

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13929

City of Fort Worth seeks a temporary water use permit to divert and use not to exceed 20 acre-feet of water, within a period of three years, from two points on Village Creek, Trinity River Basin at a maximum diversion rate of 1.34 cfs (600 gpm) for industrial purposes in Tarrant County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. City of Fort Worth, Applicant, 200 Texas St., Fort Worth, Texas 76102, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the downstream water right holders of record in the Trinity River Basin pursuant to Title 30 TAC § 295.154(a).

City of Fort Worth seeks a temporary water use permit to divert and use not to exceed 20 acre-feet of water, within a period of three years, from Village Creek at a maximum diversion rate of 1.34 cfs (600 gpm) for industrial purposes in Tarrant County.

The water will be diverted at a maximum combined diversion rate of 1.34 cfs (600 gpm) from two points on Village Creek:

Diversion Point 1: Latitude 32.648300° N, Longitude 97.247900° W in ZIP Code 76140;

Diversion Point 2: Latitude 32.650265° N, Longitude 97.245449° W in ZIP Code 76140.

The application was received on August 2, 2023. Additional information was received on January 10, November 8, and November 14, 2024, and fees were received on October 8, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 12, 2024.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by July 7, 2025. A public meeting is intended for the taking of public

comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 7, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by July 7, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTF 13929 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al www.tceq.texas.gov.

Issued: June 19, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13929

TYPE § 11.138

Permittee: City of Fort Worth

Address: 200 Texas St.
Fort Worth, TX 76102

Received: August 2, 2023

Granted:

Watercourse: Village Creek

County: Tarrant

Watershed: Trinity River Basin

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 20 acre-feet of water, within a period of three years, from two points on Village Creek, tributary of the West Fork Trinity River, Trinity River Basin, for industrial purposes in Tarrant County.
3. The water will be diverted at a maximum combined diversion rate of 1.34 cfs (600 gpm), from two points located at Latitude 32.648300° N, Longitude 97.247900° W and Latitude 32.650265° N, Longitude 97.245449° W.
4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

1. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
2. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
3. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13929 is issued to the City of Fort Worth, subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 20 acre-feet of water, within a period of three years, from Village Creek for industrial purposes in Tarrant County.

2. DIVERSION

Permittee is authorized to divert from the following two points on Village Creek:

- A. Diversion Point 1: Latitude 32.648300° N, Longitude 97.247900° W.
- B. Diversion Point 2: Latitude 32.650265° N, Longitude 97.245449° W.
- C. At a maximum combined diversion rate of 1.34 cfs (600 gpm).

3. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any diversion structure.
- B. Permittee may only divert water when streamflow exceeds the following environmental flow standards at USGS Gage No. 08049500 - West Fork Trinity River near Grand Prairie, TX, as implemented in accordance with Paragraphs 3.C.-3.F. below.

Season	Subsistence	Base
Winter	19 cfs	45 cfs
Spring	25 cfs	45 cfs
Summer	23 cfs	35 cfs
Fall	21 cfs	35 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (December through February), Spring (March through May), Summer (June through August), and Fall (September through November).

Subsistence Flow Special Conditions

- D. Permittee shall not divert water unless streamflow at USGS Gage No. 08049500 is above the applicable subsistence flow standard for a season.
- E. If streamflow at USGS Gage No. 08049500 is above the subsistence flow standard but below the applicable base flow standard for a season, Permittee may divert water unless streamflow at USGS Gage No. 08049500 falls below the applicable subsistence flow standard.

Base Flow Special Condition

- F. If streamflow at USGS Gage No. 08049500 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08049500 does not fall below the applicable base flow standard.
- G. This temporary water use permit is junior in priority to all existing water rights in the Trinity River Basin.
- H. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- I. This temporary water use permit shall expire and become null and void three years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- J. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- K. Permittee shall install and maintain a measuring device or method which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- L. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- M. The issuance of this temporary water use permit does not grant to the Permittee the right to use private or public property for diversion of water authorized by this permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

This temporary water use permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the Permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary water use permit.

All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

This temporary water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.

For the Commission

DATE ISSUED:

DRAFT

Natalia Ponebshek

From: Keezell, James [REDACTED] >
Sent: Thursday, June 12, 2025 1:28 PM
To: Natalia Ponebshek
Cc: Sparks, Austin; Chris Kozlowski; Humberto Galvan; Marsh, Chuck
Subject: RE: City of Fort Worth WRTP 13929 Draft Permit

Natalia,

Thank you. Neither the City nor the landfill operator has any comments at this time.

Jim Keezell
Assistant Environmental Services Director-Solid Waste Services
817-392-5153
[REDACTED]

4100 Columbus Trail
Fort Worth, TX 76133
<https://www.fortworthtexas.gov/>

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, May 21, 2025 4:05 PM
To: Keezell, James [REDACTED]
Cc: Sparks, Austin [REDACTED]; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: City of Fort Worth WRTP 13929 Draft Permit

Good afternoon,

Please review the draft temporary permit and notice for City of Fort Worth WRTP 13929 and provide a response by June 4, 2025. Please let me know if you have any questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 21, 2025

Mr. James Keezell, Assistant Environmental Services Director
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102-6314

VIA E-MAIL

RE: City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Keezell:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13929, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than June 4, 2025, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13929 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

cc: Mr. Austin Sparks, Allied Waste Systems Inc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13929

TYPE § 11.138

Permittee: City of Fort Worth

Address: 200 Texas St.
Fort Worth, TX 76102

Received: August 2, 2023

Granted:

Watercourse: Village Creek

County: Tarrant

Watershed: Trinity River Basin

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 20 acre-feet of water, within a period of three years, from two points on Village Creek, tributary of the West Fork Trinity River, Trinity River Basin, for industrial purposes in Tarrant County.
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4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

1. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
2. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
3. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13929 is issued to the City of Fort Worth, subject to the following terms and conditions:

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3. SPECIAL CONDITIONS

A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any diversion structure.

B. Permittee may only divert water when streamflow exceeds the following environmental flow standards at USGS Gage No. 08049500 – West Fork Trinity River near Grand Prairie, TX, as implemented in accordance with Paragraphs 3.C.-3.F. below.

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Subsistence Flow Special Conditions

D. Permittee shall not divert water unless streamflow at USGS Gage No. 08049500 is above the applicable subsistence flow standard for a season.

E. If streamflow at USGS Gage No. 08049500 is above the subsistence flow standard but below the applicable base flow standard for a season, Permittee may divert water unless streamflow at USGS Gage No. 08049500 falls below the applicable subsistence flow standard.

Base Flow Special Condition

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Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary water use permit.

All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

This temporary water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.

For the Commission

DATE ISSUED:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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APPLICATION NO. 13929

City of Fort Worth seeks a temporary water use permit to divert and use not to exceed 20 acre-feet of water, within a period of three years, from two points on Village Creek, Trinity River Basin at a maximum diversion rate of 1.34 cfs (600 gpm) for industrial purposes in Tarrant County. More information on the application and how to participate in the permitting process is given below.

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City of Fort Worth seeks a temporary water use permit to divert and use not to exceed 20 acre-feet of water, within a period of three years, from Village Creek at a maximum diversion rate of 1.34 cfs (600 gpm) for industrial purposes in Tarrant County.

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The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

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CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by _____. The Executive Director may approve the application unless a written request for a contested case hearing is filed by _____.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

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For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al www.tceq.texas.gov.

Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager **Date:** January 24, 2025
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Kenneth Coonrod, Aquatic Scientist
Resource Protection Team

Subject: City of Fort Worth
WRTP 13929
CN602487241
Village Creek, Trinity River Basin
Tarrant County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

The City of Fort Worth (City) requests a temporary water use permit to divert a maximum of 20 acre-feet of water, within a three-year period, from two points on Village Creek, Trinity River Basin, at a maximum combined diversion rate of 1.34 cfs (600 gpm), for industrial purposes in Tarrant County.

ENVIRONMENTAL ANALYSIS

On April 20, 2011, the TCEQ adopted environmental flow standards for the Trinity and San Jacinto Rivers, and Galveston Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter B). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.10).

The Applicant is requesting the use of surplus water, which would be subject to the adopted standards. This review is conducted in accordance with §11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter B (Trinity and San Jacinto Rivers, and Galveston Bay). In Title 30 TAC § 298.225(c)(1), environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08049500 – West Fork Trinity River near Grand Prairie, TX, and the applicable environmental flow standards are shown in Table 1.

Table 1. Environmental Flow Standards at USGS Gage No. 08049500 – West Fork Trinity River near Grand Prairie, TX

Season	Subsistence	Base
Winter	19 cfs	45 cfs
Spring	25 cfs	45 cfs
Summer	23 cfs	35 cfs
Fall	21 cfs	35 cfs

cfs = cubic feet per second

Subsistence and base flow standards vary depending on the season. Seasons are defined in Title 30 TAC § 205 as follows: Winter (December through February), Spring (March through May), Summer (June through August), and Fall (September through November).

No special conditions for high flow pulses are required because the request for authorization to divert a maximum of 20 acre-feet of water is less than 10,000 acre-feet per year, as described in Title 30 TAC § 298.230.

Resource Protection staff recommend that diversion of water under this proposed temporary permit should be limited to comply with the applicable environmental flow standards.

RECOMMENDATIONS

Resource Protection staff recommend the following Special Conditions be included in the proposed temporary permit, if granted:

1. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any diversion structure(s).
2. Permittee may only divert water when streamflow exceeds the following environmental flow standards at USGS Gage No. 08049500 – West Fork Trinity River near Grand Prairie, TX, as implemented in accordance with Special Conditions 3-6.

Season	Subsistence	Base
Winter	19 cfs	45 cfs
Spring	25 cfs	45 cfs
Summer	23 cfs	35 cfs

Fall	21 cfs	35 cfs
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cfs = cubic feet per second

3. Seasons are defined as follows: Winter (December through February), Spring, (March through May), Summer (June through August), and Fall (September through November).

Subsistence Flow Special Conditions

4. Permittee shall not divert water unless streamflow at USGS Gage No. 08049500 is above the applicable subsistence flow standard for a season.
5. If streamflow at USGS Gage No. 08049500 is above the subsistence flow standard but below the applicable base flow standard for a season, Permittee may divert water unless streamflow at USGS Gage No. 08049500 falls below the applicable subsistence flow standard.

Base Flow Special Condition

6. If streamflow at USGS Gage No. 08049500 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08049500 does not fall below the applicable base flow standard.

Kenneth Coonrod

Kenneth Coonrod, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

Date: April 9, 2025

Through: *KA* Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Lauren Simmons, Hydrologist
Surface Water Availability Team

Subject: City of Fort Worth
WRTP 13929
CN600128862
Village Creek, Trinity River Basin
Tarrant County

HYDROLOGY REVIEW

Application Summary

The City of Fort Worth (City) requests a temporary water use permit to divert a maximum of 20 acre-feet of water, within a three-year period, from two points on Village Creek, Trinity River Basin, at a maximum combined diversion rate of 1.34 cfs (600 gpm), for industrial purposes in Tarrant County.

The application was declared administratively complete on December 12, 2024.

Hydrology Review

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter B, Resource Protection staff recommended instream flow requirements for this application. Specific instream flow requirements are included in the Resource Protection memorandum dated January 24, 2025.

Staff reviewed current conditions in the Trinity River Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (April 1, 2025) indicates that the portion of Tarrant County where the application is located is experiencing abnormally dry drought conditions.

On April 20, 2011, the commission adopted environmental flow standards for the Trinity River Basin. Pursuant to 30 TAC §298.225(a), a water right application in

the Trinity River Basin, for a new appropriation of water, cannot reduce the long-term frequency, on either a seasonal or annual basis, at which specific volumes of freshwater inflows to Galveston Bay occur. The specific frequency and volume requirements are included in the figure in subsection 298.225(a).

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas' river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff utilizes WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

The application was evaluated in accordance with 30 TAC §298.225(a) to determine whether the authorization requested in the application would reduce the long-term frequency on a seasonal or annual basis at which the volumes of freshwater inflows described in that subsection occur. Staff used the Full Authorization simulation of the Trinity WAM, with the application included, to calculate the frequencies at which the volumes of freshwater inflows occur. Results of the analysis indicate that there is no reduction of the frequencies below the frequencies specified in the rule. Therefore, staff's opinion is that the application would not result in a reduction of freshwater inflows on a seasonal or annual basis.

The diversion requested in the application is for a short period of time (three years). This temporary permit will be junior to all existing water rights, and subject to suspension if water is needed for those water rights. Staff is of the opinion that the requirements recommended by Resource Protection staff would allow diversions only during higher flow times when surplus water is likely available.

Staff's opinion is that existing water rights would not be affected by this short-term temporary permit.

Conclusion

Staff can support granting the temporary application provided any temporary permit includes Resource Protection staff's recommendations.



Lauren Simmons, Hydrologist

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: December 12, 2024

SUBJECT: City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

The application was received on August 2, 2023. Additional information was received on January 10, November 8, and November 14, 2024, and fees were received on October 8, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 12, 2024. Limited mailed notice to downstream water right holders of record in the Trinity River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

All fees have been paid and the application is sufficient for filing.

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required ☒ **YES** ☐ **NO**

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2024

Mr. James Keezell, Assistant Environmental Services Director
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102-6314

VIA E-MAIL

RE: City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Keezell:

This acknowledges receipt, on October 8, 2024, of fees in the amount of \$302.27 (Endorsement Nos. WRS0052173 and WRS0052174, copies attached), and on November 8 and 14, 2024, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 12, 2024. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

Natalia Ponebshek

From: Marsh, Chuck [REDACTED]
Sent: Thursday, November 14, 2024 9:44 AM
To: Natalia Ponebshek; Keezell, James
Cc: Sparks, Austin; Chris Kozlowski; Humberto Galvan
Subject: Re: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

Hi Natalia,

It's the same submittal, just compiled into one package for convenience.

Chuck

Charles Marsh, PE

Project Director

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206
Fort Worth, TX 76109
O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

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From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Thursday, November 14, 2024 9:07:04 AM
To: Marsh, Chuck [REDACTED]; Keezell, James [REDACTED]
Cc: Sparks, Austin [REDACTED] Chris Kozlowski
<chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

Is this separate from the response received on 11/8?

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

(512) 239-4641

From: Marsh, Chuck [REDACTED] >
Sent: Thursday, November 14, 2024 8:15 AM
To: Keezell, James [REDACTED] >; Natalia Ponebshek
<Natalia.Ponebshek@tceq.texas.gov>
Cc: Sparks, Austin [REDACTED] >
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

Good morning Natalia,

Attached is the compiled response package to the RFI. If you need anything else, please let us know.

Thank you!

Chuck

Charles

Marsh, PE

Project Director

[cid:image002.png@01DB3674.1F7E2AB0]

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206

Fort Worth

,

TX

76109

O: 817-735-9770<tel:817-735-9770>

|

F: 817-735-9775

[redacted]>

|

[redacted]

[LinkedIn]<<https://www.linkedin.com/company/weaver-consultants-group/>>

[cid:image004.png@01DB3674.1F7E2AB0]<<https://www.theweavercompanies.com/>>

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From: Marsh, Chuck

Sent: Friday, November 8, 2024 7:27 AM

To: Keezell, James [redacted]<mailto:[redacted]>;

Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov<mailto:Natalia.Ponebshek@tceq.texas.gov>>
Cc: Sparks, Austin [REDACTED]
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

Thanks, James. Please send the original to me when you get a chance.

Natalia – we are processing the payment that was requested and will make a full submittal, including the check, as soon as possible.

From: Keezell, James [REDACTED] >
Sent: Friday, November 8, 2024 7:15 AM
To: Natalia Ponebshek
<Natalia.Ponebshek@tceq.texas.gov<mailto:Natalia.Ponebshek@tceq.texas.gov>>
Cc: Sparks, Austin [REDACTED]
Marsh, Chuck [REDACTED]
Subject: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Natalia,

Please see the attached signed by ACM Valerie Washington.

I also have the original if you would like me to send that as well.

Jim Keezell

Assistant Environmental Services Director

Solid Waste Services

City of Fort Worth

(817) 392-5153



[Description: Description: Description: CFW & AAC logo]



Sustainability in Action

November 8, 2024

Ms. Natalia Ponebshek
Project Manager
MC-124
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Response to Administrative Notice of Deficiency Letter
City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Ms. Ponebshek:

On behalf of the City of Fort Worth, please find attached an updated Temporary Water Use Permit application for the referenced facility. The attachments to this letter were developed to incorporate comments included in your email dated September 10, 2024.

This response letter contains each comment identified by the TCEQ (in bold) and a response to each.

1. **Confirm that the application is requesting a Temporary Water Use Permit that would authorize two diversion points. Staff notes that a separate application is not required for each diversion point.**

Response:

This application is requesting the authorization of two diversion points. However, latitude and longitude coordinates for both diversion points could not legibly be included on a single application form.

2. **Confirm the location of the downstream diversion point. The latitude and longitude provided does not plot on a watercourse. Staff has calculated coordinates to be Latitude 32.650265°N, Longitude 97.245449°W.**

Response:

The coordinates of the more-northern diversion point have been updated on the form and on Drawing 2, as recommended.

3. **Provide written evidence that James Keezell is authorized to sign the application for the City of Fort Worth, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5) which states:**

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Response:

Chapter 5, Section 2(10) of the City of Fort Worth Charter (included as an attachment to this response letter) identifies an Assistant City Manager as having the authority to sign legal instruments on behalf of the City. Valerie Washington, Assistant City Manager for Fort Worth, is the identified signatory for this application.

4. **Provide a recorded copy of legal documents establishing ownership of the proposed diversion points, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion points, pursuant to Title 30 TAC § 295.10.**

Response:

Both diversion points are included within the property boundary for the Fort Worth Southeast Landfill. A copy of the recorded, filed plat (Document D206367928, Deed Records Tarrant County, Texas) is attached to this letter. Also included is an annotated plat highlighting the listed property owners, the deed information for each parcel (owned by the City of Fort Worth), and the approximate diversion locations.

5. **Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.**

Filing Fee	\$	250.00
Recording Fee	\$	1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$	20.00
Notice Fee (\$0.94 x 33 WR Holders)	\$	31.02
TOTAL FEES	\$	302.27
FEES RECEIVED	\$	0.00
TOTAL FEES DUE	\$	302.27

Ms. Natalia Ponebshek
November 8, 2024

Response:

A check for the fees in the amount of \$302.27 was remitted to TCEQ on October 4, 2024.

We appreciate your review of this revised application and look forward to your comments. In the meantime, if you have any questions, please do not hesitate to contact me by phone (903-539-7986) or email [REDACTED]

Sincerely,



Austin Sparks
Environmental Manager

Attachments: Temporary Water Use Application Forms
TCEQ Core Data Form
Excerpt from City of Fort Worth Charter
Filed Plat
Annotated Plat
Figures

cc: James Keezell, City of Fort Worth
Charles R. Marsh, P.E., Weaver Consultants Group, LLC

TEMPORARY WATER USE APPLICATION FORMS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. **Data on Applicant and Project:** Social Security or Federal ID No. 756000528
 - A. Name: City of Fort Worth
 - B. Mailing Address: 200 Texas St Fort Worth TX, 76102
 - C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
 - D. Applicant owes fees or penalties? ☐ Yes ☒ No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number: _____
 - E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
 - F. Description of Project (TDH Project No. if applicable) Southeast Landfill
 - G. Highway Designation No. N/A County Tarrant

2. **Type of Diversion (check one):** ☒ From Stream ☐ From Reservoir
3. **Rate of Diversion:**
 - A. Maximum 600 gpm
(capacity of pump)

4. **Amount and Source of Water:**
20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. **Location of Diversion Point:** Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 32.648300 °N, Longitude 97.247900 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

6. **Access to Diversion Point (check one):**
 - ☐ Public right-of-way
 - ☐ Private property (A letter of permission from landowner is attached)
 - ☒ Other (Explain)
Access From Landfill Borrow Area
7. **Fees Enclosed:**

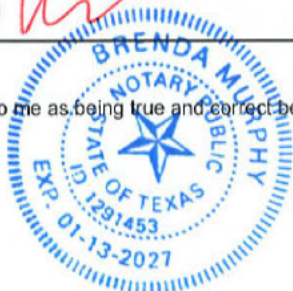
	10 ac-ft or less	greater than 10 ac-ft
Filing	\$ 100.00	\$ 250.00
Recording.....	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ <u>20.00</u>
(Note: 1 ac-ft = 325,851 gals. Total)	\$ _____	\$ <u>271.25</u>
1 ac-ft = 7758.35 bbls.)		

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

Valerie Washington
Name (print)

Subscribed and sworn to me as being true and correct before me this 31st day of October, 2024



[Signature]
Notary Public, State of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

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1. **Data on Applicant and Project:** Social Security or Federal ID No. 756000528
- A. Name: City of Fort Worth
- B. Mailing Address: 200 Texas St Fort Worth TX, 76102
- C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
- D. Applicant owes fees or penalties? ☐ Yes ☒ No
- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
- F. Description of Project (TDH Project No. if applicable) Southeast Landfill
- G. Highway Designation No. N/A County Tarrant

2. **Type of Diversion (check one):** 3. **Rate of Diversion:**

☒ From Stream ☐ From Reservoir

A. Maximum 600 gpm
(capacity of pump)

4. **Amount and Source of Water:**

20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. **Location of Diversion Point:** Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 32.65.0265 °N, Longitude 97.245449 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

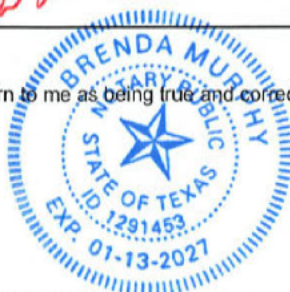
6. **Access to Diversion Point (check one):** 7. **Fees Enclosed:** 10 ac-ft or less greater than 10 ac-ft
- ☐ Public right-of-way
- ☐ Private property (A letter of permission from landowner is attached)
- ☒ Other (Explain) 2nd Diversion location option: Access From Landfill Borrow
- Filing _____ WILL NOT EXCEED THE 20 AC-FT FROM EITHER DIVERSION LOCATION
- Recording _____
- Use (\$1.00 per ac-ft or fraction thereof) (Note: 1 ac-ft = 325,851 gals. Total 1 ac-ft = 7758.35 bbls.)

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Valerie Washington
Name (sign)

Valerie Washington
Name (print)

Subscribed and sworn to me as being true and correct before me this 31st day of October, 2024



Brenda Murphy
Notary Public, State of Texas

TCEQ CORE DATA FORM



TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 6024872		RN 102335601

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)				
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>				
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)			<i>If new Customer, enter previous Customer below:</i>	
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
11. Type of Customer:	<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Other:	
12. Number of Employees			13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following				
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other: <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant				
15. Mailing				
Address:				
City		State	ZIP	ZIP + 4
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)	
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)

() -		() -
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SECTION III: Regulated Entity Information

21. General Regulated Entity Information <i>(If 'New Regulated Entity' is selected, a new permit application is also required.)</i>							
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information							
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>							
22. Regulated Entity Name <i>(Enter name of the site where the regulated action is taking place.)</i>							
23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>							
	City		State		ZIP		ZIP + 4
24. County							

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:							
26. Nearest City					State	Nearest ZIP Code	
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>							
27. Latitude (N) In Decimal:				28. Longitude (W) In Decimal:			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
32	39	05	97	14	04		
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
4953			562212				
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>							
MSW Landfill							
34. Mailing Address:							
	City	Fort Worth	State	TX	ZIP	76140	ZIP + 4
35. E-Mail Address:							
36. Telephone Number	37. Extension or Code			38. Fax Number <i>(if applicable)</i>			
(903) 539-7986				() -			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
218C				
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other:
				New Temporary Water Permit

SECTION IV: Preparer Information

40. Name:	Austin Sparks	41. Title:	Environmental Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(903) 539-7986		() -	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Fort Worth	Job Title:	Assistant City Manager
Name (In Print):	Valerie Washington	Phone:	(817) 392- 6192
Signature:		Date:	10/31/24

EXCERPT FROM CITY OF FORT WORTH CHARTER

CHAPTER V: THE CITY MANAGER

Section

- 1 [Appointment; qualifications; removal; absence or disability; compensation; residency]
- 2 Powers and duties of the city manager[-Generally]
- 3 [Same-Proper administration of city affairs; appointment, removal of directors and employees; adherence to civil service regulations]
- 4 Reserved
- 5 [Council, committees not to interfere with appointments, removals, etc.]
- 6 [Violation of section 5 constitutes official misconduct]
- 7 Investigations

§ 1 [APPOINTMENT; QUALIFICATIONS; REMOVAL; ABSENCE OR DISABILITY; COMPENSATION; RESIDENCY].

The council shall appoint the city manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely upon the basis of his executive and administrative training, experience, and ability, and without regard to political consideration. Qualifications being equal, preference shall be given in the selection of a resident citizen of Fort Worth for this position. No member of the council shall be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council, by a vote of the majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but

pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final. In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the council prior to the appointment. During this term of office, the city manager shall be a resident citizen within the City of Fort Worth.

§ 2 POWERS AND DUTIES OF THE CITY MANAGER[-GENERALLY].

The powers and duties of the city manager shall be as follows:

(1) In cooperation with the city attorney, to see that all laws and ordinances are enforced.

(2) Except as otherwise herein provided, to appoint and remove all heads of departments and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified civil service all appointments to be subject to the civil service provisions of this Charter.

(3) To exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the council, except as hereinafter provided.

(4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation

Fort Worth - Charter

thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(6) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(7) To keep the council at all times fully advised as to the financial condition and needs of the city.

(8) To act as budget commissioner and as such prepare and submit to the council the annual budget after receiving estimates made by the directors or heads of the various departments of the city.

(9) To see to it that city lives within its budget.

(10) Either personally or by one or more assistant city managers designated by the city manager, to execute all documents, contracts and legal instruments on behalf of the city as provided by this Charter or by the ordinances or resolutions of the council passed in pursuance thereof.

(11) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

§ 3 [SAME-PROPER ADMINISTRATION OF CITY AFFAIRS; APPOINTMENT, REMOVAL OF DIRECTORS AND EMPLOYEES; ADHERENCE TO CIVIL SERVICE REGULATIONS].

The city manager shall be responsible to the council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this

Charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by him at any time. In case of removal after six (6) months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the secretary of the council.

In filling positions coming within the classified service list, he shall do so according to the rules and regulations that may be adopted by the civil service board, if such are available. He shall have the right to discharge any of the subordinate employees of his departments in accordance with the provisions of the civil service sections of this Charter.

§ 4 RESERVED.

Editor's note:

Ord. 16797, § 1(IX), adopted Jan. 24, 2006, approved May 13, 2006, repealed § 4, which pertained to bond of city manager. See also the Charter Comparative Table.

§ 5 [COUNCIL, COMMITTEES NOT TO INTERFERE WITH APPOINTMENTS, REMOVALS, ETC.]

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of

The City Manager

inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately.

guaranteed by the Constitution of the United States and the Constitution of Texas shall be afforded to the person being investigated.

(Ord. 10272, § I(V), 3-16-1989, approved 5-6-1989)

§ 6 [VIOLATION OF SECTION 5 CONSTITUTES OFFICIAL MISCONDUCT].

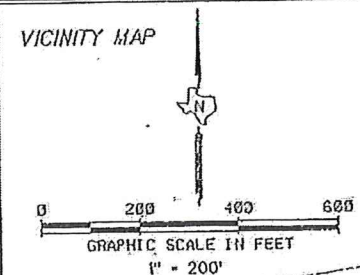
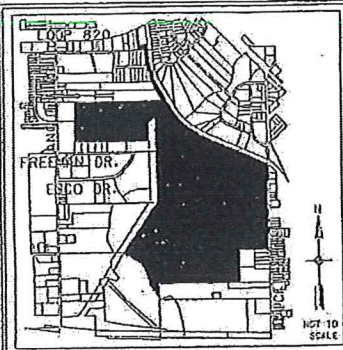
Wilful violation of the foregoing provision of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, and thereby create a vacancy in the place held by such member.

§ 7 INVESTIGATIONS.

(a) The council, the city manager, or any person or committee authorized by either or both of them, shall have the power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

(b) Any hearing held as part of such an inquiry or investigation shall be conducted by the City Council, city manager, or the person or committee authorized by either or both of them, in accordance with written rules of procedure to be adopted before commencement of the hearing. At such time as an inquiry or investigation focuses on possible criminal activities of a particular person, all due process rights

FILED PLAT



D. STRICKLAND SURVEY
ABST. 1376
THE SURVEY SHOWN HEREON WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION IN JULY 2006 AND MEETS ALL OF THE MINIMUM PROFESSIONAL AND TECHNICAL STANDARDS OF PRACTICE ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

REGISTERED PROFESSIONAL LAND SURVEYOR
Kevin Wendell
Texas Registration No. 5500
Date signed: Nov 6, 2006

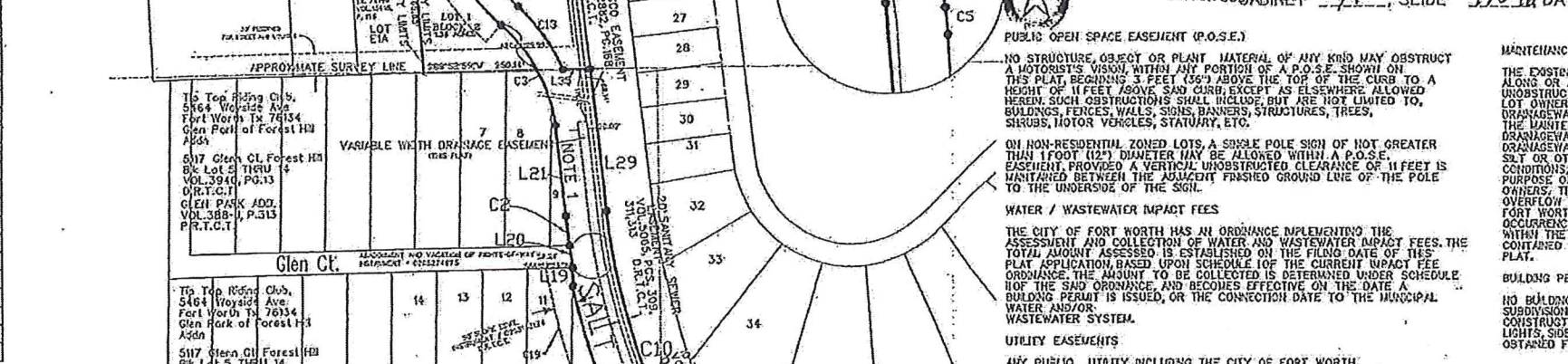
DETAIL #1

FORT WORTH
CITY PLAN COMMISSION
CITY OF FORT WORTH, TEXAS
This plat is valid only if recorded within six (6) months after the date of approval.

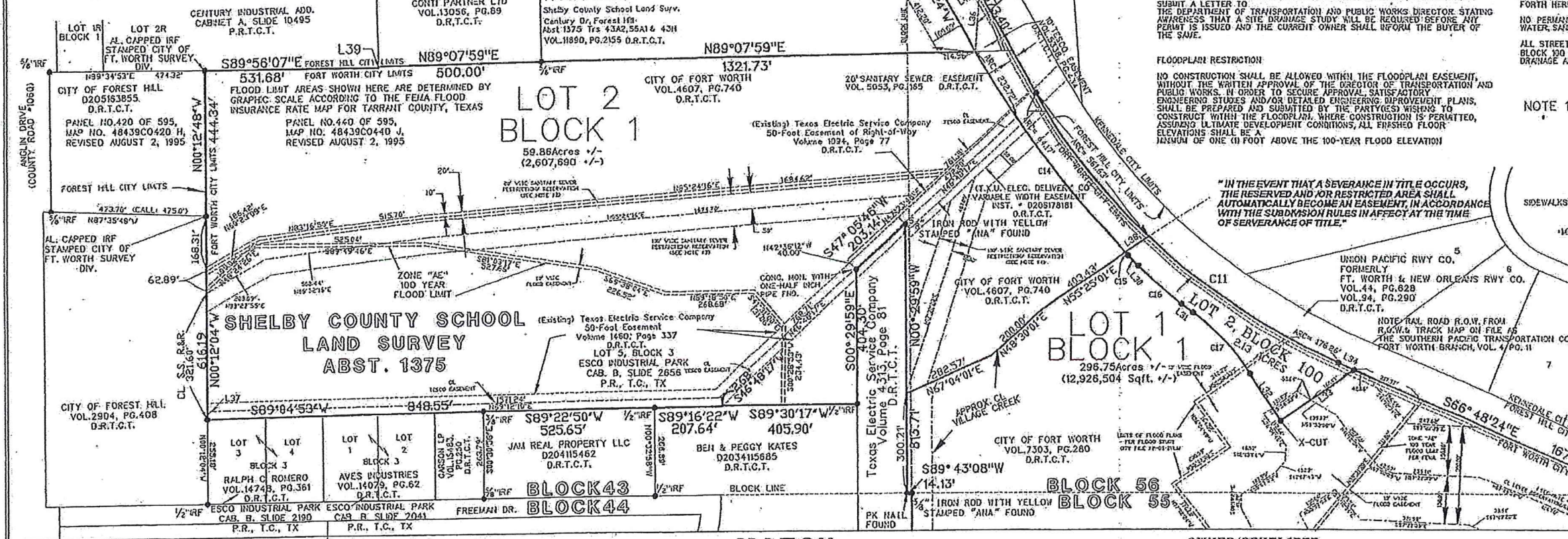
Plat Approval Date: 11-21-06

BY: *[Signature]* CHAIRMAN
BY: *[Signature]* SECRETARY

DELTA	RAD	ARC	CHD	CDL
C1 17°45'23"	1582.35'	490.38'	N21°00'42"W	488.42'
C2 02°23'43"	1572.35'	65.73'	N07°40'15"W	65.73'
C3 42°47'25"	350.00'	261.39'	N27°52'04"W	255.35'
C4 54°42'54"	412.16'	330.47'	N26°17'33"W	321.68'
C5 04°20'23"	359.00'	27.19'	N05°29'34"W	27.19'
C6 64°47'54"	43.00'	48.63'	N40°03'42"W	46.08'
C7 27°57'06"	37.00'	18.05'	S06°18'49"W	17.87'
C8 09°14'57"	425.00'	68.61'	S03°02'17"E	68.53'
C9 39°36'20"	375.00'	259.22'	S18°12'58"E	254.09'
C10 23°25'01"	1482.35'	605.84'	S18°10'54"E	601.63'
C11 36°55'00"	1959.77'	1262.71'	S48°20'54"E	1240.98'
C12 08°40'50"	375.00'	56.81'	S42°21'32"E	56.76'
C13 23°26'54"	425.00'	173.93'	S34°58'30"E	172.72'
C14 12°11'15"	3612.11'	768.35'	S36°57'26"E	766.90'
C15 00°12'43"	3612.11'	13.37'	S43°09'26"E	13.37'
C16 10°18'20"	994.23'	178.83'	N48°24'35"E	178.59'
C17 20°11'03"	722.34'	254.46'	N43°28'13"W	253.15'
C18 09°41'33"	1682.35'	284.60'	S25°02'38"E	284.26'
C19 09°50'30"	1632.35'	280.38'	S15°16'35"E	280.04'



DIRECTION	DISTANCE
L19 N00°37'55"E	40.32'
L20 N07°59'05"W	50.36'
L21 N06°28'24"W	20.16'
L22 N03°13'22"W	37.10'
L23 N07°39'45"W	80.13'
L24 N66°30'57"E	101.87'
L25 S07°39'45"E	97.87'
L26 N68°30'57"E	29.53'
L29 S06°16'29"E	318.28'
L30 N43°15'24"W	43.54'
L31 N53°33'45"W	43.19'
L32 N33°22'42"E	165.91'
L33 S56°37'18"W	274.22'
L34 S66°48'24"E	53.80'



MAINTENANCE FLOODPLAIN / DRAINAGEWAY
THE EXISTING CREEK, STREAM, RIVER, OR DRAINAGE CHANNEL TRaversing LONG OR ACROSS PORTIONS OF THIS ABSTRACT, BEING A PART OF THE UNOBTAINED AT ALL TIMES AND WILL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS WHOSE LOTS ARE TRaversED BY OR ADJACENT TO THE DRAINAGEWAYS. THE CITY OF FORT WORTH WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, EROSION CONTROL, AND/OR OPERATION OF SAID DRAINAGEWAYS. PROPERTY OWNERS SHALL KEEP THE ADJACENT DRAINAGEWAYS TRaversING THEIR PROPERTY CLEAN AND FREE OF DEBRIS, SILT OR OTHER SUBSTANCES WHICH WOULD RESULT IN UNSANITARY CONDITIONS, AND THE CITY SHALL HAVE THE RIGHT OF ENTRY FOR THE PURPOSE OF INSPECTING THE MAINTENANCE WORK BY THE PROPERTY OWNERS. THE DRAINAGEWAYS ARE OCCASIONALLY SUBJECT TO FLOOD WATER OVERFLOW AND/OR BASE FLOOD THAT CANNOT BE DEFINED. THE CITY OF FORT WORTH SHALL NOT BE LIABLE FOR ANY DAMAGES RESULTING FROM THE OCCURRENCE OF THESE PHENOMENA, NOR THE FAILURE OF ANY STRUCTURE(S) WITHIN THE DRAINAGEWAYS. THE DRAINAGEWAY CROSSING EACH LOT IS CONTAINED WITHIN THE FLOODPLAIN EASEMENT LINE AS SHOWN ON THE PLAT.

BUILDING PERMITS
NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNLESS APPROPRIATE PROVISIONS ARE MADE FOR THE CONSTRUCTION OF ANY APPLICABLE WATER, SEWER, STORM DRAIN, STREET LIGHTS, SIDEWALKS AND PAVING IMPROVEMENTS AND APPROVAL IS OBTAINED FROM THE CITY OF FORT WORTH.

PRIVATE COMMON AREAS AND FACILITIES
THE CITY OF FORT WORTH SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES AND SAID OWNERS WORE TO INDIVIDUALLY AND SAVE HARLESS THE CITY OF FORT WORTH, TEXAS, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

THE LAND OWNERS AND SUBSEQUENT OWNERS OF THE LOTS AND PARCELS IN THIS SUBDIVISION, ACTING JOINTLY AND SEVERALLY AS A LAND OWNERS ASSOCIATION, SHALL BE RESPONSIBLE FOR SUCH CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND OPERATION OF THE SUBDIVISION'S PRIVATE COMMON AREAS AND FACILITIES, AND SHALL AGREE TO INDIVIDUALLY AND HARLESS THE CITY OF FORT WORTH, TEXAS, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS ASSOCIATION, AS SET FORTH HEREIN.

NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OVER AN EXISTING WATER, SANITARY SEWER OR UTILITY EASEMENT.

ALL STREETS SHOWN HEREON ARE PRIVATE, DESIGNATED AS LOTS 1 AND 2, BLOCK 100 AND DEPARTED AS EGRESS, EGRESS, EMERGENCY ACCESS, DRAINAGE AND UTILITY EASEMENTS.

NOTE 1: PORTIONS OF LOT F, FOREST WOOD INDUSTRIAL ADD., GLEN PARK ADD., A PORTION OF TRACT 43A2A, BLK. 43, TRACTS 55A1 & 55A1A, BLK. 55, SHELBY LAND SCHOOL SURVEY, A-1375 CONVEYED TO THE CITY OF FORT WORTH IN INSTRUMENT NUMBER D205143772, D205143773, AND D205143774 AND DEANNEXED BY THE CITY OF FORT WORTH BY ORD. NO. 16459-05-2005, BY THE CITY OF FORT WORTH BY ORD. NO. 16459-05-2005.

NOTES:
1) COORDINATES AND BEARINGS SHOWN ARE BASED ON G.P.S. OBSERVATIONS, NAD 83, TEXAS NORTH CENTRAL ZONE (SURFACE) COMBINED SCALE FACTOR = 0.999872599
2) 5/8" IRON ROD WITH YELLOW CAP STAMPED "ANA" SET.

MATCH LINE

OWNER/DEVELOPER
CITY OF FORT WORTH, TEXAS
MUNICIPAL CORPORATION OF
TARRANT, DENTON, AND WISE COUNTIES
1000 THROCKMORTON, FORT WORTH, TX, 76102

CFW DEVELOPMENT DEPT.
CASE # FS-006-169

PREPARED JULY, 2006

FINAL PLAT OF SOUTHEAST LANDFILL
BLOCK 1, LOTS 1 & 2
BLOCK 2, LOT 1
BLOCK 100, LOTS 1 & 2
AN ADDITION TO THE CITY OF FORT WORTH
TARRANT COUNTY, TEXAS
BEING 385.72 ACRES OF LAND
SITUATED IN THE
DAVID STRICKLAND SURVEY ABSTRACT NO. 1376
AND SHELBY COUNTY SCHOOL LANDSURVEY
ABSTRACT NO. 1375, BLOCK 43, 44, 45, 54, 55 AND 56
TARRANT COUNTY, TEXAS

1701 RIVER RUN / SUITE 610
FORT WORTH, TX 76107
(817) 335-9900
FAX: (817) 335-9955

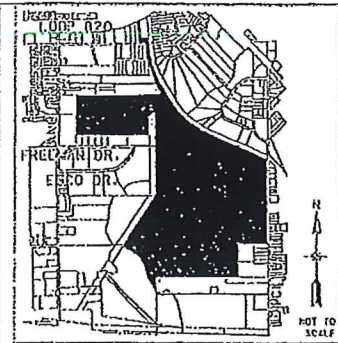
CONSULTANTS, L.L.C.

DATE: 11-05-06
REVISIONS: 11-05-06
PROJECT NO.: 041035
DESIGN BY: JWB
APPROVED BY: SKW
DATE: 11-05-06

COPY D.O.E. 4015

STREET 1 OF 2

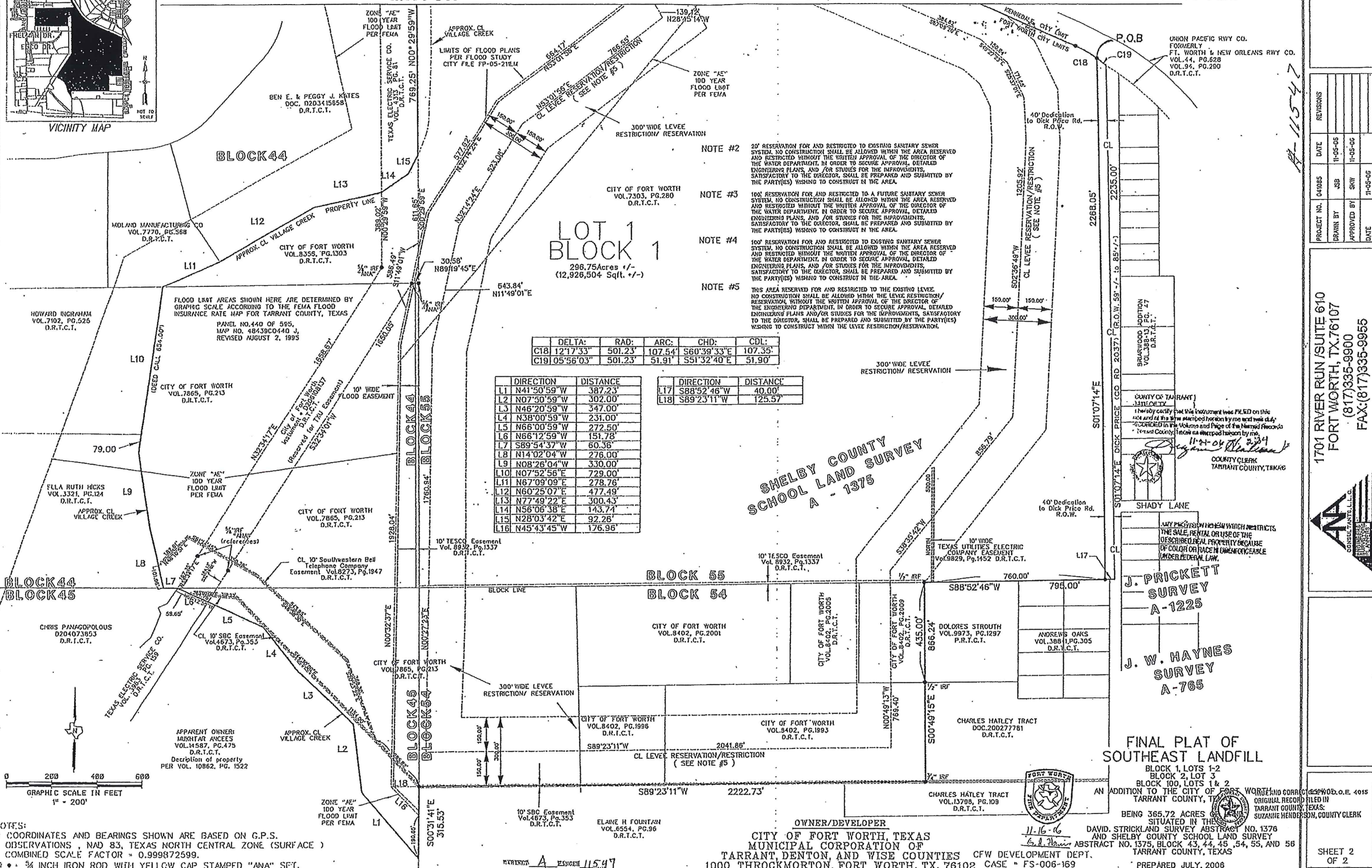
DRAWING 3A



MATCH

LINE

D206367928



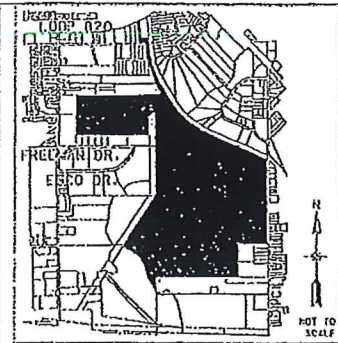
PROJECT NO.	DATE	REVISIONS
04085	11-05-06	1
04085	11-05-06	2
04085	11-05-06	3
04085	11-05-06	4
04085	11-05-06	5
04085	11-05-06	6
04085	11-05-06	7
04085	11-05-06	8
04085	11-05-06	9
04085	11-05-06	10

1701 RIVER RUN /SUITE 610
FORT WORTH, TX. 76107
(817)335-9900
FAX: (817)335-9955



SHEET 2
OF 2
DRAWING 3B

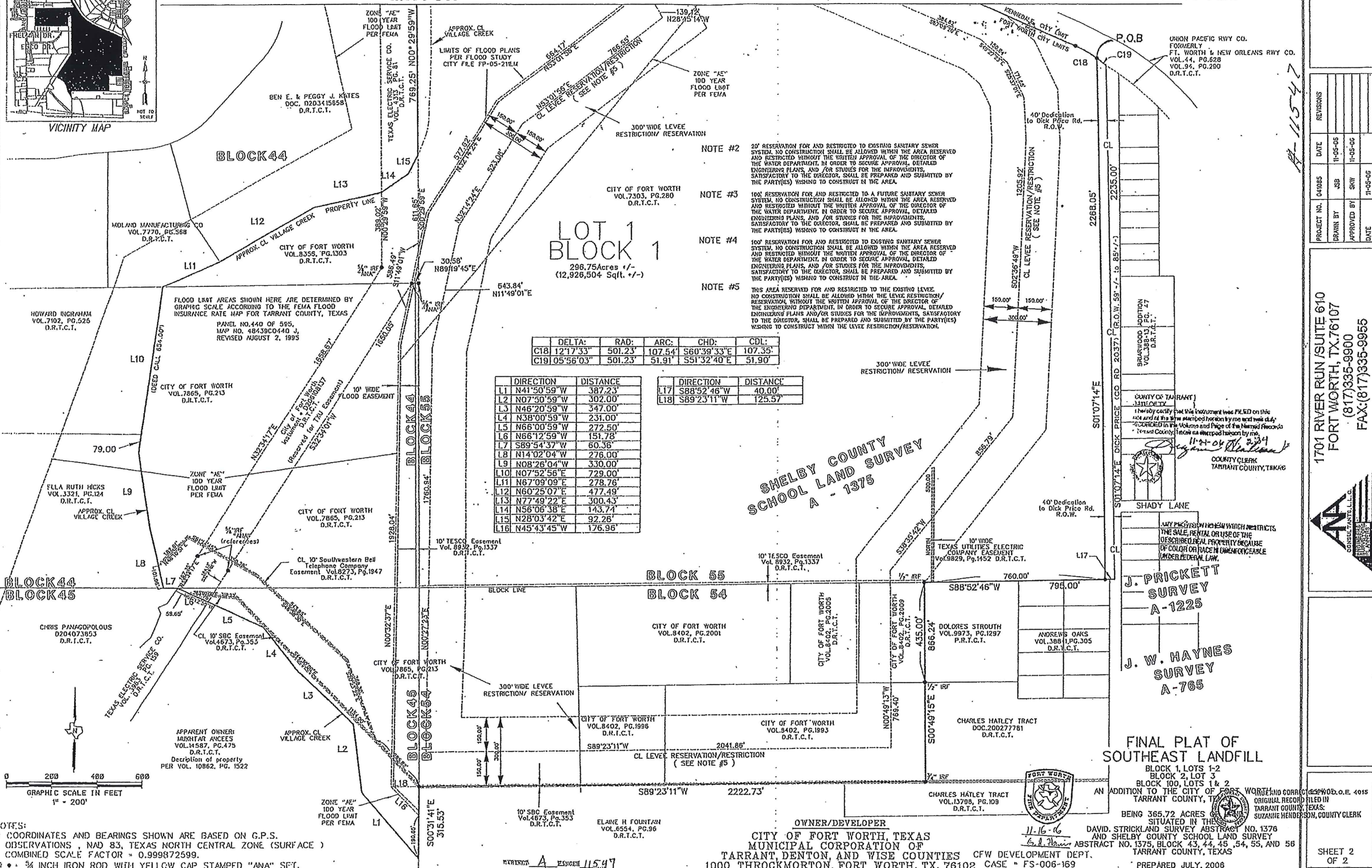
ANNOTATED PLAT



MATCH

LINE

D206367928



PROJECT NO.	DATE	REVISIONS
04085	11-05-05	1
04085	11-05-06	2
04085	11-05-06	3
04085	11-05-06	4
04085	11-05-06	5
04085	11-05-06	6
04085	11-05-06	7
04085	11-05-06	8
04085	11-05-06	9
04085	11-05-06	10

1701 RIVER RUN /SUITE 610
FORT WORTH, TX. 76107
(817)335-9900
FAX: (817)335-9955



FIGURES

Natalia Ponebshek

From: Keezell, James [REDACTED]
Sent: Friday, November 8, 2024 7:15 AM
To: Natalia Ponebshek
Cc: Sparks, Austin; Marsh, Chuck
Subject: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter
Attachments: TCEQ temp water permit application 11.8.24.pdf

Natalia,

Please see the attached signed by ACM Valerie Washington.

I also have the original if you would like me to send that as well.

Jim Keezell
Assistant Environmental Services Director
Solid Waste Services
City of Fort Worth
(817) 392-5153
[REDACTED]





Sustainability in Action

September 25, 2024

Ms. Natalia Ponebshek
Project Manager
MC-124
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Response to Administrative Notice of Deficiency Letter
City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Ms. Ponebshek:

On behalf of the City of Fort Worth, please find attached an updated Temporary Water Use Permit application for the referenced facility. The attachments to this letter were developed to incorporate comments included in your email dated September 10, 2024.

This response letter contains each comment identified by the TCEQ (in bold) and a response to each.

1. **Confirm that the application is requesting a Temporary Water Use Permit that would authorize two diversion points. Staff notes that a separate application is not required for each diversion point.**

Response:

This application is requesting the authorization of two diversion points. However, latitude and longitude coordinates for both diversion points could not legibly be included on a single application form.

2. **Confirm the location of the downstream diversion point. The latitude and longitude provided does not plot on a watercourse. Staff has calculated coordinates to be Latitude 32.650265°N, Longitude 97.245449°W.**

Response:

The coordinates of the more-northern diversion point have been updated on the form and on Drawing 2, as recommended.

3. Provide written evidence that James Keezell is authorized to sign the application for the City of Fort Worth, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Response:

Chapter 5, Section 2(10) of the City of Fort Worth Charter (included as an attachment to this response letter) identifies an Assistant City Manager as having the authority to sign legal instruments on behalf of the City. Valerie Washington, Assistant City Manager for Fort Worth, is the identified signatory for this application.

4. Provide a recorded copy of legal documents establishing ownership of the proposed diversion points, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion points, pursuant to Title 30 TAC § 295.10.

Response:

Both diversion points are included within the property boundary for the Fort Worth Southeast Landfill. A copy of the recorded, filed plat (Document D206367928, Deed Records Tarrant County, Texas) is attached to this letter. Also included is an annotated plat highlighting the listed property owners, the deed information for each parcel (owned by the City of Fort Worth), and the approximate diversion locations.

5. Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$	250.00
Recording Fee	\$	1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$	20.00
Notice Fee (\$0.94 x 33 WR Holders)	\$	31.02
TOTAL FEES	\$	302.27
FEES RECEIVED	\$	0.00
TOTAL FEES DUE	\$	302.27

Ms. Natalia Ponebshek
September 25, 2024

Response:

A check for the fees in the amount of \$302.27 was remitted to TCEQ on _____.

We appreciate your review of this revised application and look forward to your comments. In the meantime, if you have any questions, please do not hesitate to contact me by phone (903-539-7986) or email [REDACTED]

Sincerely,

Austin Sparks
Environmental Manager

Attachments: Temporary Water Use Application Forms
TCEQ Core Data Form
Excerpt from City of Fort Worth Charter
Filed Plat
Annotated Plat
Figures

cc: James Keezell, City of Fort Worth
Charles R. Marsh, P.E., Weaver Consultants Group, LLC

TEMPORARY WATER USE APPLICATION FORMS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. **Data on Applicant and Project:** Social Security or Federal ID No. 756000528
 - A. Name: City of Fort Worth
 - B. Mailing Address: 200 Texas St Fort Worth TX, 76102
 - C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
 - D. Applicant owes fees or penalties? ☐ Yes ☒ No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number: _____
 - E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
 - F. Description of Project (TDH Project No. if applicable) Southeast Landfill
 - G. Highway Designation No. N/A County Tarrant

2. **Type of Diversion (check one):** ☒ From Stream ☐ From Reservoir
3. **Rate of Diversion:**
 - A. Maximum 600 gpm
(capacity of pump)

4. **Amount and Source of Water:**
20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. **Location of Diversion Point:** Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 32.648300 °N, Longitude 97.247900 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

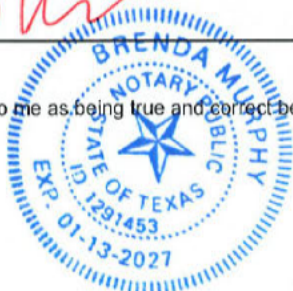
- | | | | | | | | | | | | | | | | | | | | |
|--|---|-----------------------|------------------|-----------------------|--------------|-----------|-----------|----------------|---------|---------|--|----------|-----------------|--------------------------------------|----------|------------------|--------------------------|--|--|
| <ol style="list-style-type: none"> 6. Access to Diversion Point (check one): <ul style="list-style-type: none"> <input type="checkbox"/> Public right-of-way <input type="checkbox"/> Private property
(A letter of permission from landowner is attached) <input checked="" type="checkbox"/> Other (Explain)
<u>Access From Landfill Borrow Area</u> | <ol style="list-style-type: none"> 7. Fees Enclosed: <table border="0"> <tr> <td></td> <td>10 ac-ft or less</td> <td>greater than 10 ac-ft</td> </tr> <tr> <td>Filing</td> <td>\$ 100.00</td> <td>\$ 250.00</td> </tr> <tr> <td>Recording.....</td> <td>\$ 1.25</td> <td>\$ 1.25</td> </tr> <tr> <td>Use (\$1.00 per ac-ft or fraction thereof)</td> <td>\$ _____</td> <td>\$ <u>20.00</u></td> </tr> <tr> <td>(Note: 1 ac-ft = 325,851 gals. Total</td> <td>\$ _____</td> <td>\$ <u>271.25</u></td> </tr> <tr> <td>1 ac-ft = 7758.35 bbls.)</td> <td></td> <td></td> </tr> </table> | | 10 ac-ft or less | greater than 10 ac-ft | Filing | \$ 100.00 | \$ 250.00 | Recording..... | \$ 1.25 | \$ 1.25 | Use (\$1.00 per ac-ft or fraction thereof) | \$ _____ | \$ <u>20.00</u> | (Note: 1 ac-ft = 325,851 gals. Total | \$ _____ | \$ <u>271.25</u> | 1 ac-ft = 7758.35 bbls.) | | |
| | 10 ac-ft or less | greater than 10 ac-ft | | | | | | | | | | | | | | | | | |
| Filing | \$ 100.00 | \$ 250.00 | | | | | | | | | | | | | | | | | |
| Recording..... | \$ 1.25 | \$ 1.25 | | | | | | | | | | | | | | | | | |
| Use (\$1.00 per ac-ft or fraction thereof) | \$ _____ | \$ <u>20.00</u> | | | | | | | | | | | | | | | | | |
| (Note: 1 ac-ft = 325,851 gals. Total | \$ _____ | \$ <u>271.25</u> | | | | | | | | | | | | | | | | | |
| 1 ac-ft = 7758.35 bbls.) | | | | | | | | | | | | | | | | | | | |

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

Valerie Washington
Name (print)

Subscribed and sworn to me as being true and correct before me this 31st day of October, 2024



Brenda Murphy
Notary Public, State of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

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- C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
- D. Applicant owes fees or penalties? ☐ Yes ☒ No
- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
- F. Description of Project (TDH Project No. if applicable) Southeast Landfill
- G. Highway Designation No. N/A County Tarrant

2. **Type of Diversion (check one):**

☒ From Stream ☐ From Reservoir

3. **Rate of Diversion:**

A. Maximum 600 gpm
(capacity of pump)

4. **Amount and Source of Water:**

20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. **Location of Diversion Point:** Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 32.65.0265 °N, Longitude 97.245449 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

6. **Access to Diversion Point (check one):**

- ☐ Public right-of-way
☐ Private property
(A letter of permission from landowner is attached)
☒ Other (Explain) 2nd Diversion location option:
Access From Landfill Borrow

7. **Fees Enclosed:**

10 ac-ft or less greater than 10 ac-ft

Filing
Recording.....
Use (\$1.00 per ac-ft or fraction thereof)
(Note: 1 ac-ft = 325,851 gals. Total
1 ac-ft = 7758.35 bbls.)

WILL NOT EXCEED
THE 20 AC-FT FROM
EITHER DIVERSION
LOCATION

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

Valerie Washington
Name (print)

Subscribed and sworn to me as being true and correct before me this 31st day of October, 2024



[Signature]
Notary Public, State of Texas

TCEQ CORE DATA FORM



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 6024872		RN 102335601

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)			
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership					
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)				If new Customer, enter previous Customer below:	
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
				10. DUNS Number (if applicable)	
11. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees		13. Independently Owned and Operated?			
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input type="checkbox"/> No			
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:					
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
15. Mailing					
Address:					
City		State		ZIP	
				ZIP + 4	
16. Country Mailing Information (if outside USA)				17. E-Mail Address (if applicable)	
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If "New Regulated Entity" is selected, a new permit application is also required.)

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

Fort Worth Southeast Landfill

23. Street Address of the Regulated Entity:

6288 Salt Road

(No PO Boxes)

City

Fort Worth

State

TX

ZIP

76140

ZIP + 4

24. County

Tarrant

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:

26. Nearest City

State

Nearest ZIP Code

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:

32.651389

28. Longitude (W) In Decimal:

97.234444

Degrees

Minutes

Seconds

Degrees

Minutes

Seconds

32

39

05

97

14

04

29. Primary SIC Code

30. Secondary SIC Code

31. Primary NAICS Code

32. Secondary NAICS Code

(4 digits)

(4 digits)

(5 or 6 digits)

(5 or 6 digits)

4953

562212

33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)

MSW Landfill

34. Mailing

6288 Salt Road

Address:

City

Fort Worth

State

TX

ZIP

76140

ZIP + 4

35. E-Mail Address:

36. Telephone Number

37. Extension or Code

38. Fax Number (if applicable)

(903) 539-7986

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
218C				
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other:
				New Temporary Water Permit

SECTION IV: Preparer Information

40. Name:	Austin Sparks			41. Title:	Environmental Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(903) 539-7986		() -	[REDACTED]		

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Fort Worth	Job Title:	Assistant City Manager
Name (In Print):	Valerie Washington	Phone:	(817) 392- 6192
Signature:		Date:	10/31/24

EXCERPT FROM CITY OF FORT WORTH CHARTER

CHAPTER V: THE CITY MANAGER

Section

- 1 [Appointment; qualifications; removal; absence or disability; compensation; residency]
- 2 Powers and duties of the city manager[-Generally]
- 3 [Same-Proper administration of city affairs; appointment, removal of directors and employees; adherence to civil service regulations]
- 4 Reserved
- 5 [Council, committees not to interfere with appointments, removals, etc.]
- 6 [Violation of section 5 constitutes official misconduct]
- 7 Investigations

§ 1 [APPOINTMENT; QUALIFICATIONS; REMOVAL; ABSENCE OR DISABILITY; COMPENSATION; RESIDENCY].

The council shall appoint the city manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely upon the basis of his executive and administrative training, experience, and ability, and without regard to political consideration. Qualifications being equal, preference shall be given in the selection of a resident citizen of Fort Worth for this position. No member of the council shall be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council, by a vote of the majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but

pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final. In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the council prior to the appointment. During this term of office, the city manager shall be a resident citizen within the City of Fort Worth.

§ 2 POWERS AND DUTIES OF THE CITY MANAGER[-GENERALLY].

The powers and duties of the city manager shall be as follows:

(1) In cooperation with the city attorney, to see that all laws and ordinances are enforced.

(2) Except as otherwise herein provided, to appoint and remove all heads of departments and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified civil service all appointments to be subject to the civil service provisions of this Charter.

(3) To exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the council, except as hereinafter provided.

(4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation

Fort Worth - Charter

thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(6) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(7) To keep the council at all times fully advised as to the financial condition and needs of the city.

(8) To act as budget commissioner and as such prepare and submit to the council the annual budget after receiving estimates made by the directors or heads of the various departments of the city.

(9) To see to it that city lives within its budget.

(10) Either personally or by one or more assistant city managers designated by the city manager, to execute all documents, contracts and legal instruments on behalf of the city as provided by this Charter or by the ordinances or resolutions of the council passed in pursuance thereof.

(11) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

§ 3 [SAME-PROPER ADMINISTRATION OF CITY AFFAIRS; APPOINTMENT, REMOVAL OF DIRECTORS AND EMPLOYEES; ADHERENCE TO CIVIL SERVICE REGULATIONS].

The city manager shall be responsible to the council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this

Charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by him at any time. In case of removal after six (6) months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the secretary of the council.

In filling positions coming within the classified service list, he shall do so according to the rules and regulations that may be adopted by the civil service board, if such are available. He shall have the right to discharge any of the subordinate employees of his departments in accordance with the provisions of the civil service sections of this Charter.

§ 4 RESERVED.

Editor's note:

Ord. 16797, § 1(IX), adopted Jan. 24, 2006, approved May 13, 2006, repealed § 4, which pertained to bond of city manager. See also the Charter Comparative Table.

§ 5 [COUNCIL, COMMITTEES NOT TO INTERFERE WITH APPOINTMENTS, REMOVALS, ETC.]

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of

The City Manager

inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately.

guaranteed by the Constitution of the United States and the Constitution of Texas shall be afforded to the person being investigated.

(Ord. 10272, § I(V), 3-16-1989, approved 5-6-1989)

§ 6 [VIOLATION OF SECTION 5 CONSTITUTES OFFICIAL MISCONDUCT].

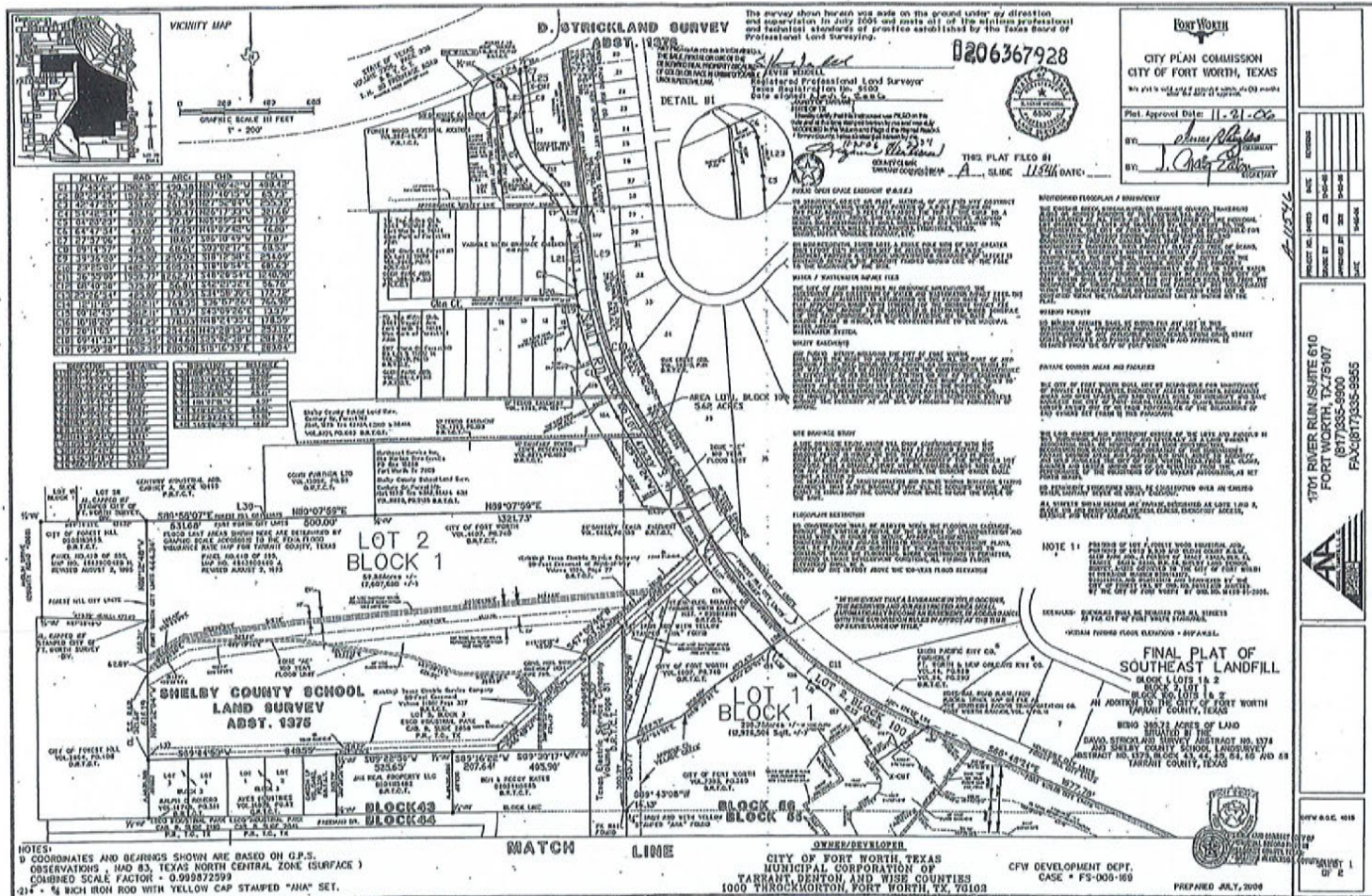
Wilful violation of the foregoing provision of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, and thereby create a vacancy in the place held by such member.

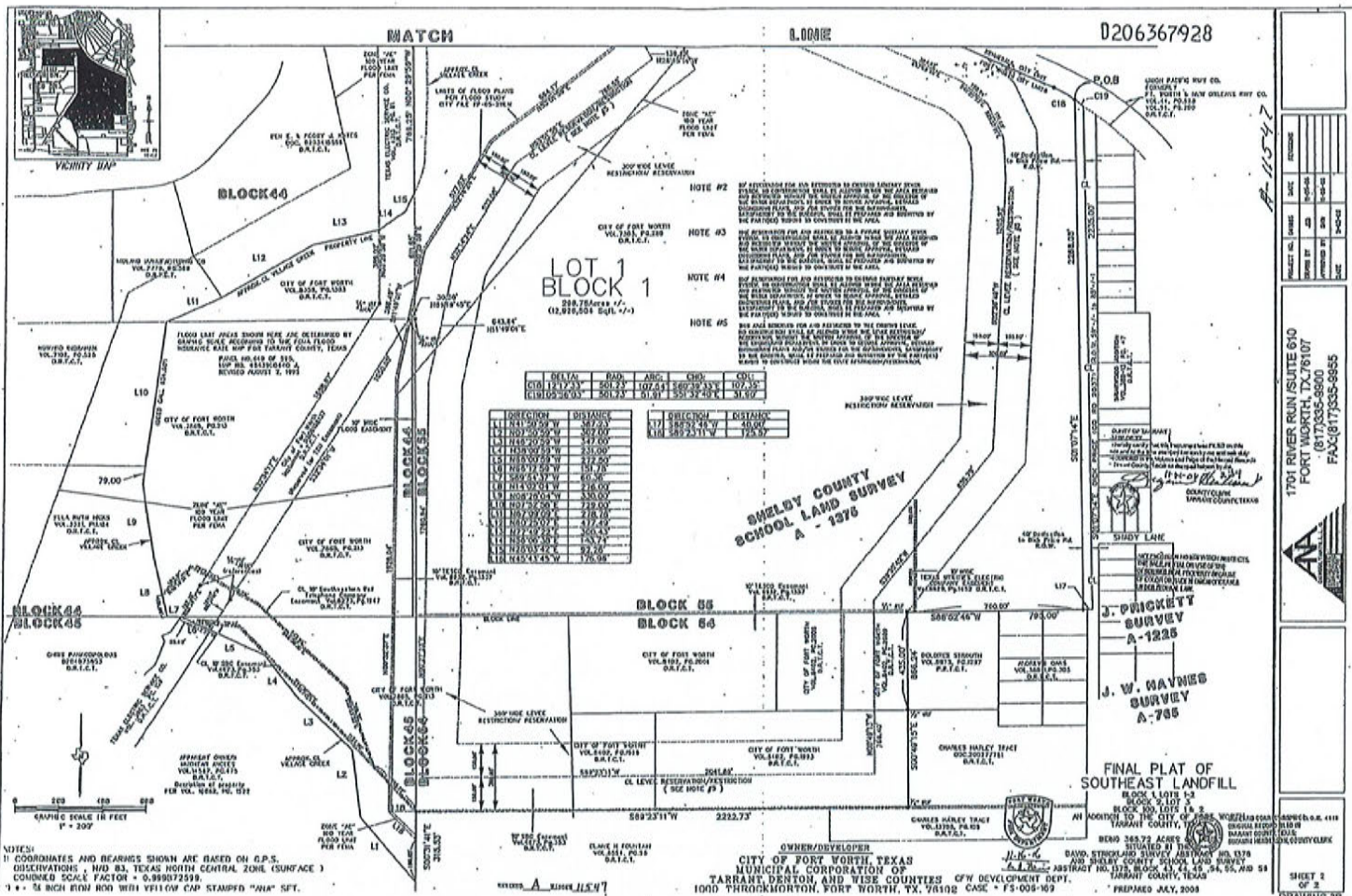
§ 7 INVESTIGATIONS.

(a) The council, the city manager, or any person or committee authorized by either or both of them, shall have the power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

(b) Any hearing held as part of such an inquiry or investigation shall be conducted by the City Council, city manager, or the person or committee authorized by either or both of them, in accordance with written rules of procedure to be adopted before commencement of the hearing. At such time as an inquiry or investigation focuses on possible criminal activities of a particular person, all due process rights

FILED PLAT



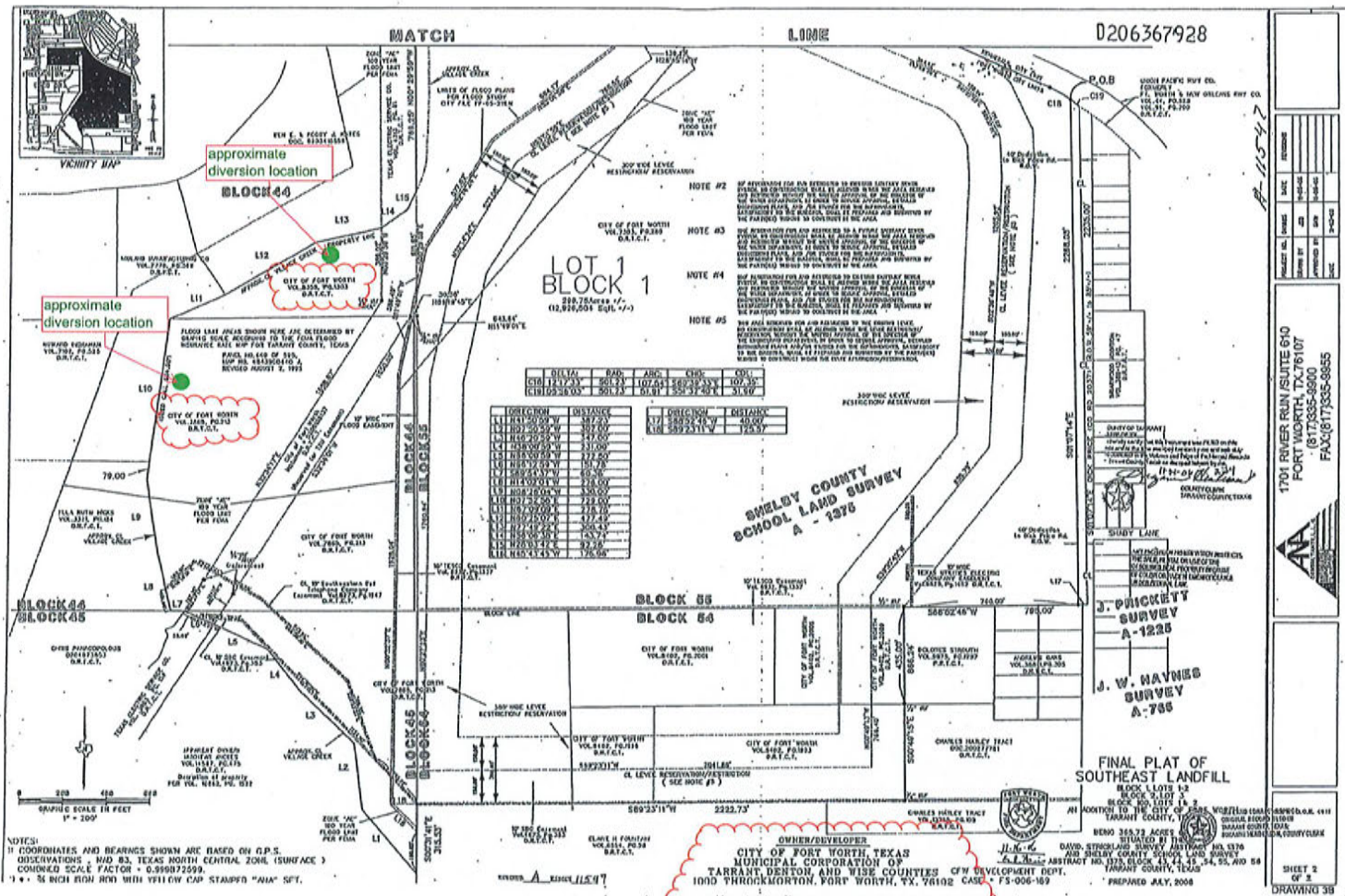


RIVER RUN /SUITE 610
PORT WORTH, TX.76107
(817)335-9900
FAX:(817)335-9955



SHEET 2
OF 2

ANNOTATED PLAT



FIGURES

Natalia Ponebshek

From: Keezell, James [REDACTED] >
Sent: Friday, November 8, 2024 7:29 AM
To: Marsh, Chuck; Natalia Ponebshek
Cc: Sparks, Austin
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

Chuck,

Thank you. I'll send to the address listed in your email.

Jim Keezell
Assistant Environmental Services Director
Solid Waste Services
City of Fort Worth
(817) 392-5153
[REDACTED]



From: Marsh, Chuck [REDACTED]
Sent: Friday, November 8, 2024 7:27 AM
To: Keezell, James [REDACTED]
[REDACTED] <ASparks3@republicservices.com>
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

CAUTION: This email originated from outside of the City of Fort Worth email system. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Thanks, James. Please send the original to me when you get a chance.

Natalia – we are processing the payment that was requested and will make a full submittal, including the check, as soon as possible.

Charles Marsh, PE

Project Director



6420 Southwest Blvd. | Suite 206
Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

www.wcgrp.com



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

IMPORTANT NOTICE: The information contained in this email message (including any attachments) may be confidential, privileged or both, and is intended exclusively for the addressee(s) intended by the sender. If it appears you have received this email message in error, please notify the sender immediately and then delete; any other use of this email message is prohibited. Thank you.

From: Keezell, James [REDACTED]
Sent: Friday, November 8, 2024 7:15 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Sparks, Austin [REDACTED] Marsh, Chuck [REDACTED]
Subject: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Natalia,

Please see the attached signed by ACM Valerie Washington.

I also have the original if you would like me to send that as well.

Jim Keezell
Assistant Environmental Services Director
Solid Waste Services
City of Fort Worth
(817) 392-5153
[REDACTED]



Natalia Ponebshek

From: Marsh, Chuck [REDACTED]
Sent: Friday, November 8, 2024 7:27 AM
To: Keezell, James; Natalia Ponebshek
Cc: Sparks, Austin
Subject: RE: City of Fort Worth WRTP 13929 RFI 2 Follow Up Letter

Thanks, James. Please send the original to me when you get a chance.

Natalia – we are processing the payment that was requested and will make a full submittal, including the check, as soon as possible.

Charles Marsh, PE

Project Director

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

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Sent: Friday, November 8, 2024 7:15 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Sparks, Austin [REDACTED]; Marsh, Chuck [REDACTED]
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Natalia,

Please see the attached signed by ACM Valerie Washington.

I also have the original if you would like me to send that as well.

Jim Keezell
Assistant Environmental Services Director

Solid Waste Services

City of Fort Worth

(817) 392-5153



Natalia Ponebshek

From: Keezell, James [REDACTED] >
Sent: Tuesday, October 15, 2024 7:59 AM
To: Natalia Ponebshek
Cc: Chris Kozlowski; Humberto Galvan; Jenna Rollins; Sparks, Austin
Subject: RE: City of Fort Worth W RTP 13929 RFI 2 Follow Up Letter

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

We are waiting for our ACM to sign. I will follow up

Jim Keezell
Assistant Environmental Services Director
Solid Waste Services
City of Fort Worth
(817) 392-5153
[REDACTED]



From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, October 14, 2024 4:18 PM
To: Keezell, James [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Jenna Rollins <Jenna.Rollins@tceq.texas.gov>; Sparks, Austin [REDACTED]
Subject: City of Fort Worth W RTP 13929 RFI 2 Follow Up Letter

CAUTION: This email originated from outside of the City of Fort Worth email system. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find the attached follow up letter for the request for information for the abovementioned application. A response is due by November 11, 2024. Please let me know if you have any questions regarding this request.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team

Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2024

Mr. James Keezell, Assistant Environmental Services Director
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102-6314

VIA E-MAIL

RE: City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Keezell:

This is a follow-up to our previous letter dated September 10, 2024 (copy attached) requesting additional information for the referenced application. To date, a response has not been received.

Please submit the information requested by November 11, 2024 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 10, 2024

Mr. James Keezell, Assistant Environmental Services Director
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102-6314

VIA E-MAIL

RE: City of Fort Worth
WRTP 13929
CN600128862, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Keezell:

This acknowledges receipt, on January 10, 2024, of additional information.

Additional information and fees are required before the application can be declared administratively complete.

1. Confirm that the application is requesting a Temporary Water Use Permit that would authorize two diversion points. Staff notes that a separate application is not required for each diversion point.
2. Confirm the location of the downstream diversion point. The latitude and longitude provided does not plot on a watercourse. Staff has calculated coordinates to be Latitude 32.650265° N, Longitude 97.245449° W.
3. Provide written evidence that James Keezell is authorized to sign the application for the City of Fort Worth, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

4. Provide a recorded copy of legal documents establishing ownership of the proposed diversion points, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion points, pursuant to Title 30 TAC § 295.10.

Mr. James Keezell
Application No. 13929
September 10, 2024
Page 2 of 2

5. Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$ 20.00
Notice Fee (\$0.94 x 33 WR Holders)	\$ 31.02
<u>TOTAL FEES</u>	<u>\$ 302.27</u>
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 302.27

Please provide the requested information and fees by October 10, 2024 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

cc: Mr. Austin Sparks, Allied Waste Systems Inc.



Basis2 Receipt Report by Endorsement Number

NOV-22-24 08:14 AM

Acct. #: EMG

Account Name: TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
VILLAGE CRK/LAKE ARLINGTON/W FORK TRINIT	WRS0052173		TX COMPTROLLER/LE03 AWIN MANAGE	WT	WIRE		BS00111299	08-OCT-24	\$271.25



Basis2 Receipt Report by Endorsement Number

NOV-22-24 08:13 AM

<u>Acct. #:</u>	PTGE	<u>Account Name:</u>	NOTICE FEES EMG-TEMP/EMERG USE PMT						
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	WRS0052174		TX COMPTROLLER/LE03	WT	WIRE		BS00111299	08-OCT-24	\$31.02
			AWIN MANAGE						

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 10, 2024

Mr. James Keezell, Assistant Environmental Services Director
City of Fort Worth
200 Texas Street
Fort Worth, TX 76102-6314

VIA E-MAIL

RE: City of Fort Worth
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1. Confirm that the application is requesting a Temporary Water Use Permit that would authorize two diversion points. Staff notes that a separate application is not required for each diversion point.
2. Confirm the location of the downstream diversion point. The latitude and longitude provided does not plot on a watercourse. Staff has calculated coordinates to be Latitude 32.650265° N, Longitude 97.245449° W.
3. Provide written evidence that James Keezell is authorized to sign the application for the City of Fort Worth, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

4. Provide a recorded copy of legal documents establishing ownership of the proposed diversion points, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion points, pursuant to Title 30 TAC § 295.10.

Mr. James Keezell
Application No. 13929
September 10, 2024
Page 2 of 2

5. Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$ 20.00
Notice Fee (\$0.94 x 33 WR Holders)	\$ 31.02
<u>TOTAL FEES</u>	<u>\$ 302.27</u>
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 302.27

Please provide the requested information and fees by October 10, 2024 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

cc: Mr. Austin Sparks, Allied Waste Systems Inc.

Natalia Ponebshek

From: Chris Kozlowski
Sent: Wednesday, July 31, 2024 11:50 AM
To: Marsh, Chuck; Natalia Ponebshek
Cc: Humberto Galvan; Kesterholt, Adam
Subject: Re: City of Fort Worth WRTP 13929 RFI Extension

Mr. Marsh,

We are still reviewing the RFI to make sure there isn't anything else we need. I anticipate we should have this out soon. Thanks.

From: Marsh, Chuck [REDACTED]
Sent: Tuesday, July 30, 2024 7:25 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Kesterholt, Adam [REDACTED]
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Good morning Natalia,

I wanted to check in and see if the Request for Information is still currently in review for this project. If there is any additional information you need from us to complete this review phase, please let me know.

Thank you,

Chuck

Charles Marsh, PE

Project Director

 **Weaver Consultants Group**

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



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From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, July 12, 2024 9:14 AM
To: Marsh, Chuck [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

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Chuck,

The request for information is currently in review. We are anticipating that it will be completed soon, but we do not have set timeline for you at this time.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Marsh, Chuck [REDACTED]
Sent: Thursday, July 11, 2024 7:10 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Thanks, Natalia. Just for my info, is there a timeline for when we can look for that request?

Thanks,

Chuck

Charles Marsh, PE
Project Director

 **Weaver Consultants Group**

6420 Southwest Blvd. | Suite 206
Fort Worth, TX 76109
O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



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From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, July 10, 2024 3:49 PM

To: Marsh, Chuck [REDACTED]
Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

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Good afternoon,

I have no additional updates at this time. We are still working on an additional request for information. Please let me know if you have any additional questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Marsh, Chuck [REDACTED]
Sent: Wednesday, July 10, 2024 2:23 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Good afternoon Natalia. Has the request for additional information been sent for this project? If so, I apologize for not responding to it.

Charles Marsh, PE
Project Director

 **Weaver Consultants Group**

6420 Southwest Blvd. | Suite 206
Fort Worth, TX 76109
O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

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From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, May 3, 2024 5:02 PM
To: Marsh, Chuck [REDACTED]

Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

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Good afternoon,

I have no additional updates at this time. We are still working on an additional request for information. Please let me know if you have any additional questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Marsh, Chuck [REDACTED]
Sent: Friday, May 3, 2024 8:25 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Good morning Natalia – checking in to see if there was any news or additional questions on this application.

Thanks,

Chuck

Charles Marsh, PE

Project Director

 **Weaver Consultants Group**

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

[REDACTED] www.wcgrp.com 



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From: Marsh, Chuck
Sent: Friday, April 5, 2024 12:45 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Thank you for the update. Looking forward to your feedback.

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, April 5, 2024 11:36 AM
To: Marsh, Chuck <[REDACTED]>
Cc: [REDACTED] Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

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Good morning,

We have reviewed your responses and are working on an additional request for information. Please let me know if you have any additional questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Marsh, Chuck [REDACTED]
Sent: Friday, April 5, 2024 8:17 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: [REDACTED]
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension

Good morning Natalia,

I apologize for not following up on this application sooner. Can you let me know where this application sits and if there are any additional questions?

Thank you,

Chuck

Charles Marsh, PE
Project Director

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

www.wcgrp.com



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From: Sparks, Austin [REDACTED]

Sent: Wednesday, January 10, 2024 9:47 AM

To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Marsh, Chuck [REDACTED] >

Subject: RE: Allied Waste Systems Inc. W RTP 13939 RFI Extension

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Good morning Natalia,

In response to the Request for Information (RFI) for Application 13929 for a Temporary Water Use Permit, received on October 20, 2023, the following responses are provided for each item indicated in the RFI:

1. **Comment: Confirm that the application is requesting diversion from one diversion point being at Latitude 32.648300° N, Longitude 97.247900° W. Staff notes that the maps included in the application indicate two diversion points.**
Response: Two diversion points are being requested. To eliminate confusion, two applications have been developed: one for a diversion point at 32.648300° N, 97.247900° W, and one at 32.649961 ° N, 97.244306° W. Both points are within the same property owned by the City of Fort Worth.
2. **Comment: Indicate the measures the application will take to avoid impingement and entrainment of aquatic organisms.**
Response: As indicated on Drawing 2, screens will be utilized at pump inlets to avoid impingement and entrainment of aquatic organisms.
3. **Comment: Provide written evidence that Austin Sparks is authorized to sign the application...**
Response: The applications have been revised to indicate the City of Fort Worth is the applicant and land owner. The applications are signed by James Keezell, Assistant Environmental Services Director, a duly-authorized official for the City of Fort Worth.
4. **Comment: Provide recorded copies of legal documents establishing ownership of the proposed diversion point...**
Response: Attached is a copy of the filed plat for the property, listing the City of Fort Worth as the owner of the property on which diversion points are being requested. As noted above, the applications have been revised to note the City of Fort Worth as the applicant for water diversion.
5. **Comment: Remit fees in the amount of \$302.27...**

Please indicate if the fees will change, since we are applying for two diversion points. Fees will be remitted to TCEQ once the fee amount is confirmed.

Thank you for your assistance with this project,

Austin Sparks, P.E.

Environmental Manager

East Texas Area

c 903.539.7986

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Sent: Monday, December 18, 2023 5:00 PM

To: Marsh, Chuck [REDACTED]; Sparks, Austin [REDACTED]

Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Subject: RE: Allied Waste Systems Inc. WRTF 13939 RFI Extension

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Report Suspicious

Good afternoon,

Please find the attached extension letter for the request for information for the abovementioned application. A response is due by January 19, 2024.

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

(512) 239-4641

Natalia Ponebshek

From: Sparks, Austin <[REDACTED]>
Sent: Wednesday, January 10, 2024 9:47 AM
To: Natalia Ponebshek
Cc: Chris Kozlowski; Humberto Galvan; Marsh, Chuck
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension
Attachments: Temporary Water Use Permit Application RFI Response.pdf

Good morning Natalia,

In response to the Request for Information (RFI) for Application 13929 for a Temporary Water Use Permit, received on October 20, 2023, the following responses are provided for each item indicated in the RFI:

- 1. Comment: Confirm that the application is requesting diversion from one diversion point being at Latitude 32.648300° N, Longitude 97.247900° W. Staff notes that the maps included in the application indicate two diversion points.**

Response: Two diversion points are being requested. To eliminate confusion, two applications have been developed: one for a diversion point at 32.648300° N, 97.247900° W, and one at 32.649961° N, 97.244306° W. Both points are within the same property owned by the City of Fort Worth.
- 2. Comment: Indicate the measures the application will take to avoid impingement and entrainment of aquatic organisms.**

Response: As indicated on Drawing 2, screens will be utilized at pump inlets to avoid impingement and entrainment of aquatic organisms.
- 3. Comment: Provide written evidence that Austin Sparks is authorized to sign the application...**

Response: The applications have been revised to indicate the City of Fort Worth is the applicant and land owner. The applications are signed by James Keezell, Assistant Environmental Services Director, a duly-authorized official for the City of Fort Worth.
- 4. Comment: Provide recorded copies of legal documents establishing ownership of the proposed diversion point...**

Response: Attached is a copy of the filed plat for the property, listing the City of Fort Worth as the owner of the property on which diversion points are being requested. As noted above, the applications have been revised to note the City of Fort Worth as the applicant for water diversion.
- 5. Comment: Remit fees in the amount of \$302.27...**

Please indicate if the fees will change, since we are applying for two diversion points. Fees will be remitted to TCEQ once the fee amount is confirmed.

Thank you for your assistance with this project,

Austin Sparks, P.E.

Environmental Manager
East Texas Area
c 903.539.7986

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, December 18, 2023 5:00 PM

To: Marsh, Chuck [REDACTED]; Sparks, Austin [REDACTED] >
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Allied Waste Systems Inc. W RTP 13939 RFI Extension

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Report Suspicious

Good afternoon,

Please find the attached extension letter for the request for information for the abovementioned application. A response is due by January 19, 2024.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641



Sustainability in Action

January 10, 2024

Natalia Ponebshek
MC 124
Municipal Solid Waste Permits Section
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Temporary Water Use Permit Application
Request for Information (RFI)
Fort Worth Southeast Landfill
Tarrant County, Texas
RN 111784955 / CN 602487241

Dear Ms. Ponebshek:

Please find enclosed revised temporary water use permit applications for the above referenced project. This submittal has been developed to incorporate your October 20, 2023, Texas Commission on Environmental Quality (TCEQ) RFI letter. This response letter contains the item identified in the TCEQ comment letter (in bold) and a response to the item listed within the TCEQ's RFI letter.

- 1. Confirm that the application is requesting diversion from one diversion point, being at Latitude 32.648300° N, Longitude 97.247900° W. Staff notes that the maps included in the application indicate two diversion points.**

Response:

- Two diversion points are being requested. To eliminate confusion, two applications have been developed: one for a diversion point at 32.648300° N, 97.247900° W, and one at 32.649961° N, 97.244306° W. Both points are within the same property owned by the City of Fort Worth.
- 2. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance in developing your response.**

Response:

As indicated on Drawing 2, screens will be utilized at pump inlets to avoid impingement and entrainment of aquatic organisms.

3. **Provide written evidence that Austin Sparks is authorized to sign the application for Allied Waste Systems, Inc., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:**

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Response:

The applications have been revised to indicate the City of Fort Worth is the applicant and land owner. The applications are signed by James Keezell, Assistant Environmental Services Director, a duly-authorized official for the City of Fort Worth.

4. **Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC §295.10.**

Response:

Attached is a copy of the filed plat for the property, listing the City of Fort Worth as the owner of the property on which diversion points are being requested. As noted above, the applications have been revised to note the City of Fort Worth as the applicant for water diversion.

5. **Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.**

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$ 20.00
<u>Notice Fee (\$0.94 x 33 WR Holders)</u>	<u>\$31.02</u>
TOTAL FEES	\$ 302.27
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 302.27

Response:

Please indicate if the fees will change, since we are applying for two diversion points. Fees will be remitted to TCEQ once the fee amount is confirmed.

One original and one copy of this submittal are provided for your use and distribution. A copy of this document was placed in the site operating record for this facility. A copy of this submittal was sent to the TCEQ Region 4 office consistent with Title 30 TAC §305.70(f).

During the course of your review, if you need additional information or have any questions, please call.

Sincerely,

Allied Waste Services, Inc.

A handwritten signature in black ink, appearing to read "Austin Sparks".

Austin Sparks
Environmental Manager

cc: Charles R. Marsh, P.E., Weaver Consultants Group, LLC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Data on Applicant and Project: Social Security or Federal ID No. _____
- A. Name: City of Fort Worth
- B. Mailing Address: 200 Texas St Fort Worth TX, 76102
- C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
- D. Applicant owes fees or penalties? ☐ Yes ☒ No
- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
- F. Description of Project (TDH Project No. if applicable) Southeast Landfill
- G. Highway Designation No. N/A County Tarrant

2. Type of Diversion (check one): ☒ From Stream ☐ From Reservoir
3. Rate of Diversion:
- A. Maximum 600 gpm
(capacity of pump)

4. Amount and Source of Water:
- 20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
- At Latitude 32.648300 °N, Longitude 97.247900 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

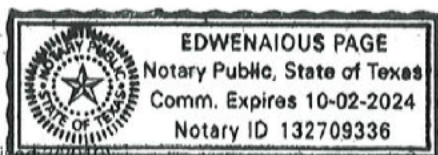
6. Access to Diversion Point (check one): ☐ Public right-of-way ☐ Private property (A letter of permission from landowner is attached) ☒ Other (Explain) Access From Landfill Borrow Area
7. Fees Enclosed:
- | | 10 ac-ft or less | greater than 10 ac-ft |
|--|------------------|-----------------------|
| Filing | \$ 100.00 | \$ 250.00 |
| Recording..... | \$ 1.25 | \$ 1.25 |
| Use (\$1.00 per ac-ft or fraction thereof) | \$ | \$20.00 |
| (Note: 1 ac-ft = 325,851 gals. Total | \$ | \$271.25 |
| 1 ac-ft = 7758.35 bbls.) | | |

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

Jim Kezell
Name (print)

Subscribed and sworn to me as being true and correct before me this 20 day of December, 2023



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Data on Applicant and Project: Social Security or Federal ID No. _____
- A. Name: City of Fort Worth
- B. Mailing Address: 200 Texas St Fort Worth TX, 76102
- C. Telephone Number: (817) 392-5153 Fax Number: _____ E-mail Address: _____
- D. Applicant owes fees or penalties? ☐ Yes ☒ No
- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number: _____

- E. Describe Use of Water Dust suppression on roads as required by local, state, and federal permits
- F. Description of Project (TDH Project No. if applicable) Southeast Landfill
- G. Highway Designation No. N/A County Tarrant

2. Type of Diversion (check one): ☒ From Stream ☐ From Reservoir
3. Rate of Diversion:
- A. Maximum 600 gpm
(capacity of pump)

4. Amount and Source of Water:
- 20 acre-feet of water within a period of 3 Years (specify term period not to exceed a three year term). The water is to be obtained from Village Creek, tributary of Lake Arlington, tributary of _____, tributary of West Fork Trinity River, _____ Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
- At Latitude 32.649961 °N, Longitude 97.244306 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Village Creek (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from Fort Worth (County Seat), Tarrant County, and 1.3 miles in a W direction from Kennedale, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

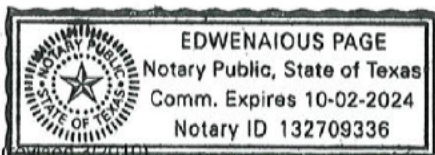
6. Access to Diversion Point (check one): ☐ Public right-of-way ☐ Private property (A letter of permission from landowner is attached) ☒ Other (Explain) 2nd Diversion location option: Access From Landfill Borrow
7. Fees Enclosed:
- | | | |
|--|------------------|-----------------------|
| Filing _____ | 10 ac-ft or less | greater than 10 ac-ft |
| Recording _____ | | |
| Use (\$1.00 per ac-ft or fraction thereof) | | |
| (Note: 1 ac-ft = 325,851 gals. Total | | |
| 1 ac-ft = 7758.35 bbls.) | | |
- WILL NOT EXCEED THE 20 AC-FT FROM EITHER DIVERSION LOCATION

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) _____

Name (print) Jim Keesh

Subscribed and sworn to me as being true and correct before me this 20 day of December, 2023





TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission <i>(If other is checked please describe in space provided.)</i>	
<input checked="" type="checkbox"/> New Permit, Registration or Authorization <i>(Core Data Form should be submitted with the program application.)</i>	
<input type="checkbox"/> Renewal <i>(Core Data Form should be submitted with the renewal form)</i>	<input type="checkbox"/> Other
2. Customer Reference Number <i>(if issued)</i>	3. Regulated Entity Reference Number <i>(if issued)</i>
CN 6024872	RN 102335601

Follow this link to search for CN or RN numbers in Central Registry**

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)			
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>			
6. Customer Legal Name <i>(If an individual, print last name first: eg: Doe, John)</i>		<i>If new Customer, enter previous Customer below:</i>	
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number <i>(if applicable)</i>
11. Type of Customer:		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other: <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant			
15. Mailing Address:			
City: _____ State: _____ ZIP: _____ ZIP + 4: _____			
16. Country Mailing Information <i>(if outside USA)</i>		17. E-Mail Address <i>(if applicable)</i>	
18. Telephone Number	19. Extension or Code	20. Fax Number <i>(if applicable)</i>	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected, a new permit application is also required.)

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

Fort Worth Southeast Landfill

23. Street Address of the Regulated Entity:

6288 Salt Road

(No PO Boxes)

City

Fort Worth

State

TX

ZIP

76140

ZIP + 4

24. County

Tarrant

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:

26. Nearest City

State

Nearest ZIP Code

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:

32.651389

28. Longitude (W) In Decimal:

97.234444

Degrees

Minutes

Seconds

Degrees

Minutes

Seconds

32

39

05

97

14

04

29. Primary SIC Code

30. Secondary SIC Code

31. Primary NAICS Code

32. Secondary NAICS Code

(4 digits)

(4 digits)

(5 or 6 digits)

(5 or 6 digits)

4953

562212

33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)

MSW Landfill

34. Mailing

6288 Salt Road

Address:

City

Fort Worth

State

TX

ZIP

76140

ZIP + 4

35. E-Mail Address:

36. Telephone Number

37. Extension or Code

38. Fax Number (if applicable)


(903) 539-7986

() -

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

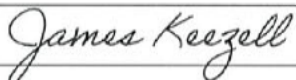
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
218C				
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other:
				New Temporary Water Permit

SECTION IV: Preparer Information

40. Name:	Austin Sparks			41. Title:	Environmental Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(903) 539-7986		() -			

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Fort Worth	Job Title:	Assistant Environmental Services Director	
Name (In Print):	James Keezel	Phone:	(817) 392- 5153	
Signature:			Date:	12/19/2023

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 18, 2023

Mr. Austin Sparks
Allied Waste Systems, Inc.
6288 Salt Rd.
Fort Worth, TX 76140

VIA E-MAIL

RE: Allied Waste Systems, Inc.
WRTP 13929
CN602487241, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Sparks:

This acknowledges receipt, on December 18, 2023, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality's request for information, dated October 20, 2023 (attached).

An extension is granted until January 19, 2024, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning this matter, please contact Ms. Natalia Ponebshek via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert Galvan".

Bert Galvan, Manager
Water Rights Permitting and Availability Section
Water Availability Division

BG/np

Attachment

Natalia Ponebshek

From: Marsh, Chuck [REDACTED]
Sent: Monday, December 18, 2023 2:48 PM
To: Natalia Ponebshek; Sparks, Austin
Cc: Chris Kozlowski; Humberto Galvan
Subject: RE: Allied Waste Systems Inc. WRTP 13939 RFI Extension
Attachments: Allied_Waste_Systems_Inc_13929_RFI_Sent_10.20.2023.pdf

Good afternoon Natalia,

We would like to request another 30 extension on this application, if possible. We appreciate the consideration.

Thank you,

Chuck

Charles Marsh, PE

Project Director

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

www.wcgrp.com



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

IMPORTANT NOTICE: The information contained in this email message (including any attachments) may be confidential, privileged or both, and is intended exclusively for the addressee(s) intended by the sender. If it appears you have received this email message in error, please notify the sender immediately and then delete; any other use of this email message is prohibited. Thank you.

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, November 17, 2023 4:25 PM
To: Sparks, Austin [REDACTED]; Marsh, Chuck [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Allied Waste Systems Inc. WRTP 13939 RFI Extension

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

Please find the attached extension letter for the request for information for the abovementioned application. A response is due by December 20, 2023.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 17, 2023

Mr. Austin Sparks
Allied Waste Systems, Inc.
6288 Salt Rd.
Fort Worth, TX 76140

VIA E-MAIL

RE: Allied Waste Systems, Inc.
WRTP 13929
CN602487241, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

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If you have any questions concerning this matter, please contact Ms. Natalia Ponebshek via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert Galvan".

Bert Galvan, Section Manager
Water Rights Permitting and Availability Section
Water Availability Division

BG/np

Attachment

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2023

Mr. Austin Sparks
Allied Waste Systems, Inc.
6288 Salt Rd.
Fort Worth, TX 76140

VIA E-MAIL

RE: Allied Waste Systems, Inc.
WRTP 13929
CN602487241, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Sparks:

This acknowledges receipt, on August 2, 2023, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

1. Confirm that the application is requesting diversion from one diversion point, being at Latitude 32.648300° N, Longitude 97.247900° W. Staff notes that the maps included in the application indicate two diversion points.
2. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
3. Provide written evidence that Austin Sparks is authorized to sign the application for Allied Waste Systems, Inc., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Mr. Austin Sparks
Application No. 13929
October 20, 2023
Page 2 of 2

4. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC § 295.10.
5. Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$ 20.00
<u>Notice Fee (\$0.94 x 33 WR Holders)</u>	<u>\$ 31.02</u>
TOTAL FEES	\$ 302.27
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 302.27

Please provide the requested information and fees by November 20, 2023 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Natalia Ponebshek

From: Marsh, Chuck [REDACTED]
Sent: Friday, November 17, 2023 11:07 AM
To: Natalia Ponebshek
Cc: Sparks, Austin
Subject: Allied Waste Systems Inc. WRTP 13939 RFI
Attachments: Allied_Waste_Systems_Inc_13929_RFI_Sent_10.20.2023.pdf

Good morning Ms. Ponebshek,

Regarding the attached request for a Temporary Water Use Permit, there are a few items requested that are taking longer than we expected to procure for you. Would it be possible to request an extension of 60 days to provide responses to your comments? Normally it wouldn't take this long, but the holidays and some external challenges have drawn out our timeline.

Thank you for this consideration and please let me know if you need any information from me or have any questions.

Thank you,

Chuck

Charles Marsh, PE

Project Director

Weaver Consultants Group

6420 Southwest Blvd. | Suite 206

Fort Worth, TX 76109

O: 817-735-9770 | F: 817-735-9775

[REDACTED] | www.wcgrp.com 



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

IMPORTANT NOTICE: The information contained in this email message (including any attachments) may be confidential, privileged or both, and is intended exclusively for the addressee(s) intended by the sender. If it appears you have received this email message in error, please notify the sender immediately and then delete; any other use of this email message is prohibited. Thank you.

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, October 20, 2023 4:32 PM
To: Sparks, Austin [REDACTED] >
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Allied Waste Systems Inc. WRTP 13939 RFI

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Good afternoon,

Please find the attached request for information for the abovementioned application. Let me know if you have any questions. A response is due by November 20, 2023.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Natalia Ponebshek

From: Natalia Ponebshek
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To: [REDACTED]
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Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2023

Mr. Austin Sparks
Allied Waste Systems, Inc.
6288 Salt Rd.
Fort Worth, TX 76140

VIA E-MAIL

RE: Allied Waste Systems, Inc.
WRTP 13929
CN602487241, RN111784955
Application No. 13929 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Village Creek, Trinity River Basin
Tarrant County

Dear Mr. Sparks:

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Additional information and fees are required before the application can be declared administratively complete.

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1. Confirm that the application is requesting diversion from one diversion point, being at Latitude 32.648300° N, Longitude 97.247900° W. Staff notes that the maps included in the application indicate two diversion points.
2. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
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Mr. Austin Sparks
Application No. 13929
October 20, 2023
Page 2 of 2

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5. Remit fees in the amount of \$302.27 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 20 acre-feet)	\$ 20.00
<u>Notice Fee (\$0.94 x 33 WR Holders)</u>	<u>\$ 31.02</u>
TOTAL FEES	\$ 302.27
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 302.27

Please provide the requested information and fees by November 20, 2023 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Data on Applicant and Project: Social Security or Federal ID No. _____
 A. Name: ALLIED WASTE SYSTEMS, INC.
 B. Mailing Address: 6288 SALT RD FORT WORTH, TX 76140
 C. Telephone Number: 903-539-7986 Fax Number: _____ E-mail Address: _____
 D. Applicant owes fees or penalties? ☐ Yes ☒ No
 If yes, provide the amount and the nature of the fee or penalty as well as any identifying number: _____

- E. Describe Use of Water DUST SUPPRESSION ON ROADS AS REQUIRED BY LOCAL, STATE, AND FEDERAL PERMITS
- F. Description of Project (TDH Project No. if applicable) LANDFILL OPERATIONS
- G. Highway Designation No. _____ County _____

2. Type of Diversion (check one):

☒ From Stream ☐ From Reservoir

3. Rate of Diversion:

A. Maximum 600 gpm
(capacity of pump)

4. Amount and Source of Water:

20 acre-feet of water within a period of 3 YEARS (specify term period not to exceed a three year term). The water is to be obtained from VILLAGE CREEK, tributary of LAKE ARLINGTON, tributary of WEST FORK TRINITY RIVER Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 32.648360 °N, Longitude -97.247900 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) VILLAGE CREEK (R-O-W) (Highway), located in Zip Code 76140, located 9 miles in a SE direction from FORT WORTH (County Seal), TARRANT County, and 1.3 miles in a W direction from KENNEDALE, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

6. Access to Diversion Point (check one):

- ☐ Public right-of-way
☐ Private property
☒ Other (Explain)
ACCESS FROM LANDFILL BORROW AREA

7. Fees Enclosed:

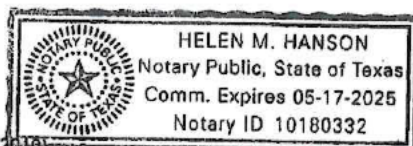
	10 ac-ft or less	greater than 10 ac-ft
Filing	\$ 100.00	\$ 250.00
Recording	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ <u>20.00</u>
(Note: 1 ac-ft = 325,851 gals. Total)	\$ _____	\$ <u>271.25</u>
1 ac-ft = 7758.35 bbls.)		

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

AUSTIN SPARKS
Name (print)

Subscribed and sworn to me as being true and correct before me this 28th day of JULY, 2023



Helen M. Hanson
Notary Public, State of Texas

RECEIVED

AUG 02 2023

Water Availability Division



RECEIVED

AUG 02 2023

Water Availability Division

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 6024872		RN 102335601

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership				
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)				
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>				
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John) If new Customer, enter previous Customer below:				
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)	
11. Type of Customer:		<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Other:
12. Number of Employees			13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following				
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:				
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant				
15. Mailing Address:				
City: _____ State: _____ ZIP: _____ ZIP + 4: _____				
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)	
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If "New Regulated Entity" is selected, a new permit application is also required.) <input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information							
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>							
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)							
23. Street Address of the Regulated Entity: (No PO Boxes)							
	City		State		ZIP		ZIP + 4
24. County							
If no Street Address is provided, fields 25-28 are required.							
25. Description to Physical Location:							
26. Nearest City					State	Nearest ZIP Code	
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>							
27. Latitude (N) In Decimal:				28. Longitude (W) In Decimal:			
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	
32	39	05		97	14	04	
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
4953			562212				
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)							
MSW Landfill							
34. Mailing Address:							
	City	Fort Worth	State	TX	ZIP	76140	ZIP + 4
35. E-Mail Address:							
36. Telephone Number	37. Extension or Code		38. Fax Number (if applicable)				
(903) 539-7986			() -				

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

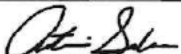
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
218C				
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input checked="" type="checkbox"/> Other:
				New Temporary Water Permit

SECTION IV: Preparer Information

40. Name:	Austin Sparks	41. Title:	Environmental Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(903) 539-7986		() -	

SECTION V: Authorized Signature

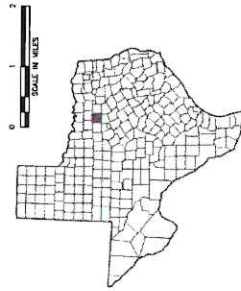
46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Allied Waste Systems, Inc.	Job Title:	Division Manager
Name (In Print):	Austin Sparks	Phone:	(903) 539- 7986
Signature:		Date:	7/28/23

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GENERAL HIGHWAY MAP
TARRANT COUNTY
TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING AND PROGRAMMING DIVISION
MAPPING SECTION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

1999

1990 CENSUS FIGURES

HIGHWAYS REVISED TO JANUARY 1, 1999

NOTICE

NOTE.
This map has been prepared for internal use within
the Force Headquarters at Transportation.
Accuracy is limited in the vicinity of mobile
units and of known streets.

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LEGEND
 --- PERMIT BOUNDARY
 --- EXISTING CONTOUR
 --- STATE PLANE COORDINATE

NOTES:
 1. EXISTING CONTOURS AND ELEVATIONS DEVELOPED FROM AERIAL PHOTOGRAPHIC INTERPRETATION AND FIELD SURVEY. SURVEY PERFORMED BY TARRANT COUNTY, TEXAS, ON 07-28-2022. THE GRID SYSTEM IS TIED TO THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE NAD 1927 VERTICAL DATUM.

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<input type="checkbox"/> NOT REVIEWED FOR INFORMATION PURPOSES ONLY <input type="checkbox"/> ISSUED FOR CONSTRUCTION		PREPARED FOR REPUBLIC SERVICES		TEMPORARY WATER USE APPLICATION SITE PLAN	
DATE: 07/27/23	SCALE BY: 1"=40'	DATE:	SCALE:	FORT WORTH SOUTHEAST LANDFILL TARRANT COUNTY, TEXAS	
FILE: 0327-42-11	DESIGN BY: RLS	DATE:	SCALE:	WWW.WCORP.COM	
DATE: 7-27-2023	DESIGN BY: RLS	DATE:	SCALE:	DRAWING 2	
Weaver Consultants Group TYPE REGISTRATION NO. 1-3727					

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