

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 12, 2007

TO: Persons on the attached mailing list.

RE: City of Grandview
TPDES Permit No. WQ0010180001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Grandview City Hall, 304 East Criner Street, Grandview, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

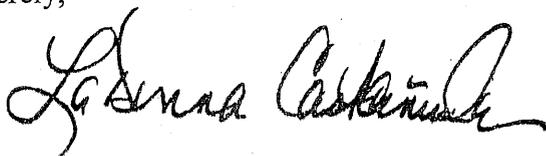
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/ec

Enclosures

MAILING LIST
for
City of Grandview
Permit No. WQ0010180001

FOR THE APPLICANT:

David Bowman
City of Grandview
P.O. Box 425
Grandview, Texas 76050

PROTESTANTS/INTERESTED PERSONS:

Tom Lyons
P.O. Box 298
Grandview, Texas 76050

Misty M. Ventura
Hughes & Luce LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201

FOR THE EXECUTIVE DIRECTOR:

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Texas Commission on Environmental Quality
Environmental Law Division MC-173
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Austin, Texas 78711-3087

Larry Diamond, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

TO: MR. A. ...
ON ENVIRONMENTAL
QUALITY

TCEQ PERMIT NO. WQ0010180001

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APPLICATION BY
CITY OF GRANDVIEW

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BEFORE THE CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the City of Grandview's application and Executive Director's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received one comment letter from the following person: **Tom Lyons**. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The City of Grandview has applied for a renewal of TPDES Permit No. 10180-001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The wastewater treatment plant serves the City of Grandview.

The treated effluent is discharged to Island Creek; thence to the South Fork Chambers Creek; thence to Chambers Creek above Richland-Chambers Reservoir in Segment No. 0814 of the Trinity River Basin. The unclassified receiving water uses for Island Creek are no significant aquatic life use. The designated uses for Segment No. 0814 are high aquatic life use, public water supply, and contact recreation. The facility is located on the north side of County Road 102, approximately 1.5 miles southeast of the City of Grandview in Johnson County, Texas.

Procedural Background

The permit application for renewal was received on November 20, 2006 and declared administratively complete on December 29, 2006. The Notice of Receipt and Intent to Obtain a

Water Quality Permit (NORI) was published on January 12, 2007 in the *Grandview Tribune*. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was published on April 6, 2007 in the *Grandview Tribune*. The public comment period ended on May 5, 2007. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1:

Mr. Tom Lyons' comment reads, in its entirety, as follows:

"I request a contested case hearing about the above permit renewal application. The other landowners impacted by this application have requested that I handle this action for all of us. The other property owners are Phouc H. Dang and Carniceria Mi Pueblo Corp. This action is affecting more of our property than we feel necessary and that is the reason we are requesting a contested case hearing."

RESPONSE 1:

The draft permit was developed according to the applicable state and federal regulations. The draft permit contains effluent limitations, standard provisions, and permit-specific provisions typically found in other wastewater discharge permits.

The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes property belonging to any individual, partnership, corporation or other entity. This permit does not authorize any invasion of personal rights or 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 use the discharge route.

To report complaints about the facility, please contact the TCEQ at 1-888-777-3186 to reach the TCEQ region office in your area or by e-mail at complaint@TCEQ.state.tx.us. Noncompliance with the permit will result in enforcement action against the permittee.

Executive Director's Response to Public Comment

City of Grandview

TCEQ Permit No. WQ0010180001

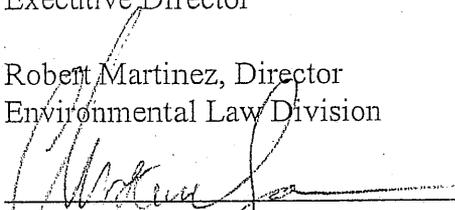
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No changes to the draft permit have been made in response to public comment.

Respectfully submitted,
Texas Commission on Environmental
Quality

Glenn Shankle
Executive Director

Robert Martinez, Director
Environmental Law Division



Christian Siano, Staff Attorney

Environmental Law Division

State Bar No. 24051335

P.O. Box 13087, MC 173

Austin, Texas 78711-3087

(512) 239-6743

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY