

**To the Mayor and Members of the City Council****September 22, 2020**

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**SUBJECT: MARY'S CREEK WATER RECLAMATION FACILITY PERMIT
PROCESS AND PUBLIC MEETING**

The purpose of this report is to provide information on the Mary's Creek Water Reclamation Facility permit process and public meeting set for October 5, 2020. The City has been planning the facility for the past twenty years to provide regional wastewater and reclaimed water service to west Fort Worth. As part of that effort, a Community Advisory Committee provided input and guidance in both selecting the plant site as well as establishing goals and objectives in the design of the plant. On July 26, 2011 (M&C L-1522) the City purchased a 100-acre site along the north bank of Mary's Creek for the future facility.

On January 31, 2017 (M&C C-28096), City Council approved an agreement with an engineering firm to help prepare the Texas Pollutant Discharge Elimination System Permit (TPDES) that would be submitted to the Texas Commission on Environmental Quality (TCEQ) for the proposed facility. The permit application was submitted to the TCEQ on March 23, 2018. IR 10140 submitted to City Council on May 8, 2018 describes the TCEQ discharge permitting process in detail.

On March 16, 2020, the City received the final draft permit from the TCEQ, which states that water quality uses will not be impaired by this permit action, that no significant degradation of water quality is expected in Mary's Creek, and that the permit meets all statutory and regulatory requirements.

On April 3, 2020, public notice that the TCEQ had issued a draft permit for the City's application for the Mary's Creek discharge was published in the Star-Telegram and began the official public comment period. After receiving requests for a public meeting during this time, the TCEQ determined there was sufficient public interest to grant one. The public meeting is set for Monday, October 5, at 7:00 pm and will be conducted virtually. Those wishing to attend the meeting can do so at

<https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 911-820-667.

The purpose of the public meeting is to provide the opportunity for the public to submit comments or ask questions to the TCEQ. TCEQ shall conduct the meeting and the City will make a presentation of its application for the Mary's Creek discharge. During the meeting, the public will be invited to ask questions to the City and the TCEQ concerning the draft permit issued by the TCEQ. The public will also be invited to make formal comments, which will be considered by the TCEQ. The public comment period will end at the conclusion of the public meeting. A written response to all relevant, material or significant comments received by TCEQ will be prepared by TCEQ and published within 60 days.

After submission of the TCEQ's response, the public will have an opportunity to respond and request a reconsideration and/or a contested case hearing on the draft permit. The requestor must show they have standing and justiciable interest in the issuance of the draft permit. If a contested case hearing is granted by the TCEQ, it is anticipated that the hearing may take place within four to six months after the public meeting. A contested case hearing is conducted by the State Office of Administrative Hearings (SOAH) before an administrative law judge. The hearing is a formal legal proceeding where testimony and evidence is received to determine if the TCEQ's draft permit meets the state requirements to be protective of water quality standards. After the contested case hearing, the TCEQ Commissioners will decide if the SOAH judge made the correct determination.



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Only once the discharge permit is received will the City initiate the design of the facility. The design and construction process is anticipated to take five years.

Should you have any questions regarding this report, please contact Chris Harder, Water Director, at 817-392-5020.

**David Cooke
City Manager**