

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

December 28, 2010

TO: Persons on the attached mailing list.

RE: PHW, EMW, AWB, & EB Texas, LLC
Permit No. WQ0014970001

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 TCEQ's Region 4 Office, 2309 Gravel Drive, Fort Worth, 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/lg

Enclosure

MAILING LIST
for
PHW, EMW, AWB, & EB Texas, LLC
Permit No. WQ0014970001

FOR THE APPLICANT:

Edwin Bland
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PROTESTANTS/INTERESTED
PERSONS:

See list attached.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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Dr. Michael A. Redda, Technical Staff
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FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
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FOR THE CHIEF CLERK
via electronic mail:

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TURNER , THE HONORABLE CHRIS STATE
REPRESENTATIVE
STATE OF TEXAS HOUSE OF REPRESENTATIVES
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TCEQ PERMIT NO. WQ0014970001

DEC 22 PM 4:32

APPLICATION BY § BEFORE THE
 PHW, EMW, AWB, & EB § CHIEF CLERK'S OFFICE
 TEXAS, LLC § 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 on PHW, EMW, AWB, & EB Texas, LLC's (Applicant) application and on the Executive Director's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 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 the Chief Clerk timely received comment letters from the following persons: the Honorable Chris Turner, State Representative for House District 96, Matthew Geske, District Director for State Representative Chris Turner, Darrel Andrews, on behalf of Tarrant Regional Water District, Jeffery Griffith, Julia J. Hunt, P.E., Director of Water Utilities for the City of Arlington Water Utilities, Jack Johnson, William Jones, Donald Kinkade, Erwin Kraehemann, Michael Leonhardt, Carl Moore, Les Parker, Ronald W. Rickard, Debra Smith, Robert Smith, Frank Stalling, Margaret Tolle, Vernal Tolle, and Richard Wilson. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or TCEQ's 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 Applicant has applied to the TCEQ for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014970001, which would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day (GPD). The proposed wastewater treatment facility will serve the Shady Hill Oaks Mobile Home and RV Park. The treated effluent will be discharged via pipe to an unnamed tributary, then to Elm Branch, then to Village Creek, then to Lake Arlington in Segment No. 0828 of the Trinity River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary, and no significant aquatic life use for Elm Branch. The

designated uses for Segment No. 0828 of the Trinity River Basin are high aquatic life use, public water supply, and contact recreation. The proposed facility will be located at 5566 Mitchell Saxon Road, approximately 0.5 mile east of the intersection of Banks Road and Mitchell Saxon Road, approximately 90 feet south of Mitchell Saxon Road in Tarrant County, Texas.

Procedural Background

The permit application was received on March 8, 2010 and declared administratively complete on April 1, 2010. The Combined Notice of Receipt and Intent to Obtain a Water Quality Permit and Notice of Application and Preliminary Decision for a Water Quality Permit and Notice of a Public Meeting on an Application for TPDES Municipal Wastewater Permit (Combined NORI/NAPD & NOPM) was published on August 11, 2010 in the *Tex-Mex Noticias* (Spanish version) and August 21, 2010 in the *Fort Worth Star-Telegram* (English version). A public meeting was held on September 21, 2010 at the Holiday Inn Express Hotel and Suites in Mansfield, Texas. The public comment period ended on October 28, 2010. 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: (Health, Safety, and Environmental Effects)

Hon. Chris Turner commented that he was concerned about safety, health, and environmental effects the proposed treatment facility may have on his constituents' property and the surrounding areas. Debra Smith, Robert Smith, and Michael Leonhardt asked why the state was allowing such a large system to discharge into a dry drain that goes into Walnut Creek Tributary, causing a number of health and contamination issues. Jeffery Griffith commented that the proposed facility will be a health and environmental hazard. Mr. Griffith commented that his wife, child, animals, and other children in the area will be adversely affected by the proposed facility. Carl Moore, Les Parker, Michael Leonhardt, and Mr. Griffith commented that the proposed discharge will provide a breeding ground for mosquitoes carrying the West Nile Virus. Mr. Parker commented that the West Nile Virus poses a health hazard to both people and livestock. Mr. Griffith commented that the proposed discharge would cause irreparable contamination and destroy eco friendly areas downstream. Donald Kinkade and Carl Moore commented that the proposed facility will cause irreparable damage, contamination, and public health issues. Mr. Kinkade and Mr. Moore commented that the proposed discharge could affect the eco system. Les Parker commented that he and his horses cross the unnamed tributary along the proposed discharge route every day, multiple times a day. Mr. Parker is concerned about the potential adverse health effects from coming into contact with the treated wastewater. Richard Wilson commented that the proposed

discharge will cause property damage and health issues. Mr. Wilson also commented that the proposed discharge will damage trees.

RESPONSE 1:

The draft permit was developed in accordance with the Texas Surface Water Quality Standards (TSWQS). These standards are designed to maintain the quality of water in the state and to be protective of human health and the environment. As part of the permit application process, the Executive Director must determine the uses of the receiving waters and set effluent limits that are protective of those uses.

In accordance with 30 TAC § 307.5, no activities subject to regulatory action shall impair existing uses, i.e., contact recreation (Tier I Antidegradation), or degrade the water quality of waters that exceed fishable/swimmable quality by more than a *de minimis* extent (Tier 2 Antidegradation). Water quality sufficient to protect existing uses must be maintained. Fishable/swimmable waters are defined as waters which have quality sufficient to support propagation of indigenous fish, shellfish, and wildlife and recreation in and on the water. Waters that are assigned an intermediate, high, or exceptional aquatic life use are deemed as exceeding fishable/swimmable quality.

In this case, the unclassified receiving waters uses are limited aquatic life use for the unnamed tributary, and no significant aquatic life use for Elm Branch. The designated uses for Segment 0828 of the Trinity River Basin are public water supply and contact recreation. In accordance with 30 TAC § 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (Implementation Procedures, RG-194, January 2003), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing uses will not be impaired by the proposed permit action. Narrative and numerical criteria to protect existing uses will be maintained. The draft permit contains effluent limitations based on a 30 day average, of 20 mg/l BOD₅, 20 mg/l TSS, 126 *E. coli* CFU or MPN per 100 ml and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. These limits are expected to be protective of human health, aquatic life and livestock. This review has preliminarily determined that no water bodies with intermediate, high, or exceptional aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 antidegradation review was required.

Should the permit be issued, provided that the Applicant operates and maintains the facility according to TCEQ rules and the requirements contained in the draft permit, existing uses will be maintained and protected. The Executive Director has preliminarily determined that the proposed effluent limitations in the draft permit will not impair existing water quality uses and that no significant degradation of water quality is expected in water bodies with intermediate, high,

or exceptional aquatic life uses. This preliminary determination can be reexamined and may be modified if new information is received.

COMMENT 2: (Aquatic Life)

Donald Kinkade and Carl Moore commented that the proposed facility could adversely affect fish in the area.

RESPONSE 2:

As previously mentioned, the Executive Director must determine the uses of the receiving waters and set effluent limits that are protective of those uses as part of the application process. The TCEQ Water Quality Assessment Section has determined that the draft permit for the proposed facility meets the requirements of the TSWQS, which are established to protect human health and terrestrial and aquatic life. 30 TAC § 307.6(b)(4) requires water in the state to be maintained to preclude adverse 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. Since the proposed discharge is less than one million gallons per day and the Applicant is not conducting manufacturing, commercial, mining, or silvicultural activities, the Executive Director does not anticipate the discharge of toxic effluent from the proposed facility.

Additionally, the draft permit contains effluent limitations based on a 30 day average, of 20 mg/l BOD₅, 20 mg/l TSS, 126 *E. coli* CFU or MPN per 100 ml and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. These limits are expected to be protective of human health, aquatic life and livestock.

COMMENT 3: (Livestock)

Carl Moore commented that the proposed discharge could adversely affect livestock. Richard Wilson commented that he was concerned that the proposed discharge's effect on livestock.

RESPONSE 3:

As previously mentioned, the Executive Director must determine the uses of the receiving waters and set effluent limits that are protective of those uses as part of the application process. The Commission does not have separate water quality based effluent limitations for livestock water. However, the TCEQ Water Quality Assessment Section has determined that the draft permit for the proposed facility meets the requirements of the TSWQS, which are established to protect human health and terrestrial and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms. In accordance with 30 TAC

§ 307.5 and the Implementation Procedures, an antidegradation review of the receiving waters was performed. This review has preliminarily determined that existing uses will not be impaired by the proposed discharge. The effluent limitations contained in the draft permit will maintain and protect existing instream uses, and the proposed discharge is expected to be safe for consumption by livestock. The Texas Agricultural Extension Service provides a helpful guidance document entitled "Water Quality: Its Relationship to Livestock." (Publication No. L-2374). A comparison of the substances listed in the "Recommended Limits of Concentration of Some Potentially Toxic Substances in Drinking Water for Livestock" section of the Texas Agricultural Extension Service guidance document and those substances known to occur in domestic wastewater discharges indicates that these substances are not expected to occur in treated effluent; and should they occur, would be well below background levels. The TCEQ does not expect the proposed discharge to adversely affect livestock or other animals in the area of the proposed facility.

COMMENT 4: (Runoff, Erosion, and Flooding)

Hon. Chris Turner commented that he is concerned about potential drainage issues that would affect nearby homes, and cattle that drink from the creek. Erwin Kraehemann commented that runoff from the Applicant's existing sewage system had entered his property. Mr. Kraehemann commented that the proposed increase in the number of mobile homes in the park would exacerbate the runoff problem, eventually impacting Lake Arlington, the environment, fish, and livestock. Carl Moore commented that he was concerned that the proposed discharge will cause erosion. Debra Smith, Robert Smith, and Michael Leonhardt expressed their concern that the addition of mobile homes and RV's will create storm water runoff from the Applicant's property. Frank Stalling asked who is responsible for the maintenance of the bar ditch along the proposed discharge route. Mr. Stalling commented that the bar ditch is not designed or intended to be used as a route for a large volume of constantly running fluids. Mr. Stalling also commented that soil in the area is sandy and erodes easily. Mr. Stalling commented that he fears that erosion will expose utility lines along the bar ditch, interfering with his internet access and negatively impacting his small business. Mr. Stalling commented that the draft permit did not require containment structures to capture spillage or rainwater runoff, and that any runoff from the proposed facility would flow onto his property. Mr. Stalling also expressed his concern about plumbing issues occurring at the collection point (i.e., RV hookups or trailer connections). Vernal Tolle and Margaret Tolle commented that the Applicant's original treatment system would overflow onto their property. Richard Wilson commented that the proposed discharge of 20,000 gallons per day would turn the bar ditch into a swamp and flood his property. Mr. Wilson asked who is responsible for the maintenance of the bar ditch. Mr. Wilson commented that he was concerned with erosion. Mr. Wilson also commented that the proposed discharge will flood swimming pools.

RESPONSE 4:

The issues of erosion, runoff, and flooding are outside of the scope of normal evaluations for a wastewater discharge permit application. 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. Possible future erosion is not a factor in determining whether an applicant has met all of the statutory and regulatory criteria applicable to a wastewater permit. The draft permit includes effluent limits and monitoring requirements that the Applicant must meet during rainfall events and periods of flooding to ensure that the proposed discharge meets applicable water quality standards. In its application, the Applicant indicated that the facility is located above the 100-year flood plain.

Unauthorized discharge is prohibited in the draft permit. Permit Condition(2)(g) in the draft permit states that:

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

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. 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 Resource Protection Team at (512) 239-4691.

COMMENT 5: (Watershed Protection and Lake Arlington)

Darrel Andrews, Assistant Director of the Environmental Division of Tarrant Regional Water District, commented that according to Texas Water Development Board's Conservation Pool Boundary shows that the proposed discharge is 4.9 miles from the Lake Arlington water quality area; and therefore, the Watershed Protection Rules at 30 TAC §§ 311.61 – 311.66 apply to the proposed discharge. Mr. Andrews commented that the Watershed Protection Rules at 30 TAC §§ 311.61-311.66 require tertiary filtration and effluent limits of 10 mg/L BOD and 15 mg/L TSS. Mr. Andrews requested that the proposed facility comply with the Watershed Protection Rules at 30 TAC §§ 311.61-311.66. Mr. Andrews commented that, even though there is no numeric nutrient limitation for Lake Arlington, he was concerned that the proposed discharge would add Chlorophyll A to Lake Arlington. Mr. Andrews commented that Applicant would not be adverse to addition of a Total Phosphorous limit of 1.0 mg/L to the draft permit

to address the Chlorophyll A concerns. Mr. Andrews requested that a 1.0 mg/L phosphorus limit be included in the draft permit.

Hon. Chris Turner expressed concern about effluent draining into Lake Arlington. Julia J. Hunt, P.E., Director of Water Utilities for the City of Arlington Water Utilities Department, asked what the TCEQ does to look at the cumulative effect package plants have on watersheds. Ms. Hunt commented that the City of Arlington has had problems with other package wastewater treatment plants in the Lake Arlington Watershed. Ms. Hunt commented that the City of Arlington is concerned with this facility's proximity to a main creek that feeds Lake Arlington. Ms. Hunt also expressed her concern regarding nutrient loading and discharges containing personal care products. Ms. Hunt requested that the Executive Director consider requiring disinfection or additional nutrient removal. Ms. Hunt also requested that the City of Arlington be given the opportunity to review technical documents associated with the proposed treatment plant. Carl Moore commented that the proposed discharge will adversely impact Lake Arlington.

RESPONSE 5:

During the permit application review process, Executive Director staff determined that the unnamed tributary travels approximately 1.5 stream miles to the confluence with Elm Branch, Elm Branch travels approximately 1.25 stream miles to the confluence with Village Creek, and Village Creek travels 2.6 stream miles to Lake Arlington. This brings the total distance between the discharge point and Lake Arlington to 5.35 stream miles. The Watershed Protection Rules at 30 TAC §§ 311.61-311.66 apply to discharges directly to Lake Arlington or in the "Lake Arlington water quality area," that is defined as "[t]hose portions of the Lake Arlington watershed within five stream miles upstream of the pool level of Lake Arlington (550.0 feet, mean sea level)." Therefore, the Executive Director has preliminarily determined that the Watershed Protection Rules at 30 TAC §§ 311.61-311.66 do not apply to the proposed discharge. This preliminary determination can be reexamined and may be modified if new information is received.

On June 31, 2010, the TCEQ adopted amendments to TSWQS established numerical nutrient criteria for 75 reservoirs in Texas. The TCEQ evaluates applications for the domestic discharge that are determined to be near a reservoir to determine if an effluent limit is needed for total phosphorus (TP) or, in appropriate situations, total nitrogen (TN) to prevent violation of numerical nutrient criteria and/or preclude excessive growth of aquatic vegetation. Permit renewals discharges may also be evaluated for potentially significant concentrations of TP (and if appropriate, TN) on a case-by-case basis. The nutrient screening procedures constitute the basis for the antidegradation review for nutrients. Additional factors for the antidegradation review(s) can be considered as appropriate to further address potential nutrient impacts of concern to sensitive water bodies.

The Applicants proposed increase in loading was initially screened to determine whether sufficient potential for degradation exists to require further analysis. This initial screening procedure does not define degradation. It is intended only as general guidance to indicate when an increase in loading is small enough to preclude the need for additional evaluation.

The applicant increase in permitted loading will still attain all water quality standards and the discharge is not relatively large. The cumulative effect of repeated small increases in successive permit actions or from multiple discharges may require additional screening evaluation, even though the current permit application may be for a less than 10% increase in loading for any constituents of concern. Increases in permitted loading of 10% or greater are not automatically presumed to constitute degradation, but will receive further evaluation.

The TCEQ and the EPA currently have no rules or policies in place to address personal care products, also known as “emerging contaminants.” Both agencies are reviewing the issue and expect to be able to address it in the future. However, this issue is currently outside the scope of the TCEQ’s domestic wastewater regulatory authority.

The draft permit requires the facility to chlorinate for disinfection purposes. Disinfection by chlorination is designed to remove harmful bacteria in the effluent and most other disease causing organisms. TCEQ rules require disinfection in a manner conducive to the protection of both public health and aquatic life by requiring a minimum retention time for the wastewater in the chlorination chamber and a minimum chlorine residual to continue disinfection after discharge. The rules and draft permit also set a maximum chlorine residual that will not impact aquatic life in the receiving waters.

COMMENT 6: (Operator)

Darrel Andrews, Assistant Director of the Environmental Division of Tarrant Regional Water District, commented that the Applicant, which would be required to employ a Class D operator to operate the proposed facility, was agreeable to adding a provision to the draft permit requiring the employment of a Class C operator. Mr. Andrews asked that a provision requiring the employment of a Class C operator be included in the draft permit. Julia J. Hunt, P.E., Director of Water Utilities for the City of Arlington Water Utilities Department, commented that she was concerned about package plants being able to maintain licensed operators with the appropriate education level needed to operate the facilities.

RESPONSE 6:

TCEQ’s regulations require that domestic wastewater treatment plants be operated and maintained by operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30. The proposed facility must be operated by a chief operator or an operator holding a Category D license or

higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week.

COMMENT 7: (Monitoring and Reporting)

William Jones raised several issues associated with the Monitoring and Reporting requirements in the draft permit, including: (1) the reliability of self-reporting, and (2) whether written notification of noncompliance that endangers human health, safety, or the environment within 5 working days of becoming aware of the noncompliance is adequate. Michael Leonhardt commented that the draft permit has several “outs” for the owner, and daily rather than yearly monitoring should be required. Mr. Leonhardt commented that Tarrant County does not have enough manpower to inspect and monitor the proposed facility. Frank Stalling asked who will monitor the proposed treatment facility to ensure that it meets standards. Mr. Stalling also asked how often the proposed discharge would be tested.

RESPONSE 7:

The draft permit requires the permittee to analyze the treated effluent prior to discharge and provide monthly reports to TCEQ that include the results of the analyses. All samples must be collected and analyzed according to 30 TAC Chapter 319 of TCEQ’s rules, Subchapter A, Monitoring and Reporting System. The draft permit requires the permittee to monitor the flow five times per week by instantaneous measurement, to monitor the 5-day biochemical oxygen demand, total suspended solids and minimum dissolved oxygen once per week by grab sample, to monitor the chlorine residual five times per week by grab sample, and to monitor the pH once per month by grab sample. Additionally, the permittee is subject to administrative, civil and criminal penalties for negligently or knowingly violating the CWA, TWC Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361; including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained by the permit. This includes monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by the permit or violating any other requirement imposed by state or federal regulations. All laboratory tests submitted to the TCEQ to demonstrate compliance with the permit must meet the requirements of the Commission’s rules at 30 TAC Chapter 25, regarding Environmental Testing Laboratory Accreditation and Certification. The draft permit also authorizes members of the Commission and its employees and agents to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission.

COMMENT 8: (Compliance and Enforcement)

Frank Stalling asked what remedies are available to nearby landowners, and what the time frame for enforcing of those remedies is. Mr. Stalling also asked what rights he has, and who he should notify if those rights are violated. Mr. Stalling asked who he should report violations of the permit to.

RESPONSE 8:

If nearby landowners suspect incidents of noncompliance with the permit or TCEQ rules they may be reported to TCEQ by calling toll-free 1-888-777-3186 or by calling the TCEQ Region 4 Office in Fort Worth at (817) 588-5800. Citizen complaints may also be filed on-line at <http://www.tnrcc.state.tx.us/cgi-bin/enforcement/complaints>. If the Applicant fails to comply with all requirements of the permit, the facility is subject to administrative enforcement action, fines, and penalties by the commission. In addition, 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, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor 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. 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 9: (Noise)

William Jones commented that the proposed facility should be located on the far side of the Applicant's property so that trees could provide a noise buffer. Hon. Chris Turner expressed concern regarding noise emanating from the proposed facility. Debra Smith and Robert Smith commented that a compressor running 24 hours a day would cause noise pollution. Michael Leonhardt commented that a compressor running 24 hours a day would cause noise that is not needed in the area. Frank Stalling asked what the expected noise level from the proposed facility is, and whether a noise barrier would be required. Mr. Stalling also asked if there were any noise restrictions on the proposed facility's power plant. Vernal Tolle and Margaret Tolle asked what kind of noise the proposed facility will create.

RESPONSE 9:

The Legislature has delegated the TCEQ the responsibility of protecting the state's rivers, lakes, and coastal waters when evaluating wastewater discharge permits. The TPDES permitting process is limited to controlling the discharge of pollutants into water in the state. Noise concerns are outside the scope of a TPDES permit application review. The draft permit does not authorize the

creation of a nuisance. The issuance of the draft permit does not limit an individual's ability to seek common law remedies for nuisance.

COMMENT 10: (Odor and Sludge)

Hon. Chris Turner expressed concern regarding odor emanating from the proposed facility. Debra Smith and Robert Smith commented that the odor from the existing smaller system is unbearable at times. Donald Kinkade and Carl Moore expressed concern regarding odor and sludge problems. Erwin Kraehemann commented that occasionally odor had emanated from the existing sewage system. Michael Leonhardt commented that homeowners just off of 1187 FM have stated that odors emanate from the existing sewage system on occasion. Ronald W. Rickard, Vernal Tolle, and Margaret Tolle commented that odor emanates from the Applicant's sewage system after a heavy rain. Frank Stalling asked whether the provision of the draft permit requiring sewage sludge testing once during the term of the permit was a misprint. Mr. Stalling also raised concerns regarding odor emanating from the proposed facility. Richard Wilson raised odor concerns associated with the proposed discharge.

RESPONSE 10:

30 TAC § 309.13(e) requires that the Applicant meet one of three options to abate and control nuisance odor. Those options are:

1. Lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins, etc.) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units may not be located closer than 150 feet to the nearest property line. The Applicant must hold legal title or have other sufficient property interest to a contiguous tract of land necessary to meet the distance requirements specified in this paragraph during the time effluent is disposed by irrigation;
2. The Applicant must submit a nuisance odor prevention request for approval by the ED; or
3. The Applicant must submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the Applicant.

According to the permit application, the Applicant will meet the buffer zone requirements by ownership. If nearby residents experience nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules they may be reported to TCEQ by calling toll-free 1-888-777-3186 or by calling the TCEQ Region 4 Office in Fort Worth at (817) 588-5800. Citizen complaints may also be filed on-line at <http://www.tnrcc.state.tx.us/cgi-bin/enforcement/complaints>. If the Applicant fails to comply with all requirements of the permit, the facility is subject to administrative enforcement action, fines, and penalties. Finally, 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.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill. Details of the Sludge Provisions are provided on pages 12 through 22 of the draft permit. The draft permit authorizes the permittee to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee. Finally, it is TCEQ's standard practice that sewage sludge be tested once during the term of the permit for mechanical treatment facilities with a permitted flow of less than one million gallons per day, and annually for mechanical treatment facilities with a permitted flow of equal or greater than one million gallons per day and prior to sludge disposal for all natural treatment facilities.

COMMENT 11: (Drinking Water)

Donald Kinkade and Carl Moore commented that the proposed discharge could affect drinking water. Mr. Moore asked if there have been enough cumulative studies conducted to know the impact of the proposed discharge to the City of Arlington's drinking water.

RESPONSE 11:

Generally, 30 TAC § 305.45(a)(6)(A) requires that applicants submit maps of a sufficient quality, size, and scale capable of sufficiently illustrating wells, springs, other surface water bodies, and water in the state. During the application process, the Applicant provided a complete original USGS Topographic Quadrangle map of a sufficient quality, size, and scale that indicates, among other things, public water supply wells within a one-mile radius of the proposed facility location. Additionally, 30 TAC § 309.13 requires that 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.

On this map provided by the Applicant, no private water supply wells were identified within one mile of the proposed facility location. Additionally, based on the maps provided by the Applicant, no wastewater treatment plant units would be located within 250 feet of a private well. Based on the maps submitted, the Applicant has complied with applicable rules regarding facility location in relation to public and private wells.

COMMENT 12: (Groundwater)

Richard Wilson commented that the proposed discharge will contaminate groundwater.

RESPONSE 12:

The Water Quality Division has preliminarily determined that the draft permit has been developed in accordance with the Texas Surface Water Quality Standards, which ensure that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge.

COMMENT 13: (Location of the Proposed Facility)

Hon. Chris Turner asked for clarification of the location of the proposed facility in relation to the nearest property line. Michael Leonhardt commented that the proposed system is going to be installed too close to residences.

RESPONSE 13:

TCEQ rules prohibit permittees from locating wastewater treatment plant units closer than 150 feet from the nearest property line. Based on the information provided in the application, the Applicant will meet this buffer zone requirement through ownership.

COMMENT 14: (Private Property)

Jack Johnson commented that he does not want the proposed discharge to run across his property. William Jones commented that the Applicant is intends to discharge wastewater across private property, despite the prohibition contained on page one of the draft permit. Hon. Chris Turner asked whether the treated effluent would drain onto private property. Carl Moore commented that he believes that the proposed discharge will flow across private property. Mr. Moore also commented that the proposed discharge will be dumped onto neighboring properties. Les Parker commented that the proposed discharge will flow across his private property. Richard Wilson commented that the Applicant does not have the right to discharge on others' property.

RESPONSE 14:

Texas Water Code (TWC) § 26.027 grants the TCEQ the authority to issue and amend permits for the discharge of waste or pollutants into or adjacent to water

in the state. "Water in the state" is defined as groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. See TWC § 26.001(5). From the USGS map submitted by the Applicant as part of its application and observations made by Executive Director staff during the site visit, the unnamed tributary has a defined bed and banks; and therefore, meets the regulatory definition of water in the state.

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 15: (Discharge Route and Alternative Methods of Conveyance and Disposal)

Carl Moore requested that the Applicant not be granted a permit until they get an approved discharge route that is satisfactory to the community. Mr. Moore asks that the Applicant consider piping the effluent to Elm Creek. Mr. Moore also commented that the Applicant should put in its own disposal system and dump wastewater on its own property. Les Parker commented that the Application should pipe their effluent underground. Michael Leonhardt commented that the Applicant should utilize his own aerobic system and private drain field. Frank Stalling and Richard Wilson commented that the proposed discharge should be contained on the Applicant's property. Mr. Stalling commented that all the residences in the area have septic tanks, and none are allowed to discharge liquids into the bar ditch.

RESPONSE 15:

Under certain circumstances such as we have here, TCEQ rules do not allow the Executive Director to mandate a different discharge route or alternative means of conveyance and disposal than that proposed by an applicant. Executive Director staff evaluates whether the discharge route and method(s) of disposal proposed in the application comply with the applicable rules and regulations. After reviewing the discharge route and method of disposal proposed by the Applicant, the Executive Director has preliminarily determined that the effluent limits contained in the draft permit will be protective of human health and environmental quality.

COMMENT 16: (Regionalization)

Julia J. Hunt, P.E., Director of Water Utilities for the City of Arlington Water Utilities Department, commented that the City of Arlington, as a member of the North Central Texas Council of Governments (NCTCOG) Water Resources Committee would prefer to see a regional effort toward wastewater treatment. Ms. Hunt commented that the permitting of individual package plants for wastewater treatment is non-centralized and difficult for watershed monitoring. Michael Leonhardt asked why sewage at the Applicant's facility cannot be piped to Fort Worth's sewage disposal plant 6 miles from the proposed facility. Debra Smith, Robert Smith, and Michael Leonhardt commented that it would be in the State's best interest to forgo permitting this facility, and wait until the area is annexed by the City of Fort Worth, who would then be responsible for installing storm drains and providing sewer service. Frank Stalling asked whether it is likely that the proposed facility will be integrated into an area-wide system in the near future.

RESPONSE 16:

It is the policy of the state to "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." See TWC § 26.081(a). Permits for domestic wastewater treatment plants are granted subject to this policy. The TCEQ reserves the right to amend any domestic wastewater permit, in accordance with applicable procedural requirements, to require the system covered by the permit to be integrated into an area-wide system. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system. The Executive Director is currently not aware of a regional or area-wide waste collection, treatment, or disposal system within a three mile radius that currently has the capacity to accept the 20,000 gallons per day that the Applicant has requested to discharge.

COMMENT 17: (Notice)

Debra Smith and Robert Smith commented that they did not receive notice of the proposed facility until very late in the process. Jeffery Griffith commented that he did not receive notice of the application. Mr. Griffith also commented that he did not receive notification of any zoning changes to the Applicant's property. Michael Leonhardt commented that he had just recently received his notice and that many people he has spoken to did not receive notice. Carl Moore

commented that only he and one of his neighbors received notice regarding this permit application.

RESPONSE 17:

TCEQ rules and policies require notification of adjacent landowners, i.e., landowners surrounding the applicant's property and landowners surrounding the point of discharge and on both sides of the discharge route for one full stream mile downstream of the point of discharge for new applications for wastewater discharge permits. While Debra Smith, Robert Smith, Michael Leonhardt, and Carl Moore were identified by the Applicant as adjacent, Jeffery Griffith was not; therefore, Mr. Griffith was not sent a mailed notice of the permit application.

COMMENT 18: (Notice of Violations)

Julia J. Hunt, P.E., Director of Water Utilities for the City of Arlington Water Utilities Department, asked whether the City of Arlington be notified if a violation occurs at the proposed facility.

RESPONSE 18:

Under the definitions and standard permit conditions section for the draft permit the applicant is required to conduct self-reporting to the commission. Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.1. All this information is public record and is available to the City of Arlington. .

COMMENT 19: (Property Value)

Debra Smith, Robert Smith, and Michael Leonhardt commented that the proposed facility will decrease their property value and negatively impact their ability to resell their property. Donald Kinkade and Carl Moore commented that the proposed facility could cause a possible devaluation of property and quality of life in the area.

RESPONSE 19:

A proposed facility's potential impact on surrounding property values is outside the scope of the normal evaluations of a wastewater discharge permit application. 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.

COMMENT 20: (Sampling)

William Jones asked whether, by allowing the Applicant to use the arithmetic average (weighted by flow) of all values in the previous four consecutive months as the “daily average concentration” when four samples are not available in a calendar month, the TCEQ is making an exception to its rules.

RESPONSE 20:

Item 2.a. of the Definitions and Standard Permit Conditions section of the draft permit allows, in absence of four samples in a calendar month, the daily average concentration to be calculated by taking the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements. This requirement is intended to allow facilities that may have an intermittent flow during a no activity season (e.g., schools and campsites) to use the previous four consecutive month period consisting of at least four measurements to come up with the statistically most acceptable average. Provisions of this requirement should not be interpreted as an exception to the TSWQS or a relaxation of permit conditions.

COMMENT 21: (Maintenance)

Vernal Tolle and Margaret Tolle asked, if the Applicant can't maintain the existing smaller unit, what assurances they have that the Applicant will be able to maintain the proposed facility. Michael Leonhardt commented that the Applicant cannot maintain the current system, and he does not believe the Applicant will be able to maintain the proposed system.

RESPONSE 21:

Permittees are required ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained at all times. If nearby landowners suspect incidents of noncompliance with the permit or TCEQ rules they may be reported to TCEQ by calling toll-free 1-888-777-3186 or by calling the TCEQ Region 4 Office in Beaumont at (817) 588-5800. Citizen complaints may also be filed on-line at <http://www.tnrcc.state.tx.us/cgi-bin/enforcement/complaints>. If the Applicant fails to comply with all requirements of the permit, the facility is subject to administrative enforcement action, fines, and penalties.

COMMENT 22: (Misrepresentation)

William Jones commented that the Applicant has misrepresented or failed to disclose fully all relevant facts in its application.

RESPONSE 22:

TCEQ rules require the signatory to a TPDES permit application to certify that the information submitted as part of the application is, to the best of their knowledge and belief, true, accurate, and complete. The signatory must also acknowledge that they are aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In the event that an applicant or permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it must promptly submit such facts or information. A permit may be modified, suspended, or revoked, in whole or in part, if it is determined that the permit was obtained by misrepresentation or failure to disclose fully all relevant facts. In his comment, Mr. Jones failed to identify any misrepresentation or nondisclosure by the Applicant. At this time, the Executive Director is not aware of any nondisclosure or misrepresentation contained in the Applicant's TPDES application.

COMMENT 23: (Permit Language)

Frank Stalling commented that the term "unless otherwise specified" is used in the draft permit. Mr. Stalling asked how these "otherwise specified procedures" were made available to the public and interested parties.

RESPONSE 23:

"Unless otherwise specified in this permit..." is used throughout the draft permit in provisions that are generally applicable to domestic wastewater treatment facilities. These provisions may be altered by specific provisions found in the "Other Requirements" section of the permit that are unique to subject facility. The public and interested parties are made aware of these provisions and procedures by their inclusion in draft permit.

COMMENT 24: (Bypass)

Frank Stalling asked when an anticipated bypass is permissible, and what limits are placed on anticipated bypasses.

RESPONSE 24:

In accordance with 30 TAC § 305.535(a), a permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur; however, only if the bypass is essential for maintenance to assure efficient operation. Additionally, if the permittee knows in advance the need for bypass, it may apply to the TCEQ for a Water Quality Emergency Order or Temporary Order pursuant to 30 TAC §§ 35.301-35.303.

COMMENT 25: (Backup/Failsafe Systems)

Ronald W. Rickard commented that an accident at the proposed facility will affect nearby residents and those who live along Village Creek and Lake Arlington. Frank Stalling asked what testing methods will be used to ensure failsafe systems are adequate, and whether such testing occurs periodically. Mr. Stalling commented that there are frequently power interruptions in the area that last for multiple days.

RESPONSE 25:

Permittees are required to take certain steps to minimize the possibility of an accidental discharge of untreated wastewater. For example, the applicant must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. Also, whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee is required to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

Permittees are also required to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained at all times. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

In the case of a domestic wastewater treatment facility which reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

Finally, the plans and specifications for the design of domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ prior to construction. Failure to secure TCEQ approval before starting construction of a wastewater treatment plant is a violation of TCEQ rules.

COMMENT 26: (Confidential Documents)

Frank Stalling asked whether the Applicant submitted any confidential documents with its application.

RESPONSE 26:

Currently, no confidential documents have been submitted by the Applicant as part of its TPDES permit application. A copy of the application was made available for public viewing at the location identified in the NORI and NAPD notices. Currently the application, draft permit and all correspondence related to the application is in the Office of the Chief Clerk where the public can obtain copies.

COMMENT 27: (Miscellaneous)

Darrel Andrews, Assistant Director of the Environmental Division of Tarrant Regional Water District, commented that he encourages the TCEQ to develop a methodology to measure the impact of proposed discharges to reservoirs on a watershed basis, rather than a permit-by permit basis. William Jones commented that the Applicant's proposed addition of mobile homes will cause overcrowding. Mr. Jones also commented that the trailer across the street from his property is an eyesore, and asked why the Applicant can't keep the front of the property mowed. Michael Leonhardt commented that the land could bring in more state revenue and taxes by building new homes on the land instead of crime-breeding, noisy, and drug-related, uncontrolled mobile home park. Carl Moore asked that the TCEQ prohibit the Applicant from expanding his mobile home park. Frank Stalling asked how much the facility can expand beyond what the permit allows. Debra Smith, Robert Smith, and Michael Leonhardt commented that there was not adequate police and fire protection for additional mobile homes and RVs. Frank Stalling commented that there was no plan to deactivate the proposed plant in the event the operators go into financial default or bankruptcy. Vernal Tolle and Margaret Tolle asked what kind of traffic the proposed facility will create.

RESPONSE 27:

These issues are outside of the scope of normal evaluations for a wastewater discharge permit application. The water quality 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. The Executive Director does not consider overcrowding, facility aesthetics, tax revenue, police and fire protection, financial default, or traffic concerns when reviewing wastewater applications and preparing draft permits.

**CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO
COMMENT**

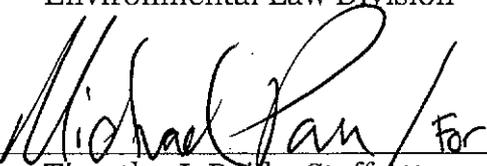
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery, P.G.
Executive Director

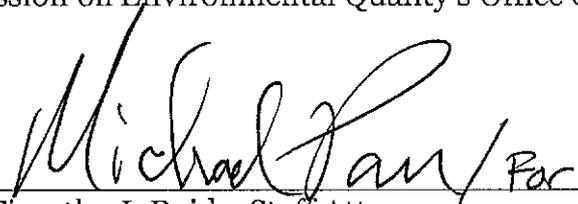
Robert Martinez, Director
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By  For

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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 22nd, 2010, the "Executive Director's Response to Public Comment" for TCEQ Permit No. WQ0014970001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Timothy J. Reidy, Staff Attorney
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