of treated domestic wastewater at a daily average volume not to 490,000 gpd in the Final phase. The Applicant proposes to operate the Tarrant County MUD No. 2 WWTF (WWTF, Facility) as an activated sludge process plant operated in the conventional mode with single stage nitrification. Treatment units in the Interim phase will include a bar screen, an aeration basin, a final clarifier, an aerobic sludge digester, and a chlorine contact chamber. Treatment units in the Final phase will include a bar screen, two aeration basins, a final clarifier, two aerobic sludge digesters, and a chlorine contact chamber.

¹ The requesters' locations on the ED's GIS Map are the locations of the physical addresses provided by the requesters in their applicable hearing requests.

The facility has not been constructed. If this permit is issued, The facility would be located approximately 0.6 miles northeast of the intersection of Bennett Lawson Road and Gibson Cemetery Road, in Tarrant County, Texas 76063.

If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to Willow Branch, thence to Walnut Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

In accordance with 30 Texas Administrative Code § 307.5 and 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 draft permit authorizes a discharge of treated domestic wastewater at a daily average flow not to 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 effluent limitations in all phases of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l total suspended solids (TSS), 3 mg/l NH₃-N, 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). For the Interim phase, the effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. For the Final phase, the effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes a requirement for the Applicant to submit a nuisance odor prevention request for approval by the ED for the applicable sides and edges of the buffer zone, which complies with requirements of 30 TAC § 309.13(e)(2).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

IV. PROCEDURAL BACKGROUND

TCEQ received the application for the proposed new permit on September 14, 2023, and declared it administratively complete on October 23, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Fort Worth Star Telegram* on November 8, 2023; and in Spanish on November 7,

2023, in the *La Prensa Comunidad*. The Notice of Application and Preliminary Decision (NAPD) was published on May 5, 2024, in English in the *Fort Worth Star Telegram*, and on May 7, 2024, in Spanish in the *La Prensa Comunidad*. The notice of public meeting was published on August 12, 2024, in the *Fort Worth Star Telegram*.

A public meeting was held on September 23, 2024, pursuant to 30 TAC 55.154(c). The comment period for this application closed on September 23, 2024. The hearing request period closed on May 3, 2025. This application was filed 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 Chapter 39, 50, and 55.

V. THE EVALUATION PROCESS FOR HEARING REQUESTS

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The ED, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.²

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.³

B. Hearing Request Requirements

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised

² 30 Texas Administrative Code (TAC) Section (§) 55.209(d).

³ 30 TAC § 55.209(e).

solely in a public comment that was withdrawn by the requestor prior to the filing of the ED's Response to Comment.⁴

A hearing request must substantially comply with the following:

- (1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- (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 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 comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.⁵

C. Requirement that Requestor be an Affected Person/"Affected Person" Status

To grant a contested case hearing, the Commission must determine that a requestor is an "affected" person by conducting the following analysis:

- (a) For any application, 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.
- (b) Except as provided by § 55.103 of this title (relating to Definitions), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, 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;

⁴ 30 TAC § 55.201(c).

⁵ 30 TAC § 55.201(d).

- (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 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) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the commission may also consider the following:
- (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
 - (2) the analysis and opinions of the ED; and
 - (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.
- (e) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.

D. Referral to the State Office of Administrative Hearings

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.”⁶ The Commission may not refer an issue to the State Office of Administrative Hearings (SOAH) for a contested case hearing unless the Commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person whose hearing request is granted; and
- (3) is relevant and material to the decision on the application.⁷

VI. ANALYSIS OF THE REQUESTS

The ED has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

⁶ 30 TAC § 50.115(b).

⁷ 30 TAC § 50.115(c).

A. Whether the Requestors Complied With 30 TAC §§ 55.201(c) and (d) and 55.203

1. Parties the Executive Director recommends the Commission find Affected Persons

Roger Hurlbut

- Roger Hurlbut submitted timely comments and hearing requests which contained his name, address, and phone number pursuant to 30 TAC § 55.201(d). The location of the address provided by Roger Hurlbut is .43 miles from the proposed facility. The property is not listed on the Affected Landowner List (ALO) that was prepared by the Applicant. Roger Hurlbut provided comments and a hearing request that were both timely.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, the impact of the regulated activity on the health of the person and their use of their property. In addition, the Commission shall consider whether the affected interest is protected under the law which the application is considered.

In Mr. Hurlbut's comments and request, he raised issues concerning flooding, existing infrastructure's ability to handle the increased traffic and proposed discharge, human health, aquatic life, and odors. Mr. Hurlbut specifically states that the discharge route runs across his property and that he would be uniquely affected in events of flooding or excess discharge. His request states that his 3-acre lot requires "much maintaining" and that he and his wife "spend a great deal of time outside daily tending to [their] horses and animals, as well as mowing, trimming, watering plants and foliage, cutting trees" and entertaining their family.

He also states that his recreational use of the parts of the discharge route would be negatively affected along with his health. Mr. Hurlbut says that he and his wife walk their pets along the discharge route. The smell and effluents in the discharge would affect his health and disturb his existing uses along the discharge route. Human health, aquatic life, and odors are protected by the law under which the application is considered.

Due to his proximity to the proposed facility and discharge route and the issues raised, Mr. Hurlbut has demonstrated that he is affected in a manner not common to the general public.

Therefore, the ED recommends that the Commission grant Roger Hurlbut's hearing request.

Keith Meister

- Keith Meister submitted timely comments and hearing requests which contained his name, address, and phone number pursuant to 30 TAC § 55.201(d). The location of the address provided by Keith Meister is .65 miles from the proposed facility. The property is not listed on the Affected Landowner List (ALO) that was prepared by the Applicant.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, the impact of the regulated activity on the health of the person and their use of their property.

In Mr. Meister's public comments and request, he raised issues concerning flooding, runoff, existing infrastructure's ability to handle the increased traffic and proposed discharge, the discharge's effects on local birds, odors, and a failure to adhere to the regionalization policies of the TCEQ. Specifically, Mr. Meister is concerned that odors emitted from the facility would affect the use of his property. Due to Mr. Meister's proximity to the facility and discharge route, the odors emanating from the facility are likely to impact Mr. Meister's health and use of his property. Human health and odors are protected by the law under which the application is considered.

Due to his proximity to the proposed facility and discharge route and the issues raised, Mr. Meister has demonstrated that he is affected in a manner not common to the general public.

Therefore, the ED recommends that the Commission grant Keith Mesiter's hearing request.

Paul Smith

- Paul Smith submitted timely comments and hearing requests which contained his name, address, and phone number pursuant to 30 TAC § 55.201(d). The location of the address provided by Paul Smith is .49 miles from the proposed facility. The property is not listed on the Affected Landowner List (ALO) that was prepared by the Applicant.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, the impact of the regulated activity on the health of the person and their use of their property.

In Mr. Smith's public comments and request, he raised issues concerning erosion, flooding, runoff, existing infrastructure's ability to handle the increased traffic and proposed discharge, human health, odors, and *E. coli* contamination. Specifically, Mr. Smith is concerned about the effects the discharge route would have on him and his family. The discharge route runs through Mr. Smith's property. In his request, Mr. Smith states that he and family play in the proposed discharge route regularly, as well as enter it to clear debris and "shoot vermin." Due to the discharge route running through Paul Smith's property, and his proximity to the facility, the proposed discharge route is likely to impact Mr. Smith's health and use of his property. Human health is protected by law under which the application is considered.

Due to his proximity to the proposed facility and discharge route and the issues raised, Mr. Smith has demonstrated that he is affected in a manner not common to the general public.

Therefore, the ED recommends that the Commission grant Paul Smith's hearing request.

Will, Seth, Althea, and Emma Turner (the Turners)

- The Turners submitted timely comments and hearing requests which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). The location of the addresses provided by the Turners are .52 miles from the proposed facility. The property is not listed on the Affected Landowner List (ALO) that was prepared by the Applicant.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, the impact of the regulated activity on the health of the person and their use of their property.

In the Turners public comments and requests, they raised issues concerning endangered species, aquatic life, water quality limits in the discharge, human health, and flooding. The Turners specifically state that the discharge route runs along their property. They indicate that their children use this portion of the discharge route for recreational purposes. The Turners also state that their property will be more susceptible to flooding due to the proximity of the discharge route.

Additionally, the Turners state that the odors from the proposed facility will impair their enjoyment of their property. Water quality, recreational uses, human health, aquatic life and wildlife, and odors are protected by law under which the application is considered.

Due to their proximity to the proposed facility and discharge route and the issues raised, the Turners have demonstrated that they are affected in a manner not common to the general public

Therefore, the ED recommends that the Commission grant Will, Seth, Althea, and Emma Turner's hearing requests.

2. Parties the Executive Director recommends the Commission not find Affected Persons

Representative David Cook

- Representative David Cook submitted timely comments and hearing requests which contained his name, and phone number pursuant to 30 TAC § 55.201(d). The address that Representative Cook provided is a post office box for his Capitol office located in Austin.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, whether the affected interest is protected under the law which the application is considered.

Representative Cook's comments raised issues concerning flooding, runoff, existing infrastructure's ability to handle the increased traffic and proposed discharge, removal of water retention ponds, effects on endangered species, *E. coli* contamination, and eminent domain authority. Representative Cook is also concerned about the "feasibility of servicing wastewater treatment for" over 1,900 homes. These same issues were raised in his hearing request. The interest Representative Cook claims to be affected is his "interest in representing" his constituents.

Representative Cook's interest in representing his constituents is not protected under the law which the application is considered. Since Representative Cook's only claimed affected interest is not protected under the law which the application is considered, he has not substantially complied with 30 TAC § 55.203.

The Executive Director recommends the Commission find that Representative David Cook is not an affected person.

Kathleen Voelkel

- Kathleen Voelkel submitted timely comments and hearing requests which contained her name, address, and phone number pursuant to 30 TAC § 55.201(d). The property is not listed on the ALO list that was prepared by the Applicant.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, whether the affected interest is protected under the law which the application is considered.

Kathleen Voelkel's comments and request raised issues concerning the odors originating from the proposed facility and the health of livestock. Specifically, she is concerned with the economic effects the odors would have on her equestrian center. According to her request, Ms. Voelkel has several horses on her property which she uses for competitions that take place on her property. She states that these competitions can draw over a hundred people at a time. These competitions are her "livelihood." Ms. Voelkel states, but does not specifically explain how, that the odors would negatively affect the health of her horses and would dissuade patrons from attending her competitions.

The health of wildlife, such as horses, is protected under the law which the application is considered. However, Ms. Voelkel did not specifically indicate that the health of her horses was the interest she claimed to be affected. In her public meeting registration form, she indicated that she would like to produce information regarding the effects of odors on horses but no such information was ever provided; nor was that specific interest ever mentioned in any of her further comments or requests.

Ms. Voelkel's economic interests are not protected under the law which the application is considered. Since Ms. Voelkel's claimed affected interest is not protected under the law which the application is considered, she has not substantially complied with 30 TAC § 55.203.

The Executive Director recommends the Commission find that Kathleen Voelkel is not an affected person.

Daren Smith

- Daren Smith submitted timely comments and hearing requests which contained his name, address, and phone number pursuant to 30 TAC § 55.201(d). The location of the address provided by Daren Smith is .52 miles from the proposed facility. The property is listed as number 12 on the ALO list that was prepared by the Applicant.

Under 30 TAC § 55.203(c), the Commission shall consider, amongst other factors, likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person.

Daren Smith's comments and request raised issues concerning flooding, erosion, existing infrastructure's ability to handle the increased traffic and proposed discharge, *E. coli* contamination, human health, impairment of existing uses of the discharge route, and odors. Specifically, Daren Smith is concerned with *E. coli* contamination into his yard, where his child plays every day. Mr. Smith's request states that *E. coli* will be present in the effluent emanating from

the proposed WWTF. However, the request does not state that the discharge route runs through his property.

Daren Smith has failed to demonstrate any likely impact of the regulated activity on his health and safety, or use of his property. Therefore, he has not substantially complied with 30 TAC § 55.203.

The Executive Director recommends the Commission find that Daren Smith is not an affected person.

Leanne Smith

- Leanne Smith submitted a timely joint hearing request with Paul Smith which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). However, Leanne Smith did not submit a timely joint comment as required by 30 TAC § 55.201.

The Executive Director recommends the Commission find that Leanne Smith is not an affected person.

Teri R. Berbel, Charles Cook, Chasity Cooper, Anthony William Evangelista, Carol Ann Everhart, Truman Goodman, Marlyne S. Hammond, Patrick Seth Lewis, Fayneshia Nunn, David Rey Owens, and Kirk Tidwell

- All of the above requestors submitted timely hearing requests which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). All of the requests raised issues concerning flooding, existing infrastructure's ability to handle the proposed discharge, erosion, runoff, effects on wildlife, human health, property values, air pollution, traffic, surface and ground water quality, and regionalization.

Under 30 TAC § 55.201(d), a requestor must identify their personal justiciable interest affected by the application.

While many of these issues are protected under the law which the application is considered, none of the above requestors articulated how they were uniquely affected in a manner not common to the general public. Therefore, the above requestors have not substantially complied with 30 TAC § 55.201(d).

The Executive Director recommends the Commission find that Teri R. Berbel, Charles Cook, Chasity Cooper, Anthony William Evangelista, Carol Ann Everhart, Truman Goodman, Marlyne S. Hammond, Patrick Seth Lewis, Fayneshia Nunn, David Rey Owens, and Kirk Tidwell are not affected persons.

Terri Webb Blackmon, Torri Dorram, Rainer Granberry, Jan Hurlbut, John Watkins, and Clint Werner

- Terri Webb Blackmon, Torri Dorram, Rainer Granberry, Jan Hurlbut, John Watkins, and Clint Werner submitted timely hearing requests which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). However, all of the requestors failed to submit timely comments as required by 30 TAC § 55.201. Additionally, their requests only asked for a contested case hearing.

The Executive Director recommends the Commission find that Terri Webb Blackmon, Torri Dorram, Rainer Granberry, Jan Hurlbut, John Watkins, and Clint Werner are not affected persons.

Daren and Kerry Smith

- Daren and Kerry Smith submitted a timely joint hearing request which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). The property is listed as number 12 on the ALO list that was prepared by the Applicant. Despite their jointly filed hearing request, Daren and Kerry Smith did not file joint timely comments. Therefore, Daren and Kerry Smith's joint hearing request did not substantially comply with 30 TAC § 55.201.

The Executive Director recommends the Commission find that Daren and Kerry Smith are not affected persons.

The Oaks at Hilltop Ranch HOA and Bent Trail Home Owners Association

- Cliff Clifton Layton submitted a hearing request on behalf of the Oaks at Hilltop Ranch HOA. Paul Smith submitted a hearing request on behalf of Bent Trail Home Owners Association. Both organizations' requests provided a name, address, and phone number of someone who is responsible for receiving communications for the group as required by 30 TAC § 55.201(d).

In order for an organization to be considered an affected person it must substantially comply with 30 TAC § 55.205. It requires that an organization submit timely comments, identify members of the organization that would have standing to request a hearing, the interests that the organization seeks to protect are germane to the organization's purpose, and that the claims nor the relief asserted in its request require the participation of any individual members in the case.

Both organizations submitted timely comments. The Oaks at Hilltop Ranch HOA indicated in its request that it is made up of "59 homeowner .8 miles from the proposed" facility. The request did not name any individual member nor provide any addresses of any individual member. The Oaks at Hilltop Ranch HOA also did not identify any interest that it was seeking to protect, nor did it identify the organization's purpose.

Bent Trail Home Owners Association also failed to adequately identify any individual member of its organization. The organization failed to identify its purpose. As a result, the executive director cannot determine if the interest raised in its request is germane to the organization's purpose.

Neither organization substantially complied with the requirements of 30 TAC § 55.205.

The Executive Director recommends the Commission find that The Oaks at Hilltop Ranch HOA and Bent Trail Home Owners Association are not affected persons.

B. Whether the Issues Ellis County Raised are Referable to the State Office of Administrative Hearings (SOAH).

1. **Whether the draft permit is adequately protective of water quality and the receiving waters, including surface water, groundwater, aquatic life, and wildlife in accordance with applicable regulations including the Texas**

Surface Water Quality Standards. (RTC Response Nos. 2, 4, 5, 9, 11, 12, 16-18, 21, 27)

The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, is relevant and material to the issuance of the draft permit, and was raised by an individual who the ED recommends the Commission find affected. If it can be shown the draft permit does not provide sufficient controls to protect water quality, aquatic life, and the existing uses of the receiving waters that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

2. Whether the draft permit is protective of human health and safety and the existing and recreational uses of the receiving waters in the immediate vicinity of the facility and the immediate discharge route. (RTC Response Nos. 12, 17, 28)

The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, is relevant and material to the issuance of the draft permit and was raised by an individual who the ED recommends the Commission find affected. If it can be shown the draft permit does not provide sufficient controls to protect human health and the environment in the immediate vicinity of the facility and the immediate discharge route, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

3. Whether the draft permit adequately addresses nuisance conditions, including odor in accordance with TCEQ rules. (RTC Response No. 11, 17, 28)

The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, is relevant and material to the issuance of the draft permit and was raised by an individual who the ED recommends the Commission find affected. If it can be shown the application is not complete and accurate, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

VII. REQUESTS FOR RECONSIDERATION

TCEQ's rules provide that a Request for Reconsideration (RFR) must expressly state that the person is requesting reconsideration of the executive director's decision and provide reasons why the decision should be reconsidered. 30 TAC § 55.201(e). The Commission received timely RFRs from Susan Smart, Marilyn Whitney, and Rose Ann Sherman. Robert E. Reichardt, Clint Werner, Marlyne S. Hammond, John Watkins, Terri Webb Blackmon, Torri Dorram, Rainer Granberry, and Roger Hurlbut.

The issues raised by Susan Smart and Roger Hurlbut included flooding (RTC Response No. 20), human health (RTC Response No. 2, 4, 5, 9, 11, 12, 16-18, 21, 27), existing uses (RTC Response No. 12, 17, 28), discharge route capacity, and water quality (RTC Response No. 2, 4, 5, 9, 11, 12, 16-18, 21, 27).

Susan Smart also raised issues concerning the discharge route's ability to handle the proposed discharge volume.

The issues raised by Marilyn Whitney included human health (RTC Response No. 2, 4, 5, 9, 11, 12, 16-18, 21, 27) and existing uses of the discharge route (RTC Response No. 12, 17, 28).

The issues raised by Rose Ann Sherman and Roger E. Reichardt concerned human health (RTC Response No. 2, 4, 5, 9, 11, 12, 16-18, 21, 27), air quality (RTC Response No. 3), traffic (RTC Response No. 1), and property value (RTC Response No. 1).

Clint Werner, Marlyne S. Hammond, John Watkins, Terri Webb Blackmon, Torri Dorram, and Rainer Granberry only requested that the permit be reconsidered.

These issues, to the extent they are within the Commission's jurisdiction to consider on a TPDES application, were considered during the ED's review of the application. The RFRs did not provide any new information that would lead the ED to change her recommendation on the application; therefore, the ED recommends denial of the RFRs.

VIII. CONCLUSION

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find Roger Hurlbut; Keith Meister; Paul Smith; Will, Seth, Althea, and Emma Turner as affected persons and deny all other hearing requests.
2. If referred to SOAH that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.
3. If referred to SOAH, concurrently refer the matter to Alternative Dispute Resolution.
4. If referred to SOAH, refer the following issues as raised by the affected persons as identified by the Executive Director:
 - **Issue A) Whether the draft permit is adequately protective of water quality and the receiving waters, including surface water, groundwater, aquatic life, and wildlife in accordance with applicable regulations including the Texas Surface Water Quality Standards.**
 - **Issue B) Whether the draft permit is protective of human health and safety and the existing and recreational uses of the receiving waters in the immediate vicinity of the facility and the immediate discharge route.**
 - **Issue C) Whether the draft permit adequately addresses nuisance conditions, including odor in accordance with TCEQ rules.**

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on September 15, 2025, the “Executive Director’s Response to Hearing Request” for TPDES Permit for BL 374 LLC was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

A handwritten signature in black ink, appearing to read "Michael Parr", is positioned above a horizontal line.

Michael Parr
Staff Attorney
Environmental Law Division

Attachment A

BL 374 LLC TPDES Permit No. WQ0016411001

Tarrant County MUD No.2 WWTF

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



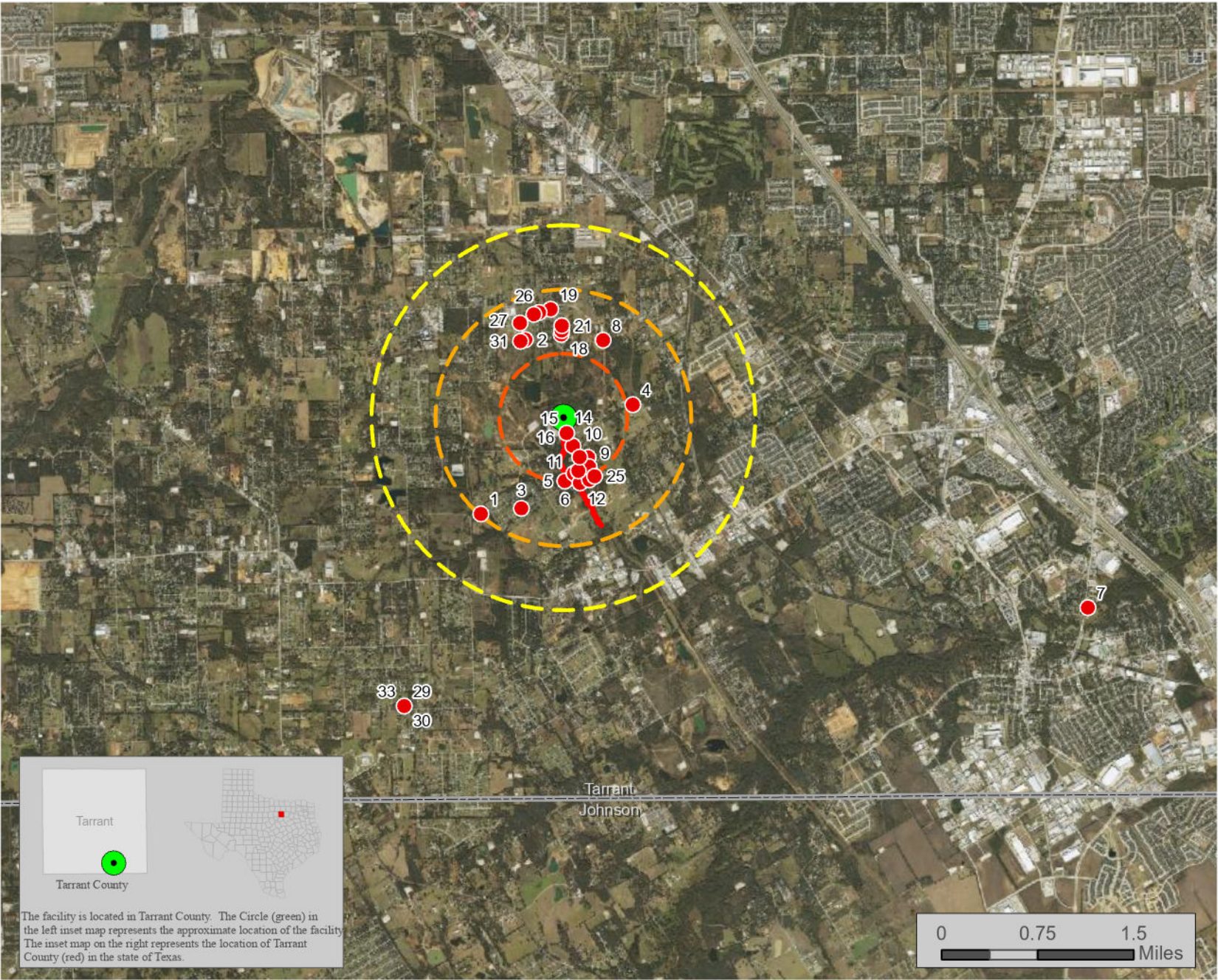
Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 5/9/2025
CRF 0122966
Cartographer: aprovcn



- Outfall 001
- Requestors
- 0.5 Mile Radius
- 1 Mile Radius
- 1.5 Mile Radius
- 1 Mile Discharge Route

Distances from Outfall 001
to Requestors included in
Appendix A



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

BL 374 LLC TPDES Permit No. WQ0016411001

Tarrant County MUD No.2 WWTF

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Protecting Texas by
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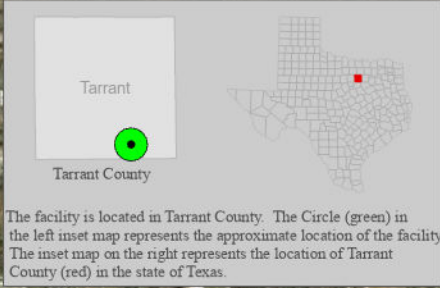
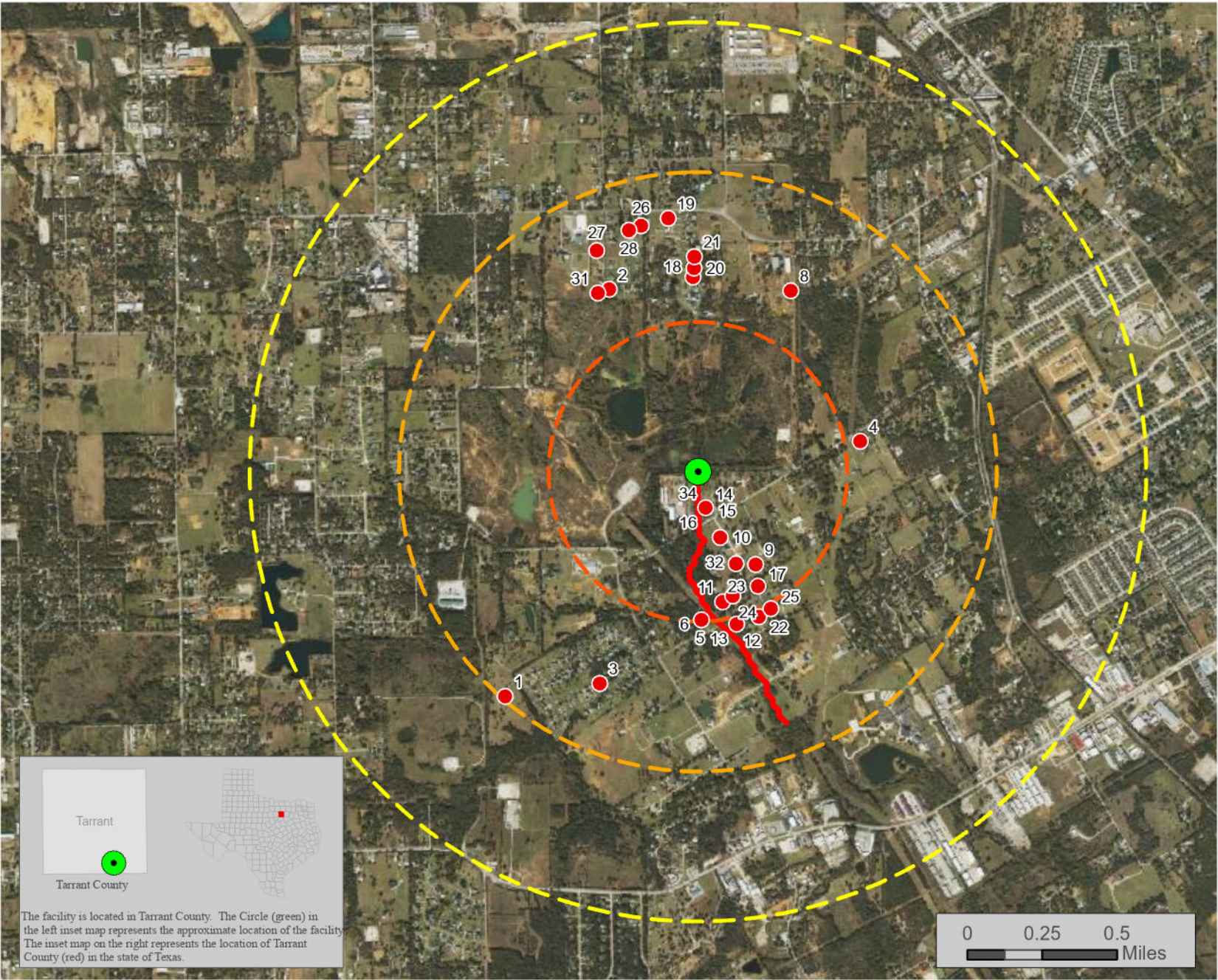


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approximate relative location of property boundaries.
For more information concerning this map, contact the
Information Resource Division at (512) 239-0800.



The facility is located in Tarrant County. The Circle (green) in
the left inset map represents the approximate location of the facility.
The inset map on the right represents the location of Tarrant
County (red) in the state of Texas.

Appendix A for BL 374 LLC TPDES Permit No.WQ0016411001

ID	Name	Address	City	State	ZIP	Lat	Long	Distance to Outfall 001 (Miles)
1	ANTHONY WILLIAM EVANGELISTA	5994 BENNETT LAWSON RD	MANSFIELD	TX	76063	32.58368	-97.214309	0.99
2	RANIER Granberry	10517 HACKAMORE CIR	MANSFIELD	TX	76063	32.603255	-97.207754	0.68
3	CLIFF CLIFTON LAYTON	7125 DIAMOND OAKS DR	MANSFIELD	TX	76063	32.584189	-97.208867	0.78
4	CHARLES C Crook	7716 GIBSON CEMETERY RD	MANSFIELD	TX	76063	32.595591	-97.193583	0.55
5	LEANNE Smith	7457 BENT TRL	MANSFIELD	TX	76063	32.587143	-97.202944	0.49
6	PAUL Smith	7457 BENT TRL	MANSFIELD	TX	76063	32.587143	-97.202944	0.49
7	ALAN Taylor	506 N WALNUT CREEK DR	MANSFIELD	TX	76063	32.571323	-97.133315	4.36
8	KATHLEEN VOELKEL	7562 DICK PRICE RD	MANSFIELD	TX	76063	32.602961	-97.197344	0.68
9	TERI R BERBEL	7505 BENT TRL	MANSFIELD	TX	76063	32.589757	-97.199757	0.36
10	PATRICK SETH Lewis	7370 SUNFLOWER CREEK DR	MANSFIELD	TX	76063	32.591108	-97.201748	0.23
11	SUSAN E Smart	7469 BENT TRL	MANSFIELD	TX	76063	32.587987	-97.201705	0.44

12	DAREN Smith	7470 BENT TRL	MANSFIELD	TX	76063	32.586896	-97.200932	0.52
13	KERRY Smith	7470 BENT TRL	MANSFIELD	TX	76063	32.586896	-97.200932	0.52
14	WILL Turner	7339 GIBSON CEMETERY RD	MANSFIELD	TX	76063	32.592564	-97.202539	0.12
15	SETH Turner	7339 GIBSON CEMETERY RD	MANSFIELD	TX	76063	32.592564	-97.202539	0.12
16	ALTHEA EMMA Turner	7339 GIBSON CEMETERY RD	MANSFIELD	TX	76063	32.592564	-97.202539	0.12
17	ROGER L Hurlbut	7501 BENT TRL	MANSFIELD	TX	76063	32.588706	-97.199658	0.43
18	KEITH Meister	5337 HIDDEN VALLEY CT	MANSFIELD	TX	76063	32.60374	-97.202936	0.65
19	CHASITY Cooper	5204 HIDDEN VALLEY CT	MANSFIELD	TX	76063	32.606616	-97.204267	0.85
20	FAYNESHIA Nunn	5325 HIDDEN VALLEY CT	MANSFIELD	TX	76063	32.604176	-97.202861	0.68
21	WREN Tidwell	5301 HIDDEN VALLEY CT	MANSFIELD	TX	76063	32.604725	-97.202821	0.72
22	DAVID RAY Owens	7494 BENT TRL	MANSFIELD	TX	76063	32.587223	-97.199651	0.52
23	JAN Hurlbut	7501 BENT TRL	MANSFIELD	TX	76063	32.588706	-97.199658	0.43
24	TRUMAN Goodman	7481 BENT TRL	MANSFIELD	TX	76063	32.588262	-97.201115	0.43
25	CAROL ANN Everhart	7506 BENT TRL	MANSFIELD	TX	76063	32.587602	-97.198948	0.52

26	Torri Dorram	10321 HACKAMORE CIR	MANSFIELD	TX	76063	32.606288	-97.205827	0.84
27	Terri Webb Blackmon	10324 REATA ESTATES DR	MANSFIELD	TX	76063	32.605142	-97.208415	0.81
28	Clint Werner	10317 HACKAMORE CIR	MANSFIELD	TX	76063	32.606087	-97.206535	0.84
29	Robert E Reichardt	6295 LEVY COUNTY LINE RD	Burleson	TX	76028	32.562163	-97.225225	2.57
30	Mary B Reichardt	6295 LEVY COUNTY LINE RD	Burleson	TX	76028	32.562163	-97.225225	2.57
31	John Watkins	10525 HACKAMORE CIR	MANSFIELD	TX	76063	32.603084	-97.208406	0.68
32	Marlyne S Hammond	7360 SUNFLOWER CREEK DR	MANSFIELD	TX	76063	32.589818	-97.200878	0.33
33	Rose Ann Sherman	6295 LEVY COUNTY LINE RD	Burleson	TX	76028	32.562163	-97.225225	2.57
34	Emma Turner	7339 GIBSON CEMETERY RD	MANSFIELD	TX	76063	32.592564	-97.202539	0.12

MAILING LIST BL 374 LLC
TCEQ Docket No./TCEQ Expediente N.º 2025-0906-MWD;
Permit No./ Permiso N.º WQ0016411001

FOR THE APPLICANT/PARA EL
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SECRETARIA OFICIAL

via eFilings:

Docket Clerk
Texas Commission on
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Office of Chief Clerk, MC-105
P.O. Box 13087
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<https://www.tceq.texas.gov/goto/efilings>

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See attached list/ Ver lista adjunta.

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