

TRINITY RIVER AUTHORITY of §
TEXAS, TPDES PERMIT NO. §
WQ0010348001 §

BEFORE THE TEXAS §
COMMISSION ON CHIEF CLERKS OFFICE §
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO MOTION TO OVERTURN

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to the Motion to Overturn (MTO) the ED's decision to issue TPDES Permit Number WQ0010348001, filed by the Trinity River Authority of Texas (Applicant). There were no comments received during the public comment period that required the ED to prepare a Response to Public Comment (RTC). The ED agrees, in part, with the MTO and urges the Commission to remand the permit to the ED to make the requested correction.

II. Description of the Facility

The Applicant has applied to renew its existing wastewater treatment permit that authorizes the discharge of treated domestic wastewater at a volume not to exceed an annual average flow of 900,000 gallons per day (MGD) from Outfall 001, and a volume not to exceed an annual flow of 3,000,000 MGD from Outfall 002. The existing wastewater treatment facility is located on Overlook Drive 1.5 miles north of the intersection of Highway 67 and Highway 287 in Ellis County, Texas.

The discharge routes for Outfall 001 and Outfall 002 are from the plant site to an unnamed tributary, then to Newton Branch, then to SCS Reservoir 10, then to Newton Branch, then to Soap Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water uses are no significant aquatic life uses for the unnamed tributary, Newton Branch, and Soap Creek, and high aquatic life uses for SCS Reservoir 10. The designated uses for Segment No. 0838 are high aquatic life uses, public water supply, and contact recreation.

III. Procedural Background

The Applicant's permit was issued on January 31, 2007, and the Office of the Chief Clerk mailed the permit on February 8, 2007. The application for this permit was submitted on March 6, 2006, and declared administratively complete on April 20, 2006. The Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) was published on May 24, 2006, in *The Waxahachie Daily Light*, and in *The Grand Prairie Times*. An alternative language NORI was also published May 24, 2006, in *Al Dia*. The ED completed the technical review of the application and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on December 7, 2006, in *The Waxahachie Daily Light*. An alternative

language NAPD was also published December 8, 2006, in *Al Dia*. The comment period ended on January 8, 2007.

IV. Analysis of Motion to Overturn

(C) The Applicant filed the MTO, in accordance with 30 Texas Administrative Code (TAC) Section (§) 50.139, within the 23-day period after the Office of the Chief Clerk mailed notice of the signed permit. The Applicant bases its MTO on an administrative error and states that the wrong version of the draft permit was signed. The ED agrees that the wrong draft may have been signed and requests that the permit be remanded to the ED to make sure that the permit that was signed was the permit that was noticed. Although 30 TAC § 50.145(b) allows the ED to make non-substantive permit corrections, the substantive nature of this error necessitated the filing of the MTO by the Applicant.

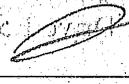
VI. Executive Director's Recommendation

For the reason stated above, the ED recommends that the Commission grant the Motion to Overturn and remand the permit to the ED for review.

Respectfully submitted,

Glenn Shankle, Executive Director

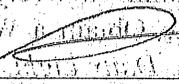
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 30, 2007, the "Executive Director's Response to Motion to Overturn" for Permit No. WQ0010348001 was filed with the TCEQ's Office of the Chief Clerk, and mailed to the persons on the attached mailing list.


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