

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*

November 18, 2011

TO: Persons on the attached mailing list.

RE: Synagro of Texas – CDR, Inc.  
Permit No. WQ0004941000

**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 Bastrop County Agrilife Extension Building, 901 Pecan Street, Bastrop, Texas and the Travis County Agrilife Extension Building, 1600-B Smith Street, Austin, 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.texas.gov/about/comments.html> or by mail to the following address:

Bridget C. Bohac, 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 Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac  
Chief Clerk

BCB/lg

Enclosure

MAILING LIST  
for  
Synagro of Texas – CDR, Inc.  
Permit No. WQ0004941000

FOR THE APPLICANT:

Greg Roque  
Synagro of Texas – CDR, Inc.  
1002 Village Square Drive, Suite C  
Tomball, Texas 77375

The Honorable Sam T. Biscoe, Judge  
Travis County  
214 West 11<sup>th</sup> Street, Suite 520  
Austin, Texas 78701

The Honorable Ronnie McDonald, Judge  
Bastrop County  
804 Pecan Street  
Bastrop, Texas 78602

PROTESTANTS/INTERESTED  
PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Brian Christian, Director  
Texas Commission on Environmental  
Quality  
Small Business and Environmental  
Assistance  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

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

Brian Sierant, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
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:

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

ADAMS, SHIRLEY  
164 SALDANA DR  
CEDAR CREEK TX 78612-3394

GREENLEE, ROBIN  
3122 RIVER RD  
CEDAR CREEK TX 78612-3004

MUGNO, SUE  
PO BOX 1128  
DEL VALLE TX 78617-1128

PRATHER, CHARLES & KAY  
3521 RIVER RD  
CEDAR CREEK TX 78612-3033

ROHRBOUGH, GEORGE & JENNIE  
3522 RIVER RD  
CEDAR CREEK TX 78612-3014

RUSH, ELIZABETH  
3206 RIVER RD  
CEDAR CREEK TX 78612-3077

SANDERS, HILDE I  
3203 RIVER RD  
CEDAR CREEK TX 78612-3078

SARMIENTO, SALVADOR  
4109 RIVER RD  
CEDAR CREEK TX 78612-3022

SUSTAITA, AIDE A  
COLORADO RIVER RANCHETTE RESIDENT  
19301 BARB RD  
CEDAR CREEK TX 78612-3001

TCEQ PERMIT NO. WQ0004941000

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

APPLICATION BY  
  
SYNAGRO OF TEXAS – CDR, INC.

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BEFORE THE  
20 NOV 17 PM 1:19  
TEXAS COMMISSION ON  
CHIEF CLERKS OFFICE  
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 Synagro of Texas – CDR, Inc.’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: Shirley Adams, Robin Greenlee, Sue Mungo, Charles and Kay Prather, George and Jennie Rohrbough, Elizabeth Rush, Hilde Sanders, Salvador Sarmiento, and Aide Sustaita. 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 Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at <http://www.tceq.texas.gov>.

**BACKGROUND**

Description of Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the beneficial land application of Class B sewage sludge at a rate not to exceed 12 dry tons per acre per year on Fields 1, 2, 5, and 6; 9.34 dry tons per acre per year on Field 3; 11.65 dry tons per acre per year on Field 4; 5.56 dry tons per acre per year on Field 10; and 8.34 dry tons per acre per year on Field 11. The land application fields are located on a total of 635.06 acres within the 960 acre site. The land application site is located at 510 Empedrado Drive, at the intersection of Highway 71 and Empedrado Drive, approximately 10 miles east of the Austin-Bergstrom International Airport, in Bastrop and Travis Counties, Texas 78612. The land application site is located in the drainage area of the Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin.

Procedural Background

The permit application was received on September 7, 2010, and declared administratively complete on February 16, 2011. The Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit (NORI) was published on March 10, 2011 in *iahora sí!* (Spanish), and on March 14, 2011 in the *Austin-American Statesman*

(English). The Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (NAPD) was published on July 11, 2011 in the *Austin-American Statesman* (English), and on July 14, 2011 in *iahora sí!* (Spanish). The public comment period ended on August 15, 2011. 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 (76<sup>th</sup> Legislature, 1999).

## COMMENTS AND RESPONSES

### **COMMENT 1:** (Runoff)

Shirley Adams, Salvador Sarmiento, and Aide Sustaita raised concerns about runoff from the proposed land application site. Shirley Adams raised concern about runoff into the Colorado River. Salvador Sarmiento and Aide Sustaita expressed concern that hazardous sludge materials may adversely affect their property, and the property of other homeowners in the Colorado River Ranchette subdivision. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge would pollute the land and the Colorado River.

### **RESPONSE:**

If issued, the draft permit would authorize the beneficial land application of Class B sewage sludge. 30 TAC § 312.44 requires that sewage sludge be uniformly applied to the surface of land, under conditions that prevent runoff of sludge beyond the active application area. Permittees may only apply sludge at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate), thus ensuring that the nutrients are fully utilized by the plants and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies. 30 TAC § 312.8 defines the agronomic rate as the whole sludge application rate (dry weight basis) designed to: provide the amount of nitrogen needed by the crop or vegetation grown on the land; and minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

Additionally, the TCEQ has established required management practices to protect against surface and groundwater contamination that have been incorporated into Section VI of the draft permit. In accordance with 30 TAC § 312.44(h), the draft permit requires that:

1. sludge be applied uniformly over the surface of the land;
2. sludge not be applied to areas where permeable surface soils are less than two feet thick;
3. sludge not be applied during rainstorms or during periods in which surface soils are water-saturated;

4. sludge not be applied to any areas having a slope in excess of eight percent; and
5. where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected.

Executive Director staff has also reviewed the application to determine if the proposed land application site has adequate buffer zones between it and any private wells, sources of public water supply, conduits to groundwater, and any surface water bodies. Specifically, 30 TAC § 312.44(c) requires the following buffer zones for land application areas:

1. 750 feet from established schools, institutions, businesses, or occupied residential structures;
2. 500 feet from any public water supply well, intake, public water supply spring or similar source, public water treatment plant, or public water supply elevated or ground storage tank;
3. 200 feet from any solution channels, sinkholes, or other conduits to groundwater;
4. 150 feet from any private water supply well; and
5. 50 feet from public rights of way or property boundaries.

In order to protect surface water, 30 TAC § 312.44(c) requires a 200 foot buffer zone if the sludge is not incorporated (i.e., not mixed evenly through the top three inches of soil). If the land application site is located in a major sole-source impairment zone, the 200 foot buffer zone must maintain a vegetative cover. If the sludge is incorporated (i.e., mixed evenly through the top three inches of soil), 30 TAC § 312.44(c) requires a 33-foot vegetative buffer zone.

As with any material used in agriculture, it is likely that small amounts of these materials will be carried offsite during major rain events. However, the aforementioned limitations on land application should provide sufficient protection for the surrounding areas, while the dilution factor from heavy rain events should also help prevent the contamination of surrounding areas. Materials discharged during rain events should be no more harmful than other materials commonly used in agriculture. The Executive Director has reviewed the application and developed a draft permit that complies with all federal and state statutory and regulatory requirements governing the beneficial land application of Class B sewage sludge.

**COMMENT 2:** (Location)

Robin Greenlee, Elizabeth Rush, and Hilde Sanders commented on the location of the proposed land application area. Robin Greenlee expressed concern about the proximity of the proposed land application site to the Colorado River. Elizabeth Rush expressed concern about the proximity of the proposed “plant” to an existing “plant” in

Del Valle, and traffic constraints on Highway 71. Finally, Hilde Sanders expressed concern about the proximity of the proposed land application site to her home.

**RESPONSE 2:**

The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Specifically, the beneficial land use permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. Accordingly, the TCEQ does not have a statutory basis to mandate that the Applicant choose an alternate location for its proposed facility under Texas Water Code (TWC) § 26.027. Traffic concerns are outside of the scope of the normal evaluations of a beneficial land use permit application. Finally, the proposed activity authorized by the draft permit is the beneficial land application of Class B sewage sludge; not the operation of a wastewater treatment plant.

As discussed in Response 1, 30 TAC § 312.44(c) requires a permittee to maintain a 750 foot buffer zone from any occupied residential structures. Based on the information provided in the application, the Applicant appears to have met this buffer zone requirement. 30 TAC § 312.44(c) also requires a permittee to maintain a 200 foot buffer zone if the sludge is not incorporated, and a 33 foot vegetative buffer zone if the sludge is incorporated. Based on the information provided in the application, the Applicant appears to meet the surface water buffer zone requirements.

**COMMENT 3:** (Odor and Air Quality)

Charles and Kay Prather, George and Jennie Rohrbough, Hilde Sanders, Salvador Sarmiento, and Aide Sustaita raised concerns about odor emanating from the proposed land application site. Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita commented that odor from the proposed land application site would prevent them from comfortably enjoying the outdoors. Charles and Kay Prather, and George and Jennie Rohrbough expressed concern that the sludge would produce toxins that would be released into the air.

**RESPONSE 3:**

Both TCEQ rules and required management practices incorporated into the draft permit mandate that the Applicant control nuisance odors. 30 TAC § 312.44(j) requires a land application site to be selected and operated in a manner to prevent public health nuisances. As previously mentioned, buffer zone restrictions prohibit the land application area to be located within 750 feet of a business or occupied residential structure, and within 50 feet from a public right of way or property boundary in order to minimize any off site odor problems. If necessary or when significant nuisance conditions occur, a site operator is required to minimize objectionable odors through incorporation of sewage sludge into the soil or by taking some other type of corrective

action. If the Applicant operates the site in a manner that is consistent with TCEQ rules and the provisions of the draft permit, the Executive Director does not anticipate that nuisance odor conditions will occur.

If members of the public experience nuisance odor conditions from the proposed application area, they may contact the TCEQ Region 11 Office at (512) 339-2929 or call the toll free 24-hour complaints hotline at 1-888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.texas.gov/complaints>. On a complaint basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. In addition, the draft permit does not limit the ability to seek legal remedies regarding any potential 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 4:** (Water Wells)

Charles and Kay Prather, George and Jennie Rohrbough, Salvador Sarmiento, and Aide Sustaita expressed concern that the proposed beneficial land application of Class B sewage sludge could contaminate the water wells of nearby property owners.

**RESPONSE 4:**

Buffer zone restrictions and required management practices incorporated into the draft permit are meant to be protective of nearby water wells. As previously mentioned, 30 TAC § 312.44(c) prohibits the proposed land application area from being located within 500 feet from a public water supply well and 150 feet from a private water supply well. Additionally, the draft permit requires the Applicant to apply sludge at a rate equal to the agronomic rate, thus ensuring that nutrients are fully utilized by the plants being grown and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies. Where runoff of sludge from the active application area is evident, the site operator must cease further sludge application until the condition is corrected. If the site is operated in a manner that is consistent with TCEQ rules and the provisions of the draft permit, the beneficial land application of Class B sewage sludge should not affect nearby property owners' water wells.

**COMMENT 5:** (Notice)

Charles and Kay Prather, and George and Jennie Rohrbough raised concerns about whether public notice of the application was adequate.

**RESPONSE 5:**

30 TAC § 312.13(b)(3) provides that public notice for Class B sewage sludge beneficial land use permit applications must be provided under 30 TAC Chapter 39

(relating to Public Notice) and under TWC § 5.552. An applicant is required to publish NORI and NAPD notice in the newspaper of largest circulation in the county in which the facility is located or proposed to be located, or, if the facility is located in a municipality, the applicant is required to publish the NORI and NAPD notice in any newspaper of general circulation in the municipality. See 30 TAC §§ 39.418, 39.419, and 39.551. Both the NORI and the NAPD are required to be published in an alternative language publication when certain conditions are met. See 30 TAC §§ 39.418(b)(1) and 39.419(b). Alternative language notification is required when either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC § 89.1205(a), and one of the following conditions is met: (A) students are enrolled in a program at that school; (B) students from that school attend a bilingual education program at another location; or (C) the school that otherwise would be required to provide a bilingual education program waives out of this requirement under 19 TAC § 89.1207(a). See 30 TAC § 39.405(h)(2). The notice must be published in a newspaper or publication that is published primarily in the alternative languages in which the bilingual education program is or would have been taught, and the notice must be in those languages. See 30 TAC § 39.405(h)(4).

In addition to the text required by 30 TAC § 39.411, the text of the public notice for a Class B sewage sludge beneficial land use permit must contain the anticipated date of the first land application of sludge to the proposed land application unit. See 30 TAC § 312.13(b)(3)(A). In addition to providing mailed notice to those persons identified by 30 TAC §§ 39.413 and 39.551, an applicant for a new Class B sewage sludge beneficial land use permit is required to notify by registered or certified mail each owner of land located within 1/4 mile of the proposed land application unit who lives on that land. See *Id.*

As previously mentioned, Spanish language NORI notice in was published on March 10, 2011 in *iahora sí!*, and English language NORI notice was published on March 14, 2011 in the *Austin-American Statesman*. English language NAPD notice was published on July 11, 2011 in the *Austin-American Statesman*, while Spanish language NAPD notice was published on July 14, 2011 in *iahora sí!* The information currently before the Executive Director indicates that the Applicant complied with applicable TCEQ notice rules.

**COMMENT 6:** (Environmental Equity)

Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed land application site was chosen due to the fact that the Colorado River Ranchette neighborhood “is mainly made of poor to middle-class families” who were unlikely to object to the proposed beneficial land application of Class B sewage sludge.

**RESPONSE 6:**

The TCEQ has made a strong policy commitment to address environmental equity by creating the Environmental Equity Program within the Office of the Chief Clerk. This program works to help citizens and neighborhood groups participate in the regulatory process; to ensure that the program works to help citizens and neighborhood groups participate in the regulatory process; to ensure that agency programs that may affect human health or the environment operate without discrimination; and to make sure citizens' concerns are considered thoroughly and are handled in a way that is fair to all.

Individuals may raise environmental equity or environmental justice concerns with TCEQ staff through a toll free number, 1-800-687-4040, or at the following address, phone, and fax numbers:

Environmental Equity  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087  
Tel: 512-239-2566  
Fax: 512-239-3311

Additional information on environmental equity can be found at the following TCEQ website: <http://www.tceq.texas.gov/agency/hearings/envequ.html>.

**COMMENT 7:** (Wildlife and Vectors)

Shirley Adams asked how the applicant could protect wildlife from feeding on the sewage sludge after it is land applied. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge will attract insects.

**RESPONSE 7:**

30 TAC § 312.82(b)(3)(E) provides that animals must not be allowed to graze on the land application area for at least 30 days after Class B sewage sludge is applied. Class B sewage sludge intended for beneficial land use is required to be treated to reduce vector attraction, such as rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents. 30 TAC § 312.83 requires specific methods of vector attraction reduction, such as reduction of the mass of volatile solids by 38%, Specific Oxygen Uptake Rate (SOUR) testing, and time requirements associated with sludge injection below land or sludge incorporation into the soil. Should such a problem occur, it would be considered a public health nuisance; which the draft permit and TCEQ rules specifically prohibit.

If members of the public experience public health nuisance conditions from the proposed application area, they may contact the TCEQ Region 11 Office at (512) 339-

2929 or call the toll free 24-hour complaints hotline at 1-888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.texas.gov/complaints>. On a complaint basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. In addition, the draft permit does not limit the ability to seek legal remedies regarding any potential 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 8:** (Property Values, Business, and Quality of Life)

Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita commented that the proposed beneficial land application of Class B sewage sludge will adversely affect the value of their property. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge would “ruin business” and “make life unbearable.”

**RESPONSE 8:**

The TCEQ’s jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Specifically, the beneficial land use permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state’s rivers, lakes, and coastal waters. As such, issues such as property values, impacts on local businesses, and general quality of life concerns are outside of the scope of the normal permit application review process.

**COMMENT 9:** (Composition/Source of Class B Sewage Sludge)

Charles and Kay Prather, and George and Jennie Rohrbough asked where the Class B sewage sludge was coming from and whether it was human or hazardous.

**RESPONSE 9:**

In its application, the Applicant has indicated that it will accept sewage sludge from the Carl Miller Lime Stabilization Facility, a domestic sewage sludge processing facility (TPDES Permit No. WQ0003893000). If issued, the draft permit would authorize the beneficial land application of Class B sewage sludge. 30 TAC § 312.8 defines “Class B sewage sludge” as sewage sludge meeting one of the pathogen reduction requirements in 30 TAC § 312.82(b). 30 TAC § 312.82(b) provides that in order to be considered Class B sewage sludge, the sewage sludge must be treated using one of the Processes to Significantly Reduce Pathogens (PSRP) described in Part 503 of Title 40 of the Code of Federal Regulations (40 C.F.R. § 503) or an equivalent process approved by the U.S. Environmental Protection Agency. These pathogen reduction requirements must be met before the sewage sludge may be land applied.

Treated and stabilized sewage sludge can be applied to the land to enhance and improve the structure of the soil. Sewage sludge is also applied as a soil amendment to supply nutrients to plants and vegetation grown on land. The TCEQ promotes the recycling of treated sewage sludge to benefit crop production and improve soil structure, while also reducing the amount of sewage sludge that is sent to landfills.

**COMMENT 10:** (Affected Person)

Sue Mungo, Chairman of the Haynie Chapel United Methodist Church in Garfield, Texas, commented that the church would not likely be impacted by the proposed beneficial land application of Class B sewage sludge. Sue Mungo commented that she had no reason to believe that the church would be considered an “affected person.”

**RESPONSE 10:**

The Executive Director acknowledges these comments.

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

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

Respectfully submitted,  
Texas Commission on Environmental Quality

Mark R. Vickery, P.G.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

By



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Timothy J. Reidy, Staff Attorney  
Environmental Law Division  
State Bar No. 24058069  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Tel: (512) 239-0969

Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE  
DIRECTOR OF THE TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY

**CERTIFICATE OF SERVICE**

I certify that on November 17, 2011, the "Executive Director's Response to Public Comment" for TCEQ Permit No. WQ0004941000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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Timothy J. Reidy, Staff Attorney  
Environmental Law Division  
State Bar No. 24058069