

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 20, 2022

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

Re: Application from the City of Granbury for new TPDES Permit No.
WQ0015821001, TCEQ Docket No. 2021-1001-MWD, SOAH Docket No.
582-22-0585

Dear Ms. Gharis:

I have enclosed the Executive Director's Reply to Exceptions to the Proposal for Decision. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mattie Isturiz".

Mattie Isturiz
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing list

**SOAH Docket No. 582-22-0585
TCEQ Docket No. 2021-1001-MWD**

Application from the City of	§	Before the State Office of
Granbury for new Texas Pollutant	§	
Discharge Elimination System Permit	§	
No. WQ0015821001	§	Administrative Hearings

Executive Director’s Reply to Exceptions to the Proposal for Decision

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) provides the following reply to the exceptions to the proposal for decision (PFD) filed by the Protestants. The ED has no reply to the City of Granbury’s (Granbury) exceptions to the PFD. While the ED’s recommendation as detailed in its closing argument, reply to closing arguments, and exceptions to the PFD has not changed, the ED offers the following based on the record to respond to arguments made by the Protestants.

II. Dissolved Oxygen (DO) Variance

Protestants claim on page 9 of their exceptions to the PFD that the ED and ALJs state that a 0.20 mg/L DO variance is not justified for permits with a “chemical biological oxygen demand” (CBOD₅) limits of 20 mg/L or 30 mg/L. The Protestants further state that the draft permit contains a CBOD₅ concentration limit of 30 mg/L and thus the variance allowance is not appropriate.

Neither the draft permit nor the effluent limits originally proposed by Granbury include a CBOD₅ concentration limit of 20 or 30 mg/L. The originally proposed CBOD₅ limit and the CBOD₅ limit contained in the draft permit are **5 mg/L** for both proposed flow phases, as demonstrated in the application and the draft permit. Additionally, CBOD₅ stands for “carbonaceous biochemical oxygen demand,” not “chemical biological oxygen demand.” The 2008 study included in the record as Exhibit ED-24 is clear that the 0.20 mg/L DO variance allowance in model results to demonstrate compliance with the DO criterion standard is conservative for wastewater treatment facilities with 5 mg/L CBOD₅ effluent limits.

III. Conclusion

As the ED has asserted throughout this case, Granbury’s application and the draft permit comply with the applicable federal and state rules and statutes and TCEQ policies, and all the referred issues should be settled in favor of granting the application. After examining the other parties’ exceptions to the PFD, the ED continues to support this position. Therefore, the ED again requests that the Commission adopt the ALJ’s proposed order with the ED’s recommended changes in its exceptions to the PFD and issue the draft permit.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

Toby Baker, Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division

Mattie Isturiz

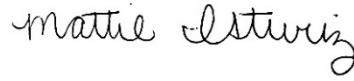
By: _____

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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Certificate of Service

I certify that on July 20, 2022, a copy of the foregoing document was sent by electronic mail to the persons on the attached mailing list.



Mattie Isturiz, Staff Attorney
Environmental Law Division

Mailing List
The City of Granbury
TCEQ Docket No. 2021-1001-MWD
SOAH Docket No. 582-22-0585

For the Applicant:

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For Stacy and Jim Rist & Bennett's Camping Center and RV Ranch:

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For the Office of the Chief Clerk:

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