



August 28, 2025

Ms. Mistie S. Gonzales
Enforcement Coordinator V
Texas Commission on Environmental Quality
6801 Sanger Ave Suite 2500
Waco, Texas 76710

Re: Notice of Enforcement for Investigation No: 2007412, Incident No: 427844

Dear Ms. Gonzales:

I am in receipt of your letter dated August 15, 2025, to Tara Tomlinson, Director of Development Services for the City of WolfForth, pertaining to the above. To begin, let me strongly state the City of WolfForth's objection to not only the cited violation, but also to *any* enforcement action.

Per your NOE, we submit this letter and the accompanying documentation. I'd like the TCEQ to note, as you review the documentation, that virtually all of these actions were taken before we received the violation. **Let me say this again: we were already doing this before we ever received the violation.**

In March 2025, the City of WolfForth became aware that our Phase II MS4 permit was no longer valid. What we don't know is why. On January 11, 2024, we received notice of our renewed 5-year permit. "How is it expired a year later?" was what we didn't understand. However, even though we didn't understand, we immediately began working to resolve this problem. As a point of history, our internal Compliance Officer suffered a battle with cancer beginning in 2023 and passed away in May 2024. She had been a critical individual in our operations, and apparently was the only person receiving certain important communications from TCEQ pertaining to the Permit. This is, of course, assuming there might have been communications from TCEQ, which to date, remains unknown. Regardless, and to comply with regulations we were confused about, we immediately took the following actions:

- On March 18, 2025, Tara Tomlinson, Director of Development Services, and Randy Hall, Director of Public Works, contacted TCEQ to inquire about the correct submission process for the annual report. In response, Mariana Chacon, Compliance Assistance Specialist for Region 2, provided a webinar outlining the steps to create an account and submit the report through the appropriate system. **(Email Thread 1)**
- That same day, Tara Tomlinson formally requested permission to submit the annual report. On March 25, 2025, you, Mr. Dixon (after we reached out to the regional office

and obtained limited guidance) informed the city that its permit had expired on February 11, 2025, and provided guidance on how to proceed. **(Email Thread 2)**

- In the following weeks, Tara Tomlinson worked closely with you to determine the next appropriate steps. She explained the situation with our recently deceased Compliance Officer and the resulting breakdown in communications.
- You informed us that since our Permit had expired, a new Stormwater Pollution Prevention Plan (SWPPP) would be required. Ms. Tomlinson explained that the city had already engaged OJD Engineering to assist with updating the SWPPP. **(Email Thread 2)**
- On April 1, 2025, you confirmed by email that the application was now verified and ready for completion, certification, and submission. **(Email Thread 2)**
- The City proceeded to request access to the TCEQ NetUser portal. Both Tara Tomlinson and I were granted access. Ms. Tomlinson received permission to view and edit the application, while I was granted signatory authority. I also applied for management access, which was ultimately denied *(Is there a reason for this? If the City Manager doesn't qualify for management access, who does?)*
- On April 8, 2025, the \$400 application fee was paid for the General Permit – MS4 Phase II Storm Water Discharge NOI (Confirmation No. 582EA000662920).
- On April 14, 2025, the city received notification that the Notice of Intent (NOI) had been successfully certified and submitted. A new NOI was officially filed under permit number TXR040900. **(Email Thread 2)**
- Ms. Tomlinson has remained in contact with you to ensure continued compliance. She verified submission again on April 23, 2025, and followed up on July 16, 2025 - 90 days after the initial filing - to check on the permit's status. **(Email Thread 2)**
- July 24, 2025 – Mr. Jason Linderman, TCEQ Region 2 Investigator, acting on an alleged complaint, performed an unannounced investigation of the City of Wolfforth's stormwater efforts, resulting in the follow-up contact from Ms. Tomlinson to you on Friday July 25, 2025 where you advised her to submit the annual report. **(Email Thread 3)**
- August 1, 2025- The full Year 6 Annual Report was submitted via email to Benjamin Dixon, along with paper copies sent to the Region 2 office and TCEQ headquarters in Austin. Mr. Dixon confirmed receipt of digital copy by email.
- August 5, 2025- Benjamin Dixon sent receipt of receiving the paper copy of the Year 6 Annual Report for the City of Wolfforth. **(Email Thread 3)**

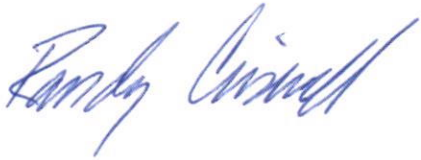
We think it's important for TCEQ to note that the City of Wolfforth paid all fees (the checks were cashed by TCEQ), and never at any time did the City of Wolfforth fail to act as if we had a Permit. We have paid all fees, prepared all reports, enforced requirements to our greatest ability, and have done everything we know of to meet the intent of the stormwater management goals of the State of Texas and the EPA.

Finally, I don't understand how the TCEQ can be in the process of possessing what you need to issue our new permit yet penalizing us for not having it at the same time. "Failure to obtain a permit" is the violation. Can someone explain the reason in this? You have our submission, the only thing remaining for us to have a permit is for you to issue it, yet you place us under enforcement action for not having it? That's ludicrous. The City of Wolfforth, under my tenure as City Manager, has made every effort to comply with every TCEQ regulation, period. I will

state again, I don't believe we have done anything to deserve this violation or enforcement action.

We look forward to hearing back from you. Let us know if you have any questions, please.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Criswell". The signature is fluid and cursive, with the first name "Randy" and last name "Criswell" clearly distinguishable.

Randy Criswell
City Manager

Cc: Wolfforth Mayor Charles Addington
Christopher Mayben, P.G. Regional Director