

**To the Mayor and Members of the City Council****August 3, 2021**

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**SUBJECT: UPDATE ON MARY'S CREEK WATER RECLAMATION FACILITY
PERMIT PROCESS AND TCEQ RESPONSE TO PUBLIC COMMENTS**

Fort Worth moves closer to realizing its proposed Mary's Creek Water Reclamation Facility following a recent decision by the Texas Commission on Environmental Quality.

After reviewing extensive public comments regarding a draft discharge permit it issued to Fort Worth for the facility, the TCEQ in a written response issued July 23, 2021 reaffirmed that the permit protects water quality.

TCEQ's response is a favorable step in Fort Worth's plans to build the Mary's Creek facility, which will provide regional wastewater and reclaimed water service to west Fort Worth. It has been in the works, with extensive community input and guidance, for two decades. Fort Worth purchased a 100-acre site along the north bank of Mary's Creek in July 2011 for the future facility.

Public comments were made to the TCEQ between April 3, 2020, when Fort Worth published a required notice on the final draft Texas Pollutant Discharge Elimination System Permit, and October 5, 2020, at a TCEQ public meeting on the permit. TCEQ's executive director concluded that the final draft permit met standards to be protective of water quality and made no changes.

Fort Worth submitted its permit application to the TCEQ in March 2018. On February 5, 2020, TCEQ issued Fort Worth a draft permit allowing for the wastewater discharge and on March 16, 2020, the City received the final draft permit, which also says that the permit meets all statutory and regulatory requirements.

In its July 23 response, TCEQ provides information and instructions for individuals who would like to contest the decision. However, certain conditions must be met for an individual to even make such a request. The deadline to the TCEQ is August 23, 2021.

Should TCEQ grant a contested case hearing, the hearing could take place within six months. The State Office of Administrative Hearings conducts the hearing. TCEQ commissioners will then decide if the SOAH administrative judge made a correct determination.

Fort Worth will begin facility design and construction only once TCEQ issues a discharge permit. Design and construction is expected to take about five years to complete.

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

David Cooke
City Manager