Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2010

TO: Persons on the attached mailing list.

RE: G & T Properties, L.L.C. and V & M Rentals
TPDES Permit No. WQ0014809001

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 the Larry J. Ringer Public Library, 1818 Harvey Mitchell Parkway South, College Station, 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 **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at http://www.tceq.state.tx.us/about/comments.html or by mail 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/ka

Enclosures

MAILING LIST
for
G & T Properties, L.L.C. and V & M Rentals
TPDES Permit No. WQ0014809001

FOR THE APPLICANT:

Anthony L. Jones
G&T Properties L.L.C.
1401 Sebesta Road
College Station, Texas 77845

Diane R. Lorden, P.E., Project Manager
Jones & Carter, Inc.
700 University Drive East, Suite 110C
College Station, Texas 77840-1848

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Christiaan Siano, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

David Akoma, 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
via electronic mail:

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
via electronic mail:

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
via electronic mail:

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

FAVOR , GAY
10959 FAVOR RD
COLLEGE STATION TX 77845-6288

ROGERS , BOBBY
PO BOX 9198
COLLEGE STATION TX 77842-9198

SALACH , EUGENE & TRUCE
10866 N DOWLING RD
COLLEGE STATION TX 77845-9118

SALACH , EUGENE
10866 N DOWLING RD
COLLEGE STATION TX 77845-9118

SALACH , MICHAEL
10866 N DOWLING RD
COLLEGE STATION TX 77845-9118

SALZMAN , RON
11066 STILLWATER RD
COLLEGE STATION TX 77845-4730

SCHAFFER , ALBERT
10055 RUNAWAY RD
COLLEGE STATION TX 77845-6777

SELMAN , ROSEMARIE
4275 OAK LAKE DR
COLLEGE STATION TX 77845-8198

STILES , MAXINE
2351 HARVEY MITCHELL PKWY S
COLLEGE STATION TX 77845-5017

TARONE , AARON
11194 HICKORY RD
COLLEGE STATION TX 77845-6203

VALENTA , EDWARD
1510 BLUEBONNET DR
COLLEGE STATION TX 77845-7101

VALENTA , EDWARD & SUE ANN
1510 BLUEBONNET DR
COLLEGE STATION TX 77845-7101

VALENTA , SUE
1510 BLUEBONNET DR
COLLEGE STATION TX 77845-7101

WASSERMANN , LLOYD
STE 310
200 S TEXAS AVE
BRYAN TX 77803-3997

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 JAN 29 PM 4:22

CHIEF CLERKS OFFICE

TCEQ PERMIT NO. WQ0014809001

APPLICATION BY	§	**BEFORE THE**
G & T PROPERTIES, L.L.C.	§	**TEXAS COMMISSION ON**
AND V & M RENTALS	§	**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 G & T Properties, L.L.C. and V & M Rentals's (Applicant) application for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014809001, and the ED's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 TAC) Section 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely filed comment letters from Edward and Sue Ann Valenta; Gay Favor; Albert Schaffer; Maxine Stiles, DVM; Michael Salach; Eugene and Truce Salach; Aaron Tarone; Rosemarie Selman, Bobby Rogers; and Ron Salzman. This response addresses all such timely public comments received, whether or not withdrawn. Gay Favor also filed comments outside the comment period and those will not be addressed in this response. 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.

ACCESS TO RULES, LAWS, AND RECORDS

The following websites may be useful:

Title 30, Texas Administrative Code: www.sos.state.tx.us/tac/(select "TAC Viewer" on the right, then "Title 30 Environmental Quality")
Texas statutes: www.capitol.state.tx.us/statutes/statutes.html
Federal rules in Title 40 of the Code of Federal Regulations: www.epa.gov/epahome/cfr40.htm
Federal environmental laws: www.epa.gov/epahome/laws.htm

Commission records for this facility are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk, for the current application until final action is taken), and at TCEQ's Region 9 Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas. The application for this facility has been available for viewing and copying at the Larry J. Ringer Public Library, 1818 Harvey Mitchell Parkway South, College Station, Texas. The draft permit, statement of basis/technical summary and Executive Director's preliminary decision have been available for viewing and copying at the same location since the publication of the Combined Notice of Receipt of Application and Intent To Obtain a Water Quality Permit

(NORI) and Notice of Application and Preliminary Decision (NAPD) on October 14, 2009.

BACKGROUND

Description of Facility

G & T Properties, L.L.C. and V & M Rentals (the Applicant) has applied to the TCEQ for a new TPDES Permit No. WQ0014809001 that would authorize the Applicant to discharge treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The proposed facility is planned to serve the Aggie Acres Subdivision. The treated effluent will be discharged to an unnamed tributary; then to White Creek; then to Brazos River Above Navasota River in Segment No. 1242 of the Brazos River Basin. The unclassified receiving water uses are no significant aquatic life uses for the unnamed tributary. The designated uses and dissolved oxygen criterion as stated in Appendix A of the Texas Surface Water Quality Standards (30 TAC § 307.10) for Segment No. 1242 are high aquatic life uses, public water supply and contact recreation. The facility will be located approximately 800 feet southeast of North Dowling Road and approximately 600 feet southwest of Walnut Road off of Reveille Road in Brazos County, Texas 77845.

Procedural Background

The application was received on May 21, 2007, and declared administratively complete on July 30, 2007. The Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit and Notice of Application and Preliminary Decision (NORI and NAPD) for TPDES Permit for Municipal Wastewater, was published October 27, 2009 in *The Eagle* newspaper in English. The alternative language Notice (*Spanish*), was published in the *La Voz Hispana* on October 30, 2009. The public comment period ended on November 30, 2009. 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

Edward and Sue Ann Valenta, Rosemarie Selman, and Ron Salzman are concerned about water quality. **Aaron Tarone** is concerned about the potential contamination of the local watershed. **Edward and Sue Ann Valenta, Maxine Stiles, Albert Schaffer** are concerned that the proposed discharge could affect the health of humans and domestic animals near White Creek. **Albert Schaffer, Gay Favor and Sue Ann Valenta** are concerned about the potential negative impact on wildlife, including aquatic life and endangered species such as the Navasota Ladies Tresses.

RESPONSE 1

The TCEQ is authorized to issue permits for discharges into or adjacent to water in the state. Tex. Water Code, § 26.027. The draft permit protects the water quality of the

state's rivers, lakes and coastal waters. If a proposed discharge would result in a violation of a water quality standard, the TCEQ cannot issue the permit. As part of the application process, TCEQ determines the uses of the receiving water and sets effluent limits to be protective of those uses. The effluent limits in the proposed draft permit are set to maintain and protect the existing in stream uses. The existing in stream uses for Segment No. 1242 are designated as high aquatic life uses, public water supply and contact recreation, based on water quality standards review, according to the Texas Surface Water Quality Standards. 30 TAC § 307.10, Appendix A.

The Water Quality Division has preliminarily determined that the draft permit will ensure that the effluent discharge is protective of aquatic life, human health, wildlife, and the environment, under the Texas Surface Water Quality Standards. An antidegradation review of the receiving waters was performed under § 307.5, following the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards. A Tier 1 antidegradation review preliminarily determined that existing uses will not be impaired by the proposed permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review preliminarily determined that no significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Regarding human health, water in the state must be maintained to preclude toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. 30 TAC § 307.6(b)(3). Regarding affects on animals, water in the state must be maintained to preclude toxic effects on aquatic life, terrestrial wildlife, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. 30 TAC § 307.6(b)(4). Water in the state with sustainable fisheries and/or public drinking water supply uses may not exceed applicable human health toxic criteria. Because the proposed discharge is less than one million gallons per day, and the Applicant is not conducting manufacturing, commercial, mining, or silvicultural activities, the ED does not anticipate the discharge of toxic effluent from the proposed facility.

The proposed wastewater treatment facility is designed to provide adequate level of sewage treatment prior to discharge of treated domestic wastewater into the receiving stream. The draft permit includes effluent limitations and monitoring requirements for 5-day Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), Minimum dissolved oxygen (DO), Chlorine Residual and pH to ensure that the proposed effluent meets water quality standards intended for the protection of surface water quality, aquatic and terrestrial life, and human health, according to state law and regulations.

The TCEQ does not anticipate that constituents in the treated wastewater discharge will have an adverse effect on the receiving water or its designated uses.

COMMENT 2

Edward and Sue Ann Valenta, Bobby Rogers, Albert Schaffer, and Gay Favor are concerned about odor from the plant. **Edward and Sue Ann Valenta** are concerned about noise from the plant. **Ron Salzman** is concerned about quality of life for his family if the proposed wastewater treatment facility is permitted.

RESPONSE 2

The Applicant proposes to meet buffer zone requirement by means of odor abatement according to 30 TAC § 309.13(e). This rule requires the Applicant to meet one of three options to abate and control nuisance odor. Those options are: (1) owning the buffer zone area, (2) obtaining restrictive easements from adjacent property owners for any portion of the buffer zone area that the Applicant does not own, or (3) providing odor control. Other Requirement No. 4 of the draft permit requires the Applicant to provide nuisance odor control according to Section 309.13(e)(2). Before constructing the facility, the Applicant will submit a nuisance odor prevention request to the ED for approval.

In addition, the proposed wastewater treatment will be an aerobic biological process. Aerobic biological processes use oxygen to reduce the organic content of the wastewater through biological action. Oxygen turns sulfide compounds (the most common odor-causing compounds) into odorless sulfates. Wastewater without dissolved oxygen can also produce offensive odors. The draft permit requires that the effluent contain a minimum of 4.0 mg/l of dissolved oxygen.

It is not clear what level of noise might be generated by the proposed treatment facility, but that is not an issue addressed in the permitting process.

COMMENT 3

Edward and Sue Ann Valenta and Maxine Stiles are concerned that the discharge of the proposed wastewater into a dry creek bed could result in the infestation of various pests, including mosquitoes, threat of the West Nile Virus and Equine Encephalitis, and snakes.

RESPONSE 3

For assistance on preventing the infestation of dangerous pests, mosquitoes, West Nile Virus, Equine Encephalitis, or other health issues, please contact the Brazos County Health Department at (979) 361-4450, or contact Mr. Karl Goldatt, Environmental Manager, Water Service Department, City of College Station at (979) 764-3659.

COMMENT 4

Edward and Sue Ann Valenta are concerned about proper monitoring.

RESPONSE 4

The Applicant is required to analyze the treated effluent prior to discharge and to provide monthly reports to the TCEQ that include the results of the analyses. The Applicant may collect and analyze the effluent itself, or it may contract with a third party for the sampling and the analysis, or both. All samples must be collected and analyzed according to 30 TAC, Chapter 319, Subchapter A, Monitoring and Reporting System. The Applicant is required to notify the agency if the effluent does not meet the permit limits. In addition, the TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint.

COMMENT 5

Edward and Sue Ann Valenta, Rosemarie Selman, and Albert Schaffer are concerned about flooding. **Maxine Stiles** is concerned that the proposed wastewater discharge into the dry creek bed would cause erosion. **Edward and Sue Ann Valenta** comment that the proposed location for the treatment plant is very low and in the flood plain.

RESPONSE 5

TCEQ has no authority to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, the draft permit includes requirements that the Applicant must meet even during rainfall events and periods of flooding. The Applicant indicates the facility is located above the 100-year flood plain. Other Requirement 4, on page 23 of the Draft Permit, requires the Applicant to provide protection for the facility from the 100-year flood. The issuance of this permit does not authorize any invasion of personal rights, or any violation of federal, state, or local laws or regulations.

A wastewater treatment plant unit may not be located in the 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during that flood event. 30 TAC § 309.13(a). Based on the information submitted by the Applicant, the 100-year flood level in the vicinity of the wastewater treatment facility is 288.07 feet. This is about 9 feet below the ground elevation of 297.0 at the site of the plant. Based on this analysis, the site chosen for the WWTP easily exceeds the TCEQ requirements for elevation above the floodplain.

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resources Protection Team at (512) 239-4691. For information on flooding or erosion problem,

please contact the City of College Station's Public Works Department, Street and Drainage Section at (979) 764-3690 for assistance.

COMMENT 6

Edward and Sue Ann Valenta, and Bobby Rogers are concerned about the potential adverse impact on their property. **Maxine Stiles, Michael Salach, and Ron Salzman** are concerned that the proposed discharge of effluent into the creek would depreciate property values. **Eugene and Truce Salach** are concerned that the wastewater will impair their enjoyment of their property.

RESPONSE 6

The impact of a proposed waste water discharge permit on surrounding property values is outside the scope of the permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and costal waters.

However, the issuance of this permit does not grant the permittee the right to use private or public property to convey wastewater along the discharge route described therein. The issuance of 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 any property rights that may be necessary to use the discharge route. The issuance of this permit does not limit the ability of nearby landowners to use common law remedies to seek redress for any interference with the use and enjoyment of their property.

COMMENT 7

Edward and Sue Ann Valenta Michael, Eugene and Truce Salach, Ron Salzman, and Albert Schaffer all comment on the Applicant's opportunity to connect with the City of College Station's sewage system, noting variously that the Applicant turned down approval to make such a connection, that it should make such a connection, and that failure to do so draws into question the Applicant's motives in deciding to construct his own facility.

RESPONSE 7

It is the state's policy to "promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." Tex. Water Code, §26.081. Here, the Applicant has represented that it is in ongoing negotiations with the City of College Station. The Applicant sent a letter dated July 2, 2007 requesting the City of College Station's consent for wastewater service. The Applicant proposed to install approximately 6,000 feet of sanitary sewer main from the proposed wastewater treatment facility to the existing City's sanitary

sewer system located on North Dowling Road. The proposed treatment facility would serve the Aggie Acres subdivision. The Applicant also submitted a letter dated January 18, 2010, which indicates ongoing negotiations with the City of College Station to find a way to use the City's sewer service or to obtain a TPDES permit in order to provide sewer service to the Aggie Acres subdivision.

COMMENT 8

Albert Schaffer and Sue Ann Valenta are concerned about potential contamination of ground water.

RESPONSE 8

A wastewater treatment plant unit may not be located closer than 500 feet from a public water well or 250 feet from a private water well. 30 TAC § 309.13(c). The wastewater treatment facility proposed by the Applicant will be located farther than 250 feet from a private water well. Therefore, the site is not unsuitable for the treatment plant. Moreover, the Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be adversely impacted by the discharge.

As stated previously, the issuance of a TPDES permit does not limit an adjacent landowner's ability to seek legal remedies against a permittee regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

COMMENT 9

Eugene, Truce and Michael Salach is concerned that the wastewater plant will become overwhelmed given the large quantities of water college students use. **Gay Favor** is also concerned that the Applicant will eventually expand the plant to discharge 50,000 gallons per day in order to serve Grey Wolf Estates.

RESPONSE 9

The Applicant seeks authorization to discharge 25,000 gallons per day. TCEQ does not have any request by the Applicant to increase the proposed flow from 25,000 gallons per day (gpd) to 50,000 gpd at this time. Any increase would require applying for an amendment. A discharge of greater than the permitted amount would constitute a violation of the permit.

Acceptance of the permit by the Applicant constitutes acknowledgement and agreement that the applicant will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission. In accordance with 30 TAC § 305.125(9), any noncompliance that may endanger human health or safety, or the

environment must be reported by the permittee to the TCEQ. This information must be reported orally or by facsimile transmission to the appropriate Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information must also be provided by the permittee to the appropriate Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance.

The TCEQ is not authorized to choose the type of treatment technology or design the applicant should employ. However, the draft permit requires that prior to construction of the treatment facilities, the Applicant must submit to the TCEQ Wastewater Permitting Section (MC 148) its plans and specifications for the facility in accordance with the requirements in 30 TAC § 217.6. The plans and specifications are not required to be submitted to TCEQ prior to the permit being issued. *See* 30 TAC § 217.6(a). The Applicant must clearly show how the treatment system will meet the permitted effluent limitations required on page 2 of the permit.

The TCEQ conducts periodic inspections of wastewater treatment facilities and also conducts investigations based on complaints received from the public. If a permit is issued and the facility is constructed, to report complaints about the facility please contact the TCEQ at 1-888-777-3186 to reach the appropriate TCEQ Regional Office or by e-mail at complaint@TCEQ.state.tx.us. Citizen complaints may also be filed on-line at http://www.tceq.state.tx.us/compliance/complaints. Noncompliance with TCEQ rules or the permit may result in an enforcement action.

COMMENT 10

Ron Salzman is concerned about air quality.

RESPONSE 10

The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule as long as the wastewater treatment plant only performs the functions listed in the rule.

COMMENT 11

Albert Schaffer is concerned that the NORI did not give the level of sewage treatment nor has the basis for the agency's decision to grant the permit been made available to the public.

RESPONSE 11

The purpose of the Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) is primarily to notify the general public and adjacent landowners about the proposed wastewater permit application within the applicant's service area. The content of the Notice does not include disclosure of the level of sewage treatment proposed. The content of the Notice for the TPDES include:

1. All 30 TAC § 39.11 requirements relating to Text of Public Notice; and
2. A general description of the location of each existing or proposed discharge point and the name of the receiving water, etc.

The basis for the TCEQ's decision to process a permit application is based on existing water quality rules and regulations as listed on Page 1 of the Statement of Basis/Technical Summary and Executive Director's Preliminary Decision. The combined Notice was published in The Eagle newspaper on October 27, 2009. These documents (Notice, Statement of Basis/Technical Summary, and the proposed permit) were placed for public viewing and copying at the Larry J. Ringer Library, 1818 Harvey Mitchell Parkway South, College Station, Texas.

COMMENT 12

Gay Favor is concerned that the facility will not be properly managed.

RESPONSE 12

The Applicant is required to comply with all operational requirements according to TCEQ rules and regulations contained in the draft permit. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant and effluent monitoring according to permit requirements. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative during inspections. The proposed wastewater treatment facility would be operated by a TCEQ licensed wastewater treatment plant operator as described in Other Requirements, Item 1 on Page 23 of the draft permit.

COMMENT 13

Edward and Sue Ann Valenta comment that the permit application was not available at the Larry J. Ringer Library in College Station.

RESPONSE 13

The combined notice and all relevant documents were placed at the stated viewing and copying location at the Larry J. Ringer Public Library, 18181 Harvey Mitchell Parkway

South, College Station, Texas, on October 27, 2009, according to the permitee's representative, Ms. Mary Hill.

NO CHANGES WERE MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

Christiaan Siano, Staff Attorney
Environmental Law Division
State Bar No. 24051335
P. O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-6743
Fax: (512) 239-0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 JAN 29 PM 4:22
CHIEF CLERKS OFFICE

CERTIFICATE OF SERVICE

I certify that on January 29, 2010, the "Executive Director's Response to Public Comment" for Permit No. WQ0014809001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Christiaan Siano, Staff Attorney
Environmental Law Division