

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING AND NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR WATER QUALITY TPDES PERMIT AMENDMENT

PERMIT NO. WQ0013796001

APPLICATION AND PRELIMINARY DECISION. 8 Mile Park, L.P., 6300 West Loop South, Suite 100, Bellaire, Texas 77401, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013796001 to authorize a reduction in the frequency of monitoring requirements for *E.coli* bacteria from five times per week to once per quarter. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 7,200 gallons per day. The TCEQ received this application on May 13, 2014.

The domestic wastewater treatment facility is located in the Autumn Shadows Subdivision on the south side of State Highway 35 approximately 570 feet east of the intersection of State Highway 35 and Farm-to-Market Road 1459, in Brazoria County, Texas 77480. The treated effluent is discharged to a drainage ditch; thence to an unnamed tributary; thence to a pond; thence to an unnamed tributary; thence to the San Bernard River Tidal in Segment No. 1301 of the Brazos-Colorado Coastal Basin. The unclassified receiving water uses are minimal aquatic life use for drainage ditch, unnamed tributaries and limited aquatic life use for the pond. The designated uses for Segment No. 1301 are high aquatic life use and primary contact recreation. In accordance with 30 Texas Administrative Code (TAC) § 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in San Bernard River Tidal which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The Permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Angleton Library, 401 East Cedar, Angleton, Texas. This link to an electronic map of

the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.098333&lng=-95.688333&zoom=13&type=r>

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because the Executive Director of the TCEQ has determined that there is a significant degree of public interest in the application. The purpose of the public meeting is to provide the opportunity to submit comments or to ask questions about the application.

The public meeting will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application and the Executive Director's preliminary decision, but these informal comments made during the informal period will not be considered by the Commissioners before reaching a decision on the permit and no formal response will be made. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all timely, relevant and material, or significant formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a mailing address. Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.

**The Public Meeting is to be held:
Tuesday, August 4, 2015 at 7:00 PM
West Columbia Civic Center
516 E. Brazos Avenue
West Columbia, Texas 77486**

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitted public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing list will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address; phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be

adversely affected by the facility in a way not common to the general public; and the statement “I/we request a contested case hearing.” If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group’s representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member’s location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group’s purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission’s decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director’s decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the meeting to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www.tceq.texas.gov/about/comments.html>. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our website at www.tceq.texas.gov. All written public comments must be received by the Office of the Chief Clerk at the noted address within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

Further information may also be obtained from 8 Mile Park, L.P., 6300 West Loop South, Suite 100, Bellaire, Texas 77401 or by calling Ms. Elizabeth Andaverde, Environmental Consultant, Source Environmental, at (713) 621-4474.

Persons with disabilities who need special accommodations at the meeting should call the Office of Public Assistance at the number above or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Issued: June 24, 2015