

TCEQ DOCKET NO. 2022-0326-MWD

APPLICATION BY § BEFORE THE TEXAS  
HARRINGTON TURNER §  
ENTERPRISES, LP and RESTORE THE § COMMISSION ON  
GRASSLANDS, LLC § ENVIRONMENTAL QUALITY  
TPDES PERMIT NO. WQ0015821001 §

EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION

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I. RECOMMENDATION

The Executive Director (ED) recommends that the Commission deny all Requests for Reconsideration.

The ED recommends that the Commission find that the following persons are affected persons and grant their Hearing Requests:

The City of Murphy, The City of Parker, North Texas Municipal Water District, and the following individuals:

1. Mir Abidi
2. Elizabeth Abraham
3. Tracy Allen
4. Roxanne Bogdan
5. Amber Boley
6. Linda Braswell
7. Patrick Calabria and William and Katherine Harvey
8. Kim Caldwell
9. Harold and Hal Camp
10. Lance Caughfield
11. Scott and Wendy Clark
12. Don and Scheri Cloud
13. Ashley Conner
14. Elizabeth Cross
15. Michael, Maya, and Meerna Dalal
16. Harrison, Tim, and Cynthia Daugherty
17. Rick Debus
18. Tami Deweese
19. Jeffry Dwight and Dan Shoop
20. Alicia Evans
21. Shawna Fastnaught
22. Amanda Ferrara
23. Karen Fey
24. Ronald and Judith Friedline
25. Wendy Galarneau
26. Moncy George
27. Michael and Alesha Haynes
28. Margaret Henry
29. Tony and Laura Hernandez
30. Charles Ho
31. John and Jena Holton
32. Deborah Ison
33. Frank and Mary Jackson
34. Mary G. Jackson
35. Alex/Robert and Lauren Jaczak and Patrick Hoare
36. Rico Jones and Ariel Tonnu
37. Jason Lampier
38. Kay Learned
39. Greg and Susan Ligon
40. John and Angelque Loncar
41. Steve and Linda Loop
42. Edwin and Dianne Lundberg
43. Andrew and Mayela Malczewski
44. Tom and Jessica Marshall
45. Teral McDowell
46. James andCarolynn Moebius
47. Jose Muller
48. Amit Nangia and Ranjani Venkataraman
49. Ludwig and Lynne Orozco
50. Lee Perttle
51. Emily Plummer
52. Heather Powell
53. Soumit and Sylvia Roy
54. Kimberly Ryan
55. Rhonda Salas
56. Asit Sankar
57. Frank Sarris
58. Ryan and Ashley Sekimoto
59. James Spivey
60. Ed Standridge and Dave Cooper
61. Brendan and Hilary Sturges
62. Sabrina Syed
63. Patrick Taylor
64. Helena Thompson
65. Mayra Trejo
66. Leticia Trevino
67. Sunil and Sreelaxmi Unnikrishnan
68. Gordy and Diane Viere
69. Ashley Wilson
70. Matthew Wilson
71. Carol Wolniewicz
72. Robert and Katherine Wunderlich

The ED recommends that the Commission refer the following issues to the State Office of Administrative Hearings (SOAH) for a Contested Case Hearing (CCH):

**Issue 1.** Whether the draft permit is protective of wildlife and wildlife habitats (RTC Responses 81, 82, 83, and 85);

**Issue 2.** Whether the draft permit is protective of human health and safety (RTC Responses 85 and 107);

**Issue 3.** Whether the draft permit adequately controls nuisance odors (RTC Response 109);

**Issue 4.** Whether the Applicants substantially complied with all notice requirements (RTC Responses 49, 50, and 52 - 58);

**Issue 5.** Whether the proposed facility will impact the requestors' use and enjoyment of their property (RTC Response 108);

**Issue 6.** Whether the Applicants complied with Texas Water Code §§ 26.081 and 26.0282 and TCEQ's regionalization policy (RTC Responses 25 and 26);

**Issue 7.** Whether the draft permit will impact surface and/ or ground water quality (RTC Responses 2 and 13);

**Issue 8.** Whether the proposed discharge will create excessive algal growth (RTC Response 6);

**Issue 9.** Whether the Applicants completed the application adequately and sufficiently (RTC Responses 34, 37 - 40, 42, and 75);

**Issue 10.** Whether the antidegradation review complies with TCEQ's rules (RTC Response 16);

**Issue 11.** Whether the Applicants are legal entities (RTC Response 33);

**Issue 12.** Whether the proposed facility complies with applicable siting requirements in Chapter 309 of the TCEQ's rules (RTC Response 18);

**Issue 13.** Whether the draft permit includes adequate provisions to control vectors (RTC Response 87);

**Issue 38.** Whether draft permit's monitoring requirements comply with the TCEQ's rules (RTC Response 79);

**Issue 45.** Whether the Applicants' compliance history raises any issues regarding the Applicants' ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit (RTC Response 76); and

**Issue 46.** Whether the proposed nutrient limits comply with TSWQS (RTC Responses 7 - 11).

**Included with this filing is Attachments A through G – The ED's maps and key showing the location of the hearing requestors.**

## II. INTRODUCTION

The ED of the Texas Commission on Environmental Quality (TCEQ) files this Response to Hearing Requests and Requests for Reconsideration (Response) on the application submitted by Harrington Turner Enterprises, LP and Restore the Grasslands, LLC (Applicants) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001.

The following entities submitted timely hearing requests:

1. The City of Murphy (Murphy)
2. The City of Parker (Parker)
3. North Texas Municipal Water District (NTMWD)

The following persons submitted timely hearing requests:

- |   |   |   |
|---|---|---|
| 1. Mir Abidi  | 21. Concerned Citizen                       | 41. Karen Fey   |
| 2. Elizabeth Abraham  | 22. Scott and Wendy Clark                   | 42. Linda Fletcher  |
| 3. Tracy Allen  | 23. Don and Scheri Cloud                    | 43. Ronald and Judith<br>Friedline                                  |
| 4. Ashvin Amin  | 24. Ashley Conner                           | 44. Shannon Frost   |
| 5. Lynette Ammar  | 25. Elizabeth Cross                         | 45. Wendy Galarneau   |
| 6. Amber Boley  | 26. Vivian Dang                             | 46. Boyd and Elizabeth<br>Geiger                                    |
| 7. David Angeles  | 27. Harrison, Tim, and<br>Cynthia Daugherty | 47. Moncy George  |
| 8. Jennifer Berthiaume                                      | 28. Michael, Maya, and<br>Meerna Dalal      | 48. Dan and Mary Gould  |
| 9. Kristen Bewley   | 29. Timothy and Ellen<br>Davis              | 49. Suzan Grabow  |
| 10. Roxanne Bogdan  | 30. Rick Debus                              | 50. Colleen Halbert   |
| 11. Linda Braswell  | 31. Laura Deel                              | 51. Michael and Alesha<br>Haynes                                    |
| 12. Robert and Zdenka<br>Bucci                              | 32. Tami Deweese                            | 52. Ray and Ruth Hemmig   |
| 13. Jene Butler   | 33. Barbara Dube                            | 53. Margaret Henry  |
| 14. Julian and Kathleen<br>Calabria                         | 34. Dominique Duncan                        | 54. William and Mary<br>Henshaw and Robert<br>and Rebecca Fernandez |
| 15. Patrick Calabria and<br>William and Katherine<br>Harvey | 35. Jeffry Dwight and Dan<br>Shoop          | 55. Tony and Laura<br>Hernandez                                     |
| 16. Kim Caldwell  | 36. Zachary Eddy                            | 56. Charles Ho  |
| 17. Harold and Hal Camp                                     | 37. Alicia Evans                            | 57. Tye Holmes  |
| 18. Lance Caughfield  | 38. Judi Evans                              | 58. John and Jena Holton  |
| 19. Arvind Chokhan  | 39. Shawna Fastnaught                       | 59. Deborah Hyatt   |
| 20. Concerned Citizen                                       | 40. Amanda Ferrara                          |   |

- |   |                                 |   |
|---|---------------------------------|---|
| 60. Deborah Ison                                    | 86. Ken and Heidi Meixelsperger | 115. Ed Standridge and Dave Cooper        |
| 61. Frank and Mary Jackson                          | 87. James and Carolyn Moebius   | 116. Travis and Jessica Steel             |
| 62. Mary G. Jackson                                 | 88. James Morris                | 117. Ray Stelchek                         |
| 63. Alex/Robert and Lauren Jaczak and Patrick Hoare | 89. Mary Morris                 | 118. Helen Stephens                       |
| 64. Jani and Miriam Jasadireja                      | 90. Ludwig and Lynne Orozco     | 119. Brendan and Hilary Sturges           |
| 65. Scott Jeffries                                  | 91. Jose Muller                 | 120. Sabrina Syed                         |
| 66. Nicole Jennings                                 | 92. Sami Munassar               | 121. Patrick Taylor                       |
| 67. Brian Jones                                     | 93. Representative Candy Noble  | 122. Carolyn Terando                      |
| 68. Rico Jones and Ariel Tonnu                      | 94. Margaret Palmer             | 123. Lane Theodore                        |
| 69. Melinda Kellerman                               | 95. Elise Peek                  | 124. Helena Thompson                      |
| 70. Lisa Kester                                     | 96. Lee Perttle                 | 125. Mayra Trejo                          |
| 71. Jason Lampier                                   | 97. Jonathan Phelps             | 126. Leticia Trevino                      |
| 72. Kay Learned                                     | 98. Emily Plummer               | 127. Steven Trieu                         |
| 73. Greg and Susan Ligon                            | 99. Heather Powell              | 128. Bethany Ulteig                       |
| 74. Scott Livesay                                   | 100. Lucy Powell                | 129. Sunil and Sreelaxmi Unnikrishnan     |
| 75. John and Angelque Loncar                        | 101. Thomas Powell              | 130. Amit Nangia and Ranjani Venkataraman |
| 76. Steve and Linda Loop                            | 102. Raymond Proctor            | 131. Gordy and Diane Viere                |
| 77. Rudy and Amy Lopez                              | 103. Srinath Ramaswamy          | 132. Alexander Vinyukov                   |
| 78. Joseph and Susan Lozano                         | 104. RC RCHE                    | 133. Jana Waller                          |
| 79. Edwin and Dianne Lundberg                       | 105. Andy Redmond               | 134. Rachel Weeks                         |
| 80. Andrew and Mayela Malczewski                    | 106. Juli Richards              | 135. Holly Wherle                         |
| 81. Ellen Marshall                                  | 107. Soumit and Sylvia Roy      | 136. Greg Williams                        |
| 82. Melinda Marshall                                | 108. Kimberly Ryan              | 137. Ashley Wilson                        |
| 83. Tom and Jessica Marshall                        | 109. Asit Sankar                | 138. Matthew Wilson                       |
| 84. Teral McDowell                                  | 110. Rhonda Salas               | 139. Carol Wolniewicz                     |
| 85. Kevin McGillis                                  | 111. Frank Sarris               | 140. Robert and Katherine Wunderlich      |
|   | 112. Ryan and Ashley Sekimoto   |   |
|   | 113. David Spriggs              |   |
|   | 114. James Spivey               |   |

Any late hearing requestors are not considered or discussed in this Response, unless the requestor(s) also submitted timely hearing requests.

### III. FACILITY DESCRIPTION

The Applicants have applied to TCEQ for new TPDES Permit No. WQ0016003001 to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 0.10 million gallons per day (MGD) in the Interim phase and 0.20 MGD in the Final phase. The Collin County MUD Wastewater Treatment Facility (WWTF) will be an activated sludge process plant operated in the complete mode. Treatment units in the Interim phase will include a bar screen, two aeration basins, a final clarifier, two aerobic digesters, and a chlorine contact chamber. Treatment units in the Final phase will include a bar screen, three aeration basins, a clarifier, three aerobic digesters, and a chlorine contact chamber. The facility has not been constructed.

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

#### *INTERIM PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The annual average flow of effluent shall not exceed 0.10 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 278 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (8.3)	15	25	35
Total Suspended Solids	15 (13)	25	40	60
Ammonia Nitrogen	3 (2.5)	6	10	15
Total Phosphorus	0.5 (0.4)	1	2	3
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	N/A	399

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab

sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

*FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The annual average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (17)	15	25	35
Total Suspended Solids	15 (25)	25	40	60
Ammonia Nitrogen	3 (5)	6	10	15
Total Phosphorus	0.5 (0.8)	1	2	3
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	N/A	399

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

The facility will be located approximately 0.4 miles northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, Texas 75002. The treated effluent will be discharged to Maxwell Creek; thence to Muddy Creek; thence to Lake Ray Hubbard in Segment No. 0820 of the Trinity River Basin. The unclassified receiving water use high aquatic life for Maxwell Creek. The designated uses for Segment No. 0820 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC) Section (§) 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards (TSWQS), 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 Maxwell Creek, 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.

#### **IV. PROCEDURAL BACKGROUND**

The permit application was received on May 26, 2021 and declared administratively complete on August 25, 2021. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on September 2, 2021, in the *Collin County Commercial Record* and in Spanish on September 1, 2021, in the *Al Dia*. The ED completed the technical review of the application on October 18, 2021. The combined Notice of Application and Preliminary Decision (NORI) and Notice of Public Meeting was published in English on October 28, 2021, in the *Collin County Commercial Record* and in Spanish on November 3, 2021, in the *Al Dia*. A Public Meeting was held on December 6, 2021, via webcast. The public comment period ended at the close of the Public Meeting. The hearing request and request for reconsideration period ended on March 14, 2021.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapter 39, 50, and 55. This application is subject to those changes in the law

#### **V. THE EVALUATION PROCESS FOR HEARING REQUESTS**

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the



requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

### **Response to Requests**

The ED, the Public Interest Counsel, and the Applicants may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- whether the requestor is an affected person;
- which issues raised in the hearing request are disputed;
- whether the dispute involves questions of fact or of law;
- whether the issues were raised during the public comment period;
- whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- whether the issues are relevant and material to the decision on the application; and
- a maximum expected duration for the contested case hearing.

30 TAC § 55.209(c).

### **Hearing Request Requirements**

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the ED's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

give the name, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

request a contested case hearing; and

list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

### **Requirement that Requestor be an Affected Person/"Affected Person" Status**

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. 30 TAC § 55.203 sets out who may be considered an affected person.

For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.

Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

whether the interest claimed is one protected by the law under which the application will be considered;

distance restrictions or other limitations imposed by law on the affected interest;

whether a reasonable relationship exists between the interest claimed and the activity regulated;

likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

likely impact of the regulated activity on use of the impacted natural resource by the person;

whether the requestor timely submitted comments on the application which were not withdrawn; and

for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203.

In making affected person determinations, the Commission may also consider, to the extent consistent with case law:

the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;

the analysis and opinions of the ED; and

any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

30 TAC § 55.203(d).

### **Referral to the State Office of Administrative Hearings**

“When the Commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” 30 TAC § 50.115(b). The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

involves a disputed question of fact or a mixed question of law and fact;

was raised during the public comment period by an affected person whose hearing request is granted; and

is relevant and material to the decision on the application.

30 TAC § 50.115(c).

## **VI. ANALYSIS OF THE REQUESTS FOR RECONSIDERATION**

TCEQ received timely Requests for Reconsideration from The City of Parker, Brenda Bement, Greg Blakey, Seth Carroll, Clark and Wendy Scott, Don and Scheri Cloud, Michael, Maya, and Meerna Dalal, Carrie Davis, Greg and Amy Deans, Harry Donaghy, Angel Greely, Michael Haynes, Andrea Hanson, Dustin Henson, Tony and Laura Hernandez, Adam Lalami, John and Angelique Loncar, Rudy and Amy Lopez, April Miller, James andCarolynn Moebius, Jonathan Phelps, Lucy Powell, RC RCHE,

Mary Sanders, Frank Sarris, Sabrina Syed, Marcus Stephens, Hiralben and Tarang Vora, Lisa Walker, Anniece Ward, and Jim Wharton.

Upon reading each request, the ED believes that only Don and Scheri Cloud, Michael Haynes, Angelique Loncar, Amy Lopez, April Miller, Carrolynn Moebius, RC RCHE, Frank Sarris, and Sabrina Syed intended their use of the word “reconsider” to be used as a Request for Reconsideration. Additionally, the requestors that the ED does not believe intended to request reconsideration did not dispute any Responses or provide anything for the ED to reconsider. Furthermore, the requests will become moot if the Commissioners grant any of the hearing requests. For these reasons, the ED provides no analysis on those requests and recommends that the Commission deny such requests.

Angelique Loncar, Amy Lopez, April Miller, RC RCHE, Frank Sarris, and Sabrina Syed did not dispute any specific Responses.

Michael Haynes and Carollynn Moebius disputed the following Responses:

**ED’s Response to Comment Number 16:** The dispute asserts that the reclassification of Maxwell Creek from intermittent to perennial should result in re-notification.

**ED’s Response to Comment Number 18:** The dispute asserts that, although TCEQ does not have jurisdiction over flooding, TCEQ should reconsider whether Maxwell Creek can accept the proposed discharge volume without overflowing the banks.

**ED’s Response to Comment Number 37:** The dispute asserts that reconsideration is required due to misrepresentations in the application. These misrepresentations include, but are not limited to, the accuracy of the city listed as closest to the outfall, the buffer zone map, the listed water uses, and the listed aesthetics.

**ED’s Response to Comment Number 49, 50, and 52:** The dispute asserts that notice was inadequate.

Ms. Moebius also stated that TCEQ did not consider the impact of the permit on the presence of the underground stream described by Charlie Flanigen and in videos Ms. Moebius submitted. However, groundwater concerns were addressed in Response 13.

Ms. Moebius also stated that the ED did not reply to any of NTMWD’s comments. While NTMWD was omitted from the Response to Comments (RTC) due to a clerical error, all of their comments and concerns were raised by other commenters and were therefore addressed in the RTC. This is further discussed later in this document when analyzing NTMWD’s hearing request.

Don and Scheri Cloud disputed the following Responses:

**ED's Response to Comment Number 16:** The dispute asserts that water quality in Maxwell Creek will be impaired by the permit action; numerical and narrative criteria to protect existing uses in Maxwell Creek will not be maintained; and existing uses in Maxwell Creek will not be maintained and protected. The dispute also asserts that exceptional, high, or intermediate aquatic life uses exist in the discharge route and a Tier 2 review is therefore required.

**ED's Response to Comment Number 83:** The dispute asserts that the proposed discharge will impair federally endangered or threatened aquatic or aquatic-dependent species. The dispute also asserts that EPA review with respect to the presence of endangered or threatened species is required.

**ED's Response to Comment Number 17:** The dispute asserts that effluent levels, limitations, and conditions in the draft permit do not comply with federal and state laws, including the requirement for secondary treatment and disinfection

**Conclusion:** After reviewing the Requests for Reconsideration, the ED did not see any cause for altering the draft permit. Even if the Commission disagrees, the requests will become moot if the Commission grants any of the hearing requests. Because the ED recommends granting several of the hearing requests and continues to support the draft permit, the ED recommends denying all Requests for Reconsideration.

## VII. ANALYSIS OF THE HEARING REQUESTS

The ED has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

### a. Whether the Entities Meet the Affected Person Requirements

#### 1. Murphy

Murphy submitted a timely hearing request in writing; provided the required contact information; and raised the issues that are the basis of its hearing request in its timely comments.

Murphy stated that it is an affected person as it owns four tracts of land directly on the proposed discharge route on Maxwell Creek within one-half mile downstream of the discharge point which are identified on the Applicants' affected landowner map.

Because Murphy owns property along the discharge route, which is shown on the Applicants' affected landowner list, and raises water quality concerns, the ED recommends that the Commission finds that Murphy is an affected person.

## **2. Parker**

Parker submitted a timely hearing request in writing; provided the required contact information; and raised the issues that are the basis of its hearing request in its timely comments.

Parker stated that it is an affected person as it has a WWTF within three miles of the proposed facility and that the proposed facility is within Parker's extraterritorial jurisdiction (ETJ) and is adjacent to Parker's corporate limits.

The ED recommends that the Commission find that Parker is an affected person because the proposed facility would be located in the municipality's ETJ and the City timely raised regionalization concerns, which are relevant and material to the application.

## **3. NTMWD**

As mentioned in the analysis of Requests for Reconsideration, while NTMWD was not named in the RTC due to a clerical error, it was determined that all of the district's comments were raised by other commenters and were therefore addressed in the RTC. However, the ED notes that NTMWD submitted timely comments which were the basis of its hearing request, which was submitted in writing and included the required contact information.

NTMWD stated that it is an affected person because: (1) it was created by the Texas Legislature in 1951 to serve regional water and wastewater needs in the area north and east of Dallas; (2) it has a historic recognition and legal designation by the TCEQ's predecessor agency as the regional service provider for the service area at issue; and (3) its proposed and approved Sister Grove Regional Waste Resource Recovery Facility encompasses the same service area.

Although NTMWD is not an exclusive regional provider under Chapter 351 of the TCEQ's rules, the ED recommends that the Commission find that NTMWD is an affected person due to its statutory authority over or interest in the issues relevant to the application.

### **b. Whether the Individual Requesters Meet the Affected Person Requirements**

#### ***Persons the ED Recommends the Commission Find are Affected Persons***

The ED reviewed the factors found in 30 TAC §§ 55.201(c) and (d), and 55.203 for determining if a person is an affected person and recommends the Commission find that the following groups of people are affected persons.

### **Group 1: persons on the Applicant's Landowner List**

The following persons, found on the map in Attachment G, submitted timely hearing requests in writing, provided the required contact information, and raised the issues that are the basis of their hearing requests in their timely comments.

1. Lance Caughfield (key #20, Applicant #3) raised Issues 1 - 3, 5, 7, 8, 10, 18, 21, 22, 27, 28, 30, and 42.
2. Jeffry Dwight and Dan Shoop (key #40, Applicant #36) raised Issues 1 - 5, 7, 9, 17, 18, 21, 22, 24, 25, 28, and 36.
3. Alicia Evans (key #42, Applicant #16) raised Issues 1 - 3, 17, and 26 - 28.
4. Patrick Calabria and William and Katherine Harvey (key #58, Applicant #22) raised Issues 1, 2, 4, 5, 7, 12, 14, 18, 19, 20 - 22, 24 - 26, 28, and 37.
5. Michael and Alesha Haynes (key #59, Applicant #40) raised Issues 1 - 3, 5, 6, 10, 14, 17, 21, 22, 26 - 28, 31, and 36.
6. Tony and Laura Hernandez (key #64, Applicant #19) raised Issues 1 - 3, 5, 7, 12, 17, 18, 21, 34, 26, and 28.
7. Charles Ho (key #65, Applicant #25) raised Issues 1, 4, 5, 7, 9, 18, 20, 24 - 26, and 28.
8. Steve and Linda Loop (key #86, Applicant #28) raised Issues 1, 4, 18, 22, 24, 26, and 28.
9. James and Carolynn Moebius (key #98, Applicant #42) raised Issues 1 - 7, 9, 12, 13, 17, 22, 26, 28, 32, and 37.
10. Ludwig and Lynne Orozco (key #103, Applicant #24) raised Issues 1, 3 - 5, 7, 9, 14, 17, 18, 21, 22, 24, and 26 - 28.
11. James Spivey (key #125, Applicant #26) raised Issues 4, 18, 22, 24, 26, and 28.
12. Mayra Trejo (key #138, Applicant #27) raised Issues 1, 3, 4, 18, 22, 24, 26, 28, and 36.
13. Amit Nangia and Ranjani Venkataraman (key #143, Applicant #41) raised Issues 1 - 3, 5, 14, 18, 21, 22, 26, 28, and 36.
14. Gordy and Diane Viere (key #144, Applicant #20) raised Issues 1 - 5, 17, 18, 22, 24 - 26, and 28.

The ED has determined that the above persons have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their locations, issues raised, and their personal justiciable interest affected by the application, the ED recommends that the Commission find that the above persons are affected persons because they meet the criteria set out in 30 TAC § 55.203

**Group 2: persons with property located in close proximity to the proposed facility, to the southeast**

The following persons, found on the map in Attachment B, submitted timely hearing requests in writing, provided the required contact information, and raised the issues that are the basis of their hearing requests in their timely comments.

15. Tracy Allen (key #3) raised concerns regarding regionalization and water quality (Issues 6, 7, and 17 - 19).
16. Amber Boley (key #12) raised concerns regarding the ecosystem (Issue 19). Though the ED does not recommend referring Issue 19 to SOAH, the recommendation is based on the issue being subsumed within several other issues the ED recommends the Commission refers, as stated in the Issues list and descriptions below.
17. Kim Caldwell (key #17) raised concerns regarding wildlife, human health, and recreation (Issues 1, 2, 5, 17, 24, and 28).
18. Don and Sheri Cloud (key #23) raised concerns regarding wildlife, human health, odor, notice, recreation, and regionalization (Issues 1 - 7, 9 - 12, 14, 22, 23, 25 - 30, and 42).
19. Ashley Conner (key #26) raised concerns regarding wildlife and water quality (Issues 1, 7, 22, and 28).
20. Michael, Maya, and Meerna Dalal (key #28) raised concerns regarding human health (Issues 2, 13, 17, 18, 19, 22, and 26).
21. Amanda Ferrara (key #45) raised concerns regarding human health (Issues 2 and 17).
22. Jason Lampier (key #80) raised concerns regarding quality of life (Issues 18 and 22). Though the ED does not recommend referring Issue 18 to SOAH, the recommendation is based on the issue being subsumed within several other issues the ED recommends the Commission refers, as stated in the Issues list and descriptions below.
23. Greg and Susan Ligon (key #83) raised concerns regarding notice and regionalization (Issues 4, 6, 22, and 28).
24. John and Angelique Loncar (key #85) stated in their request that they oppose the creation of Collin County MUD No. 7, and referenced the related internal control number, however, their concerns relate to this TPDES application and are therefore considered. The Loncars raised concerns regarding odor (Issues 3 and 22).
25. Edwin and Dianne Lundberg (key #89) raised concerns regarding wildlife, human health, odor, and water quality (Issues 1 - 3, 7, 13, 17, 18, 22, 26, 28, and 31).
26. Teral McDowell (key #94) raised concerns regarding human health (Issues 2 and 17).
27. Heather Powell (key #110) raised concerns regarding water quality (Issues 7 and 17).



28. Soumit and Sylvia Roy (key #118) raised concerns regarding wildlife, human health, odor, notice, recreation, and water quality (Issues 1 - 7, 9, 10, 17 - 19, 21, 22, 26, 34, and 36).
29. Kimberly Ryan (key #119) raised concerns regarding wildlife, human, health, odor, recreation, and water quality (Issues 1 - 3, 5, 7, 17, and 28).
30. Frank Sarris (key #122) raised concerns regarding odor (Issues 3, 22, and 26).
31. Helena Thompson (key #136) raised concerns regarding wildlife, human health, notice, and water quality (Issues 1, 2, 4, and 7).
32. Sunil and Sreelaxmi Unnikrishnan (key #142) raised concerns regarding wildlife, human health, odor, notice, recreation, and water quality (Issues 1 - 5, 7, 17, 18, and 28).
33. Robert and Katherien Wunderlich (key #157) raised concerns regarding odor (Issues 3, 18, 22, 28, and 36).
34. Shawna Fastnaught (key #44) lives approximately 1.25 miles southeast of the proposed facility and raised concerns regarding odor (Issues 1 - 3, 5, 18, 19, 22).
35. Asit Sankar (key #124) lives approximately 1.25 miles east of the proposed facility and raised concerns regarding odor (Issues 1 - 3, 5, 14, 18, 19, 22, and 28).

The ED has determined that the above persons have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their locations, issues raised, and their personal justiciable interest affected by the application, the ED recommends the Commission find that the above persons are affected persons because they meet the criteria set out in 30 TAC § 55.203

**Group 3: persons with property located in close proximity to the proposed facility, to the southwest**

The following persons, found on the map in Attachment C, submitted timely hearing requests in writing, provided the required contact information, and raised the issues that are the basis of their hearing requests in their timely comments.

36. Mir Abidi (key #1) raised concerns regarding wildlife, human health, and odor (Issues 1 - 3 and 17).
37. Elizabeth Abraham (key #2) raised concerns regarding human health, notice, and recreation (Issues 2, 4, 5, and 26).
38. Linda Braswell (key #13) raised concerns regarding wildlife, human health, odor, and water quality (Issues 1 - 3, 7, 17, 18, 22, 24, 25, and 32).
39. Tami Deweese (key #36) raised concerns regarding wildlife, human health, notice, and water quality (Issues 1, 2, 4, 7, 9, 17, 18, 22, 24, 26, and 28).
40. Karen Fey (key #46) raised concerns regarding odor (Issues 3, 17 - 19, and 22).

41. Ronald and Judith Friedline (key #48) raised concerns regarding human health (Issues 2, 18, 22, and 23).
42. Wendy Galarneau (key #50) raised concerns regarding wildlife, human health, recreation, and water quality (Issues 1, 2, 5, 7, 17, 19, 21, 26, and 28).
43. Moncy George (key #52) raised concerns regarding human health (Issues 2 and 17).
44. John and Jena Holton (key #67) raised concerns regarding odor (Issues 3, 18, 19, 26, 17, 22, and 26).
45. Deborah Ison (key #69) raised concerns regarding wildlife, human health, odor, notice, recreation, and water quality (Issues 1 - 5, 7, 9, 17, 22, and 28).
46. Andrew and Mayela Malczewski (key #90) raised concerns regarding wildlife, human health, notice, recreation, regionalization, and water quality (Issues 1, 2, 4 - 7, 9, 13, 14, 17, 21, 22, 24 - 29, 32, 33, 36, 38, and 39).
47. Tom and Jessica Marshall (key #93) raised concerns regarding wildlife, human health, odor, notice, recreation, regionalization, and water quality (Issues 1 - 7, 9, 11, 12, 17, 21, 22, and 25 - 28).
48. Rhonda Salas (key #120) raised concerns regarding odor (Issues 3, 18, and 22).
49. Ryan and Ashley Sekimoto (key #123) raised concerns regarding quality of life (Issues 18, 22, 26, and 28). Though the ED does not recommend referring Issue 18 to SOAH, the recommendation is based on the issue being subsumed within several other issues the ED recommends the Commission refers, as stated in the Issues list and descriptions below.
50. Sabrina Syed (key #133) raised concerns regarding quality of life. (Issues 17 - 19, and 22). Though the ED does not recommend referring Issues 18 and 19 to SOAH, the recommendation is based on the issues being subsumed within several other issues the ED recommends the Commission refers, as stated in the Issues list and descriptions below.
51. Leticia Trevino (key #139) raised concerns regarding wildlife, human health, and water quality. (Issues 1, 2, and 7).
52. Ashley Wilson (key #154) raised concerns regarding wildlife, human health, odor, recreation, and water quality (Issues 1 - 3, 5, 7, 14, 17, 22, and 28).
53. Matthew Wilson (key #155) raised concerns regarding odor, recreation, and water quality (Issues 3, 5, 7, 9, and 26).
54. Alex/Robert and Lauren Jaczak and Patrick Hoare (key #72) live approximately 1.25 miles southwest of the proposed facility and raised concerns regarding wildlife, human health, odor, notice, recreation, and water quality (Issues 1 - 5, 7, 14, 18, 22, 26, 28, 31).

The ED has determined that the above persons have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their locations, issues raised, and their personal justiciable interest affected by the application, the ED

recommends the Commission find that the above persons are affected persons because they meet the criteria set out in 30 TAC § 55.203

**Group 4: persons with property located in close proximity to the proposed facility, to the northeast**

The following persons, found on the map in Attachment D, submitted timely hearing requests in writing, provided the required contact information, and raised the issues that are the basis of their hearing requests in their timely comments.

55. Roxanne Bogdan (key #11) raised concerns regarding wildlife, odor, and water quality (Issues 1, 3, 7, 22, 16, and 28).
56. Harold and Hal Camp (key #18) raised concerns regarding wildlife, odor, notice, and recreation (Issues 1, 3, 4, 18, 22, 24, 26, 28, and 36).
57. Scott and Wendy Clark (key #22) raised concerns regarding wildlife, human health, notice, and recreation (Issues 1, 2, 4, 5, 9, 12, 16, 18, 22, 24, 26, and 28).
58. Elizabeth Cross (key #27) raised concerns regarding wildlife and notice (Issues 1, 4, 18, 22, 24, 26, and 28).
59. Harrison, Tim, and Cynthia Daugherty (key #30) raised concerns regarding wildlife, human health, notice, and water quality (Issues 1, 2, 4, 7, 18, 20, 22, 24 - 26, 28, and 42).
60. Frank and Mary Jackson (key #70) raised concerns regarding wildlife and notice (Issues 1, 4, 14, 18, 19, 22, 24, 26, and 28).
61. Mary G. Jackson (key #71) raised concerns regarding wildlife, human health, odor, and notice (Issues 1 - 4, 17, 18, 22, 35, 26, and 30).
62. Jose Muller (key #101) raised concerns regarding wildlife, water quality, and the application's accuracy (Issues 1, 7, 9, 24, and 28).
63. Emily Plummer (key #109) raised concerns regarding wildlife, human health, odor, notice, and recreation (Issues 1 - 5, 9, 11, 17, 18, 22, 24, 26, 28, 30, 31, and 42).
64. Ed Standridge and Dave Cooper (key #127) raised concerns regarding wildlife, human health, odor, notice, and water quality (Issues 1 - 4, 7, 18, 22, 24, 26, 28, 32, 33, 35, 36, and 38).
65. Brendan and Hilary Sturges (key #132) raised concerns regarding wildlife and notice (Issues 1, 4, 18, 22, 24, 26, and 28).
66. Patrick Taylor (key #134) raised concerns regarding wildlife and notice (Issues 1, 4, 18, 22, 24, 26, and 28).
67. Carol Wolniewicz (key #156) raised concerns regarding notice (Issue 4).

The ED has determined that the above persons have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their locations, issues

raised, and their personal justiciable interest affected by the application, the ED recommends the Commission find that the above persons are affected persons because they meet the criteria set out in 30 TAC § 55.203

**Group 5: persons with property located in close proximity of the proposed facility, to the northwest**

The following persons, found on the map in Attachment E, submitted timely hearing requests in writing, provided the required contact information, and raised the issues that are the basis of their hearing requests in their timely comments.

- 68. Rick Debus (key #34) raised concerns regarding human health (Issues 2 and 17).
- 69. Margaret Henry (key #61) raised concerns regarding human health and notice (Issues 1, 4, 18, 22, 24, 26, and 28).
- 70. Kay Learned (key #82) raised concerns regarding odor and water quality (Issues 3, 7, 17, and 24).
- 71. Lee Perttle (key #106) raised concerns regarding wildlife, human health, and water quality (Issues 1, 2, 7, 17, 18, and 28).
- 72. Rico Jones and Ariel Tonnu (key #137) raised concerns regarding human health, recreation, and water quality (Issues 2, 5, 7, 17, 24, and 28).

The ED has determined that the above persons have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public, and therefore, are affected persons. Based on their locations, issues raised, and their personal justiciable interest affected by the application, the ED recommends the Commission find that the above persons are affected persons because they meet the criteria set out in 30 TAC § 55.203

**Persons the ED Recommends the Commission Find are NOT Affected Persons**

**The following persons did not demonstrate a personal judiciable interest based on their distance from the proposed facility and the Issues raised:**

- 73. Rudy and Amy Lopez (key #87) live within one mile of the proposed facility, but only raised concerns common to the general public (Issues 1, 5, and 18).
- 74. Brian Jones (key #76) lives within one mile of the proposed facility, but only raised concerns common to the general public (Issues 5 and 9).
- 75. Juli Richards (key #117) lives within one mile of the proposed facility, but only raised concerns common to the general public as she is not along the discharge route (Issues 1, 5, 7, and 17).
- 76. Robert and Zdenka Bucci (key #14) live approximately 1.25 miles south of the proposed facility and raised concerns regarding wildlife, human health, recreation, and water quality (Issues 1, 2, 5, 7, 15 - 19, 22, and 28).

77. Alexander Vinyukov (key #145) lives within one mile of the proposed facility, but only raised concerns common to the general public (Issues 1, 5, and 28).
78. Jene Butler (key #15) lives approximately 1.5 southeast of the proposed facility and raised concerns regarding odor (issues 3, 17 - 19, and 22).
79. Vivian Dang (key #29) lives approximately 1.25 miles southeast of the proposed facility and raised concerns regarding wildlife and human health (Issues 1, 2, 17, and 19).
80. Timothy and Ellen Davis (key #32) live approximately 1.25 miles southeast of the proposed facility and raised concerns regarding human health and recreation (Issues 2, 5, 8, 22, 26, and 28).
81. Dominique Duncan (key #39) lives approximately 1.25 miles northeast of the proposed facility and raised concerns regarding human health (Issues 2 and 17).
82. Shannon Frost (key #51) lives approximately 1.5 miles north of the proposed facility and raised concerns regarding recreation (Issues 5, 17, and 26).
83. Dan and Mary Gould (key #53) live just over one mile west of the proposed facility and raised concerns regarding odor and water quality (Issues 3, 7, 18, 22, 24, 26, and 33).
84. Colleen Halbert (key #56) lives just over one mile southwest of the proposed facility and raised concerns regarding wildlife and recreation (Issues 1, 5, and 28).
85. Ray and Ruth Hemmig (key #60) live just over 1.5 miles west of the proposed facility and raised concerns regarding human health (Issues 2, 17, and 22).
86. Nicole Jennings (key #75) lives just under 1.5 miles north of the proposed facility and raised concerns regarding odor (Issues 3 and 22).
87. Lisa Kester (key #78) lives approximately 1.25 miles southwest of the proposed facility and raised concerns regarding water quality (Issues 7, 18, 22, 24, and 27).
88. Lane Theodore (key #81) lives just over one mile west of the proposed facility and raised concerns regarding odor and property values (Issues 3 and 22).
89. Kevin McGillis (key #95) lives approximately 1.5 miles southeast of the proposed facility and raised concerns regarding wildlife, recreation, and regionalization (Issues 1, 5, 6, and 14).
90. Ken and Heidi Meixelsperger (key #96) live approximately 1.25 miles west of the proposed facility and raised issues concerning odor (Issues 3 and 18).
91. Mary Morris (key #100) lives approximately 1.5 miles southeast of the proposed facility and raised concerns regarding wildlife and recreation (Issues 1, 5, and 9).
92. Elise Peek (key #105) lives approximately 1.5 miles southeast of the proposed facility and raised concerns regarding human health (Issues 2, 12, and 28).
93. Jonathan Phelps (key #107 and 108) lives just under 1.5 miles southeast of the proposed facility and raised concerns regarding wildlife, human health, odor, notice, and recreation (Issues 1 - 5, 11, 13, 16, 17, 28, and 30).

94. Helen Stephens (key #130) lives approximately 1.5 miles southeast of the proposed facility and raised concerns regarding human health and regionalization (Issues 2, 6, 9, 26, and 28).
95. Holly Wherle (key #151) lives just under 1.25 miles southeast of the proposed facility and raised concerns regarding wildlife (Issues 1, 22, and 28).

*The following persons only expressed a general opposition to the proposed facility:*

Ashvin Amin, Jani and Miriam Jasadiredja, Thomas Powell, Raymond Proctor, Rachel Weeks, and Greg Williams

*The following persons did not raise any referable issue:*

Lynette Ammar (Issue 28), Barbara Dube (Issue 26), Linda Fletcher (Issues 28 and 29), Boyd and Elizabeth Geiger (Issues 28 and 36), Deborah Hyatt (Issue 22), Lucy Powell (Issue 26), and David Spriggs (Issue 22).

**The following persons did not submit timely comments:**

Scott Livesay and Steven Trieu (Mr. Trieu also did not raise any Issues).

**The Following persons live too far from the proposed facility to be affected:**

David Angeles (key #6), Jennifer Berthiaume (key #8), Kristen Bewley (key #9), Julian and Kathleen Calabria (key #16), Arvind Chokhani (key #21; >10 mi away), Laura Deel (key #35), Zachary Eddy (key #41), Judi Evans (key #43; >10 mi away), Suzan Grabow (key #54; >10 mi away), William and Mary Henshaw and Robert and Rebecca Fernandez (key #62), Tye Holmes (key #66), Scott Jeffries (key #74), Melinda Kellerman (key #77), Joseph and Susan Lozano (key #88), Ellen Marshall (key #91), Melinda Marshall (key #92), James Morris (key #99), Sami Munassar (key #102), Margaret Palmer (key #104), Srinath Ramaswamy (key #114, around the 41/62/104 cluster on bottom right), RC RCHE (key #115; >10 mi away), Andy Redmond (key #116), Travis and Jessica Steel (key #128), Ray Stelchek (key #129),Carolynn Terando (key #135), Bethany Ulteig (key #141), and Jana Waller (key #148).

**The following addresses did not provide a name:**

6001 Ranchview Ct, Parker, TX 75002 and 6002 Ranchview Ct, Parker, TX 75002. The Executive Director recommends that the Commission find that the requestors from these addresses have not complied with the requirement to provide their name with their request.

**The following person provided a P.O. Box and no address:**

Representative Candy Noble submitted a timely hearing request which included a P.O. Box and an address for a District Office in the City of Murphy. However, the request did not provide a property location located near the proposed facility. As a result, Representative Noble has not demonstrated how she has a personal justiciable

interest affected by this application. The Executive Director recommends that the Commission find that Representative Noble has not demonstrated that she is an affected person.

### **c. Whether Issues Raised Are Referable to SOAH for a Contested Case Hearing**

The ED has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.<sup>1</sup> The issues raised for this application and the ED's analysis and recommendations follow.

**Issue 1.** Whether the draft permit is protective of wildlife and wildlife habitats (RTC Responses 81, 82, 83, and 85).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 2.** Whether the draft permit is protective of human health and safety (RTC Responses 85 and 107).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 3.** Whether the draft permit adequately controls nuisance odors (RTC Response 109).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 4.** Whether the Applicants substantially complied with all notice requirements (RTC Responses 49, 50, and 52 - 58).

The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 5.** Whether the proposed facility will impact the requestors' use and enjoyment of their property (RTC Response 108).

The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

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<sup>1</sup> Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

- Issue 6.** Whether the Applicants complied with Texas Water Code §§ 26.081 and 26.0282 and TCEQ’s regionalization policy (RTC Responses 25 and 26).  
The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 7.** Whether the draft permit will negatively affect surface and/ or ground water quality (RTC Responses 2 and 13).  
The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 8.** Whether the proposed discharge will create excessive algal growth (RTC Response 6).  
The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 9.** Whether the Applicants completed the application adequately and sufficiently (RTC Responses 34, 37 - 40, 42, and 75).  
The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 10.** Whether the antidegradation review complies with TCEQ’s rules (RTC Response 16).  
The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 11.** Whether the Applicants are legal entities (RTC Response 33).  
The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 12.** Whether the proposed facility complies with applicable siting requirements in Chapter 309 of the TCEQ’s rules (RTC Response 18).  
The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.
- Issue 13.** Whether the draft permit includes adequate provisions to control vectors (RTC Response 87).  
The issue involves a disputed question of fact, was raised during the comment



period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 14.** Whether the draft permit is protective of native plants (RTC Responses 80, 81, and 84).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 15.** Whether an average discharge rate, rather than a maximum hourly or daily discharge rate, is sufficient to determine impacts on property and wildlife (RTC Response 90).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn. However, it is not relevant and material to the issuance of the draft permit as maximum discharge rates are generally seen in industrial discharge permits. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 16.** Whether the proposed discharge will be safely distributed (RTC Response 89).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 17.** Whether the draft permit is protective of air quality (RTC Responses 3 and 97).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 18.** Whether the proposed facility will negatively affect residents' quality of life (RTC Response 106).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue is subsumed within the numerous issues the ED recommends the Commission refer to SOAH. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 19.** Whether the proposed facility will negatively affect the local ecosystem (RTC Response 81).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue is subsumed within several issues the ED recommends

the Commission refer to SOAH, such as the protection of water quality and wildlife. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 20.** Whether the proposed facility will negatively impact nearby farms (RTC Response 86).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue is subsumed within several issues the ED recommends the Commission refer to SOAH, such as the protection of water quality and wildlife. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 21.** Whether the Applicants incorrectly categorized Maxwell Creek as intermittent (RTC Response 35).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, after a site visit and receipt of new information, the ED staff recategorized Maxwell Creek as perennial in response to comments and altered the effluent parameters accordingly, making this issue moot. Therefore, the ED recommends the Commission not refer the issue to SOAH.

**Issue 22.** Whether the proposed facility will negatively affect surrounding property values and whether that constitutes a taking (RTC Response 105).

The issue involves a disputed question of mixed fact and law, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 23.** Whether the proposed facility violates the City of Murphy or TCEQ's mission statement, Collin County's policy against harm to one's neighbor, or Clymer Meadow Preserve and Parkhill Prairies' conservation efforts (RTC Responses 31 and 32).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 24.** Whether the proposed facility will negatively affect traffic and road quality and access (RTC Responses 21, 22, and 104).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 25.** Whether the draft permit adequately controls noise and light pollution (RTC Response 11).

The issue involves a disputed question of fact, was raised during the comment

period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 26.** Whether the proposed facility's location is appropriate, specifically concerning proximity to schools, homes, and historical areas, and whether alternatives should be considered (RTC Responses 24, 28, 65 - 67, 72, and 73). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 27.** Whether the proposed facility will negatively affect local aesthetics (RTC Response 111). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 28.** Whether the proposed facility will cause excessive flooding or drainage/runoff issues (RTC Responses 18 and 19). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 29.** Whether the proposed facility should include a retention pond and secondary treatment and disinfection (RTC Responses 17 and 20). The issue involves a disputed question of mixed fact and law, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit as facility designs are reviewed and approved after the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 30.** Whether the proposed discharge will contribute to erosion or otherwise negatively alter the landscape (RTC Response 23). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 31.** Whether additional studies must be conducted before issuing the draft permit (RTC Responses 44 - 46, 105, and 107). The issue involves a disputed question of mixed fact and law, was raised during the comment period, and was not withdrawn. However, it is not relevant and material

to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 32.** Whether the proposed subdivision the proposed facility seeks to serve will negatively affect the local schools' capacity (RTC Response 103). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 33.** Whether the proposed facility will negatively affect local crime rates (RTC Response 102). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 34.** Whether the land the proposed facility on should be annexed by the city of Murphy (RTC Response 27). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 35.** Whether the proposed facility will negatively impact local infrastructure (RTC Response 4). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 36.** Whether TCEQ penalties for failing to follow rules and regulations are sufficient (RTC Responses 77 and 99). The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 37.** Whether there is a need for the facility (RTC Response 30). The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue is subsumed within Issue 6. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 38.** Whether draft permit's monitoring requirements comply with the TCEQ's rules (RTC Response 79). The issue involves a disputed question of fact, was raised during the comment

period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission refer the issue to SOAH.

**Issue 39.** Whether the size of the facility is sufficient to adequately treat the effluent and to avoid malfunction (RTC Responses 68).

The issue involves a disputed question of fact, was raised during the comment period and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit because the plans and specifications for a proposed wastewater treatment facility are not submitted for review under Chapter 217 of the TCEQ's rules until after a permit is issued. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 40.** Whether a Tier 2 Antidegradation review is necessary (RTC Responses 68).

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, after a site visit and receipt of new information, TCEQ conducted a Tier 2 review, making this issue moot. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 41.** Whether EPA review of affected, endangered, and threatened species is required (RTC Response 82).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 42.** Whether the proposed discharge is into an EPA-designated non-discharge waterway (RTC Response 64).

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 43.** Whether TCEQ should deny or alter the terms and conditions of the draft permit based on NTMWD's designation as the regional entity to provide service in the Applicant's proposed service area in accordance with the 1972 Order, TWC Chapter 26, and 30 TAC §§ 351.31-35.

The issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit as NTMWD is not an exclusive regional provider. Furthermore, this issue is subsumed within Issue 6. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 44.** Whether TCEQ should deny or alter the terms and conditions of the draft permit based on the proximity of existing sewer facilities already served by

NTMWD’s Wilson Creek, Muddy Creek, and Sister Grove treatment plants. The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. However, this issue is subsumed within Issue 6. Therefore, The ED recommends the Commission not refer the issue to SOAH.

**Issue 45.** Whether the Applicants’ compliance history raises any issues regarding the Applicants’ ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit (RTC Response 76). The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

**Issue 46.** Whether the proposed nutrient limits comply with TSWQS (RTC Responses 7 - 11). The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the ED recommends the Commission refer the issue to SOAH.

### VIII. CONTESTED CASE HEARING DURATION

If there is a contested case hearing on this application, the ED recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

### IX. CONCLUSION

The ED recommends the following actions by the Commission:

The ED recommends that the Commission deny all Requests for Reconsideration.

The ED recommends the Commission find that the following persons are affected persons and grant their Hearing Requests:

The City of Murphy, The City of Parker, North Texas Municipal Water District, and the following individuals:

- |                      |  |  |
|----------------------|--|--|
| 1. Mir Abidi         | 7. Patrick Calabria and William and Katherine Harvey | 12. Don and Scheri Cloud                 |
| 2. Elizabeth Abraham |  | 13. Ashley Conner                        |
| 3. Tracy Allen       | 8. Kim Caldwell                                      | 14. Elizabeth Cross                      |
| 4. Roxanne Bogdan    | 9. Harold and Hal Camp                               | 15. Michael, Maya, and Meerna Dalal      |
| 5. Amber Boley       | 10. Lance Caughtfield                                | 16. Harrison, Tim, and Cynthia Daugherty |
| 6. Linda Braswell    | 11. Scott and Wendy Clark                            |  |

- |   |  |                                      |
|---|--|--------------------------------------|
| 17. Rick Debus                                      | 36. Rico Jones and Ariel Tonnu           | 54. Kimberly Ryan                    |
| 18. Tami Deweese                                    | 37. Jason Lampier                        | 55. Rhonda Salas                     |
| 19. Jeffry Dwight and Dan Shoop                     | 38. Kay Learned                          | 56. Asit Sankar                      |
| 20. Alicia Evans                                    | 39. Greg and Susan Ligon                 | 57. Frank Sarris                     |
| 21. Shawna Fastnaught                               | 40. John and Angelque Loncar             | 58. Ryan and Ashley Sekimoto         |
| 22. Amanda Ferrara                                  | 41. Steve and Linda Loop                 | 59. James Spivey                     |
| 23. Karen Fey                                       | 42. Edwin and Dianne Lundberg            | 60. Ed Standridge and Dave Cooper    |
| 24. Ronald and Judith Friedline                     | 43. Andrew and Mayela Malczewski         | 61. Brendan and Hilary Sturges       |
| 25. Wendy Galarneau                                 | 44. Tom and Jessica Marshall             | 62. Sabrina Syed                     |
| 26. Moncy George                                    | 45. Teral McDowell                       | 63. Patrick Taylor                   |
| 27. Michael and Alesha Haynes                       | 46. James and Carolyn Moebius            | 64. Helena Thompson                  |
| 28. Margaret Henry                                  | 47. Jose Muller                          | 65. Mayra Trejo                      |
| 29. Tony and Laura Hernandez                        | 48. Amit Nangia and Ranjani Venkataraman | 66. Leticia Trevino                  |
| 30. Charles Ho                                      | 49. Ludwig and Lynne Orozco              | 67. Sunil and Sreelaxmi Unnikrishnan |
| 31. John and Jena Holton                            | 50. Lee Perttle                          | 68. Gordy and Diane Viere            |
| 32. Deborah Ison                                    | 51. Emily Plummer                        | 69. Ashley Wilson                    |
| 33. Frank and Mary Jackson                          | 52. Heather Powell                       | 70. Matthew Wilson                   |
| 34. Mary G. Jackson                                 | 53. Soumit and Sylvia Roy                | 71. Carol Wolniewicz                 |
| 35. Alex/Robert and Lauren Jaczak and Patrick Hoare |  | 72. Robert and Katherine Wunderlich  |

The ED recommends the Commission find that all other requestors are not affected persons and deny their hearing requests.

If referred to SOAH, the duration of the hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

If referred to SOAH, refer the following issues as raised by an affected persons as identified by the ED:

**Issue 1.** Whether the draft permit is protective of wildlife and wildlife habitats (RTC Responses 81, 82, 83, and 85);

**Issue 2.** Whether the draft permit is protective of human health and safety (RTC Responses 85 and 107);

**Issue 3.** Whether the draft permit adequately controls nuisance odors (RTC Response 109);

**Issue 4.** Whether the Applicants substantially complied with all notice requirements (RTC Responses 49, 50, and 52 - 58);

**Issue 5.** Whether the proposed facility will impact the requestors' use and enjoyment of their property (RTC Response 108);

**Issue 6.** Whether the Applicants complied with Texas Water Code §§ 26.081 and 26.0282 and TCEQ's regionalization policy (RTC Responses 25 and 26);

**Issue 7.** Whether the draft permit will impact surface and/ or ground water quality (RTC Responses 2 and 13);

**Issue 8.** Whether the proposed discharge will create excessive algal growth (RTC Response 6);

**Issue 9.** Whether the Applicants completed the application adequately and sufficiently (RTC Responses 34, 37 - 40, 42, and 75);

**Issue 10.** Whether the antidegradation review complies with TCEQ's rules (RTC Response 16);

**Issue 11.** Whether the Applicants are legal entities (RTC Response 33);

**Issue 12.** Whether the proposed facility complies with applicable siting requirements in Chapter 309 of the TCEQ's rules (RTC Response 18);

**Issue 13.** Whether the draft permit includes adequate provisions to control vectors (RTC Response 87);

**Issue 38.** Whether draft permit's monitoring requirements comply with the TCEQ's rules (RTC Response 79);

**Issue 45.** Whether the Applicants' compliance history raises any issues regarding the Applicants' ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit (RTC Response 76); and

**Issue 46.** Whether the proposed nutrient limits comply with TSWQS (RTC Responses 7 - 11).



Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker  
Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division

*Mattie Isturiz*

By: \_\_\_\_\_

Mattie Isturiz, Staff Attorney  
Environmental Law Division  
State Bar No. 24120918  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-1283  
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on April 25, 2022, the “Executive Director’s Response to Hearing Requests and Requests for Reconsideration” for Permit No. WQ0016003001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.

*Mattie Isturiz*

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Mattie Isturiz, Staff Attorney  
Environmental Law Division  
State Bar No. 24120918

# Attachment A

# Collin County MUD WWTP

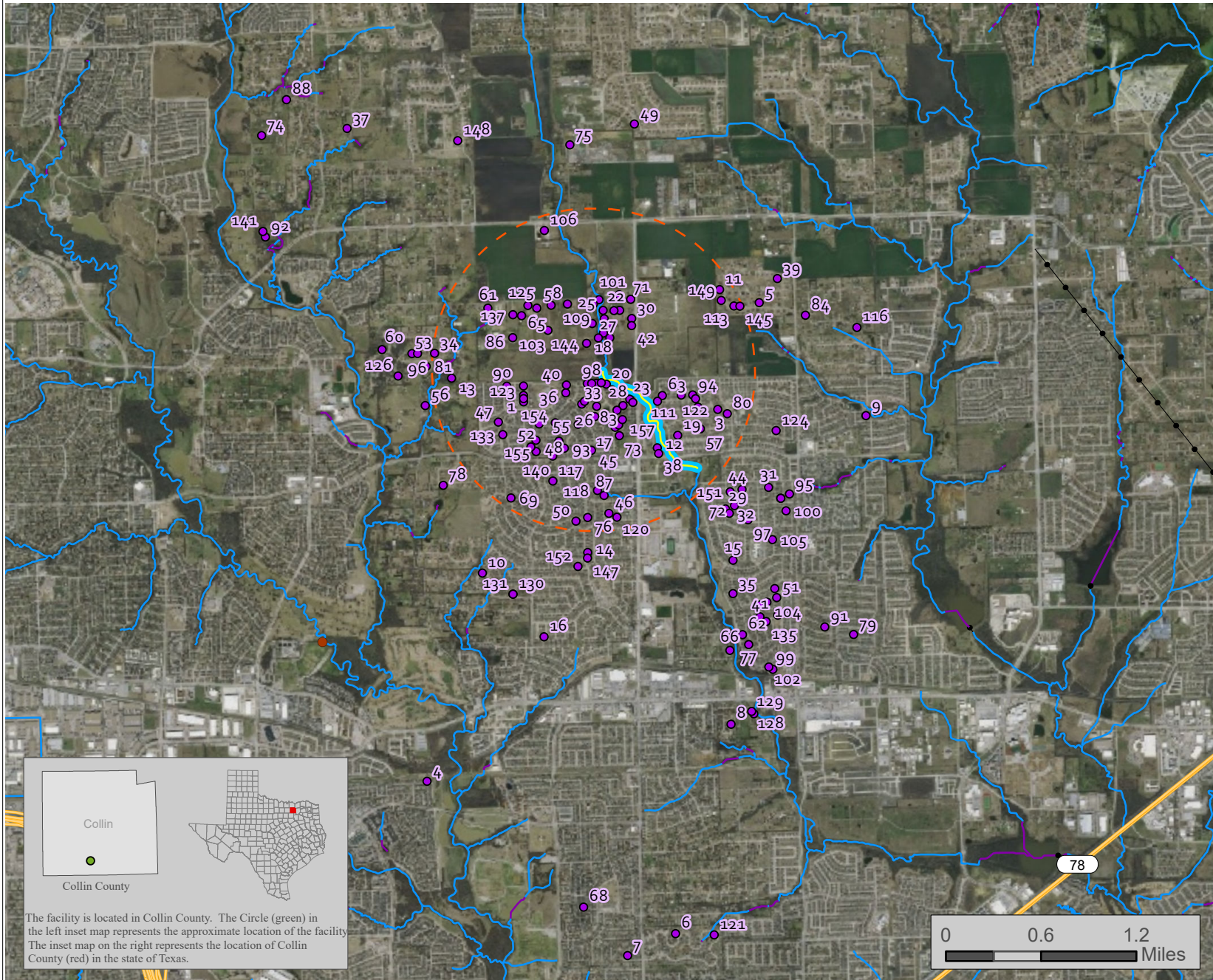
## WQ0016003001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 3/16/2022  
CRF 0068323  
Cartographer: jbartlin



- Requestors
- 1 Mile Discharge
- 1 Mile Radius
- Facility Boundary



The facility is located in Collin County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Collin County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

# Attachment B

# Collin County MUD WWTP

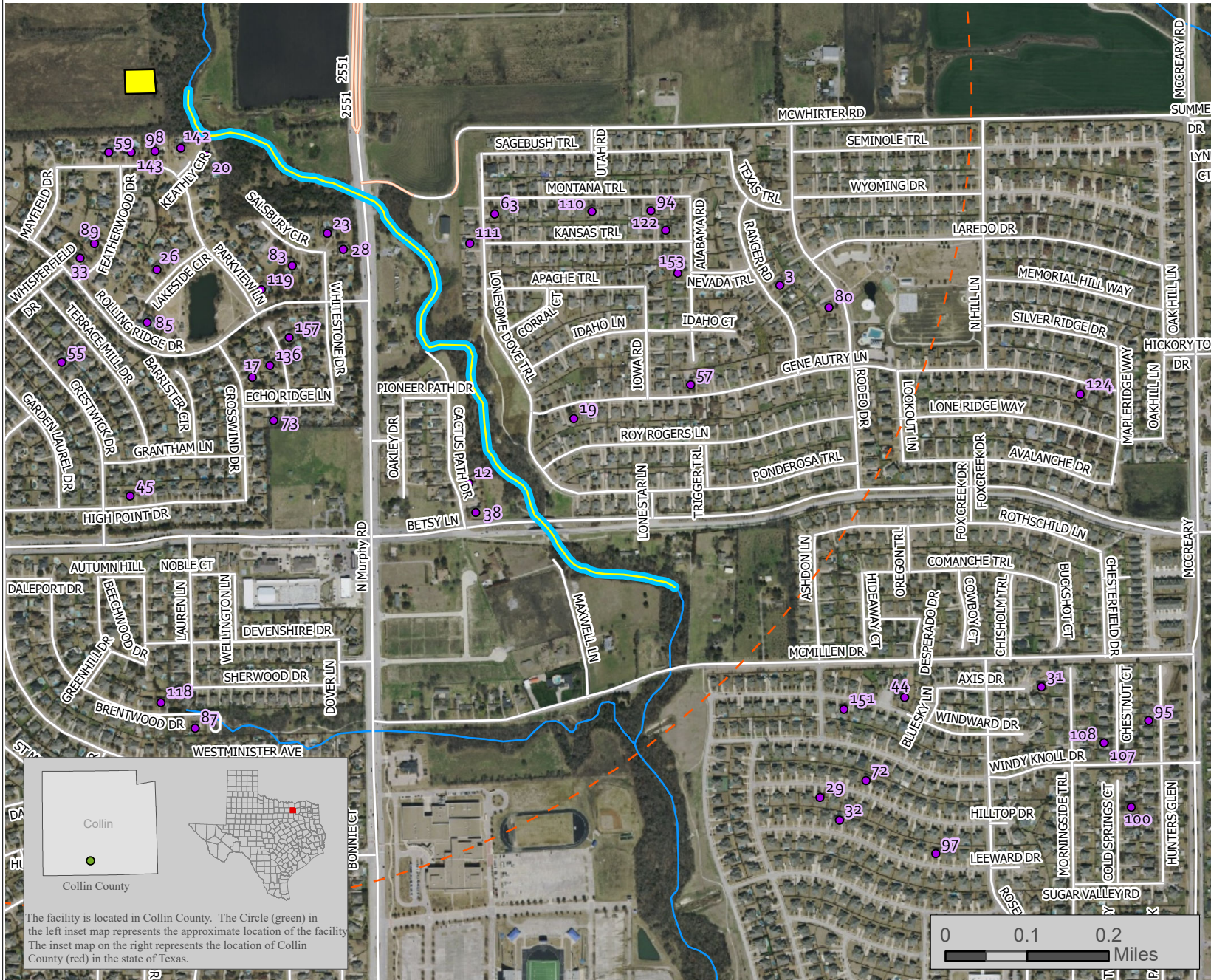
WQ0016003001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

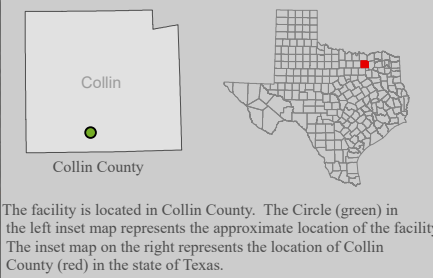


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Date: 3/16/2022  
CRF 0068323  
Cartographer: jbartlin

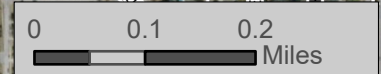


- Requestors
- 1 Mile Discharge
- 1 Mile Radius
- Facility Boundary



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# Attachment C

# Collin County MUD WWTP

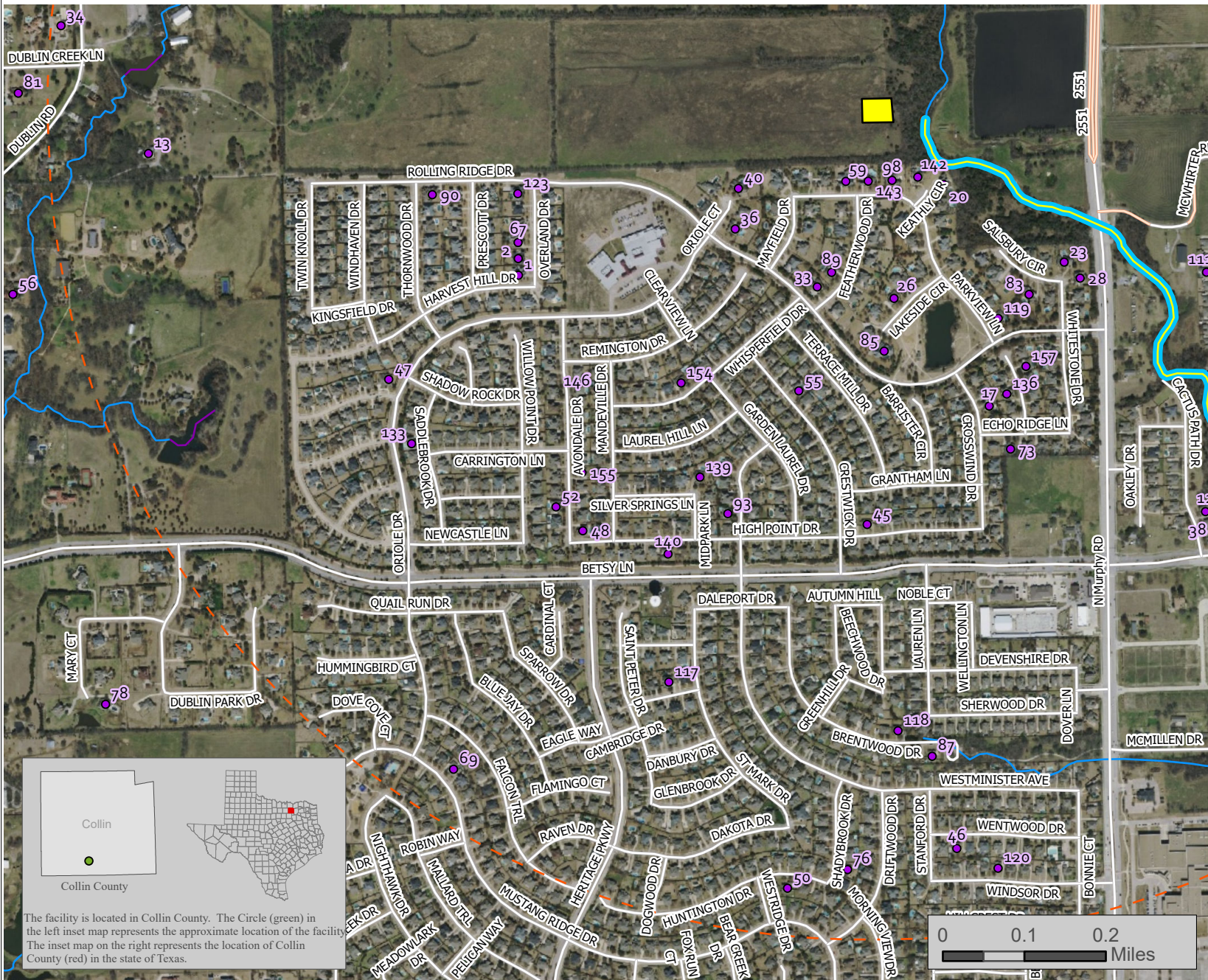
WQ0016003001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

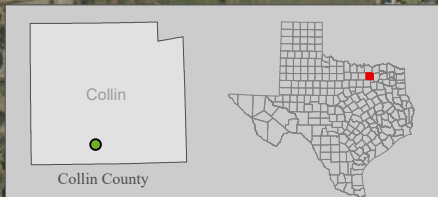


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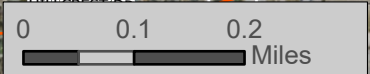
Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 3/16/2022  
CRF 0068323  
Cartographer: jbartlin



- Requestors
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# Attachment D

# Collin County MUD WWTP

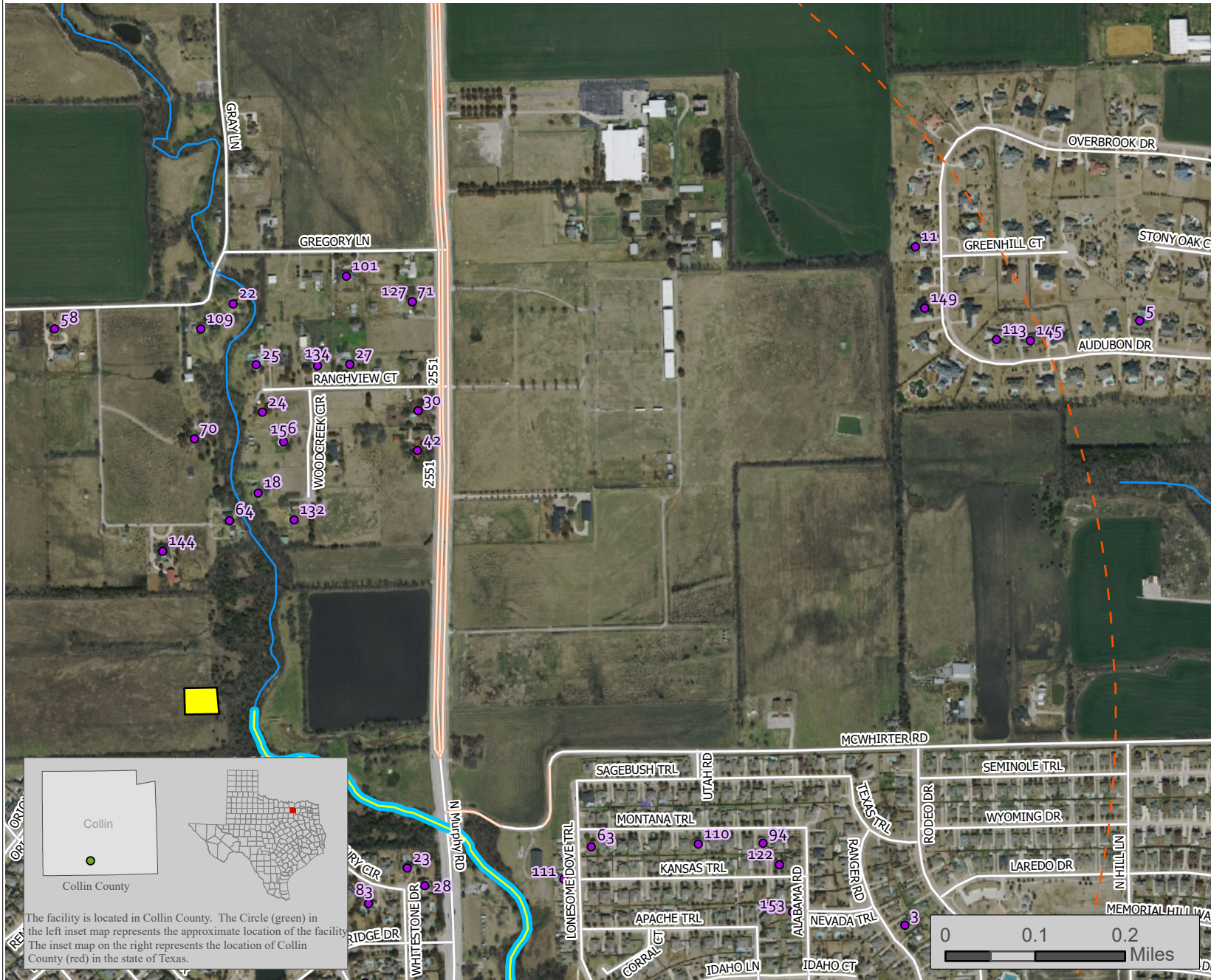
## WQ0016003001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



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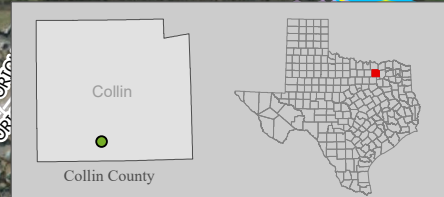
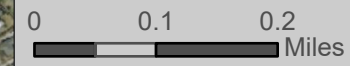
Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 3/16/2022  
CRF 0068323  
Cartographer: jbartlin



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# Attachment E

# Collin County MUD WWTP

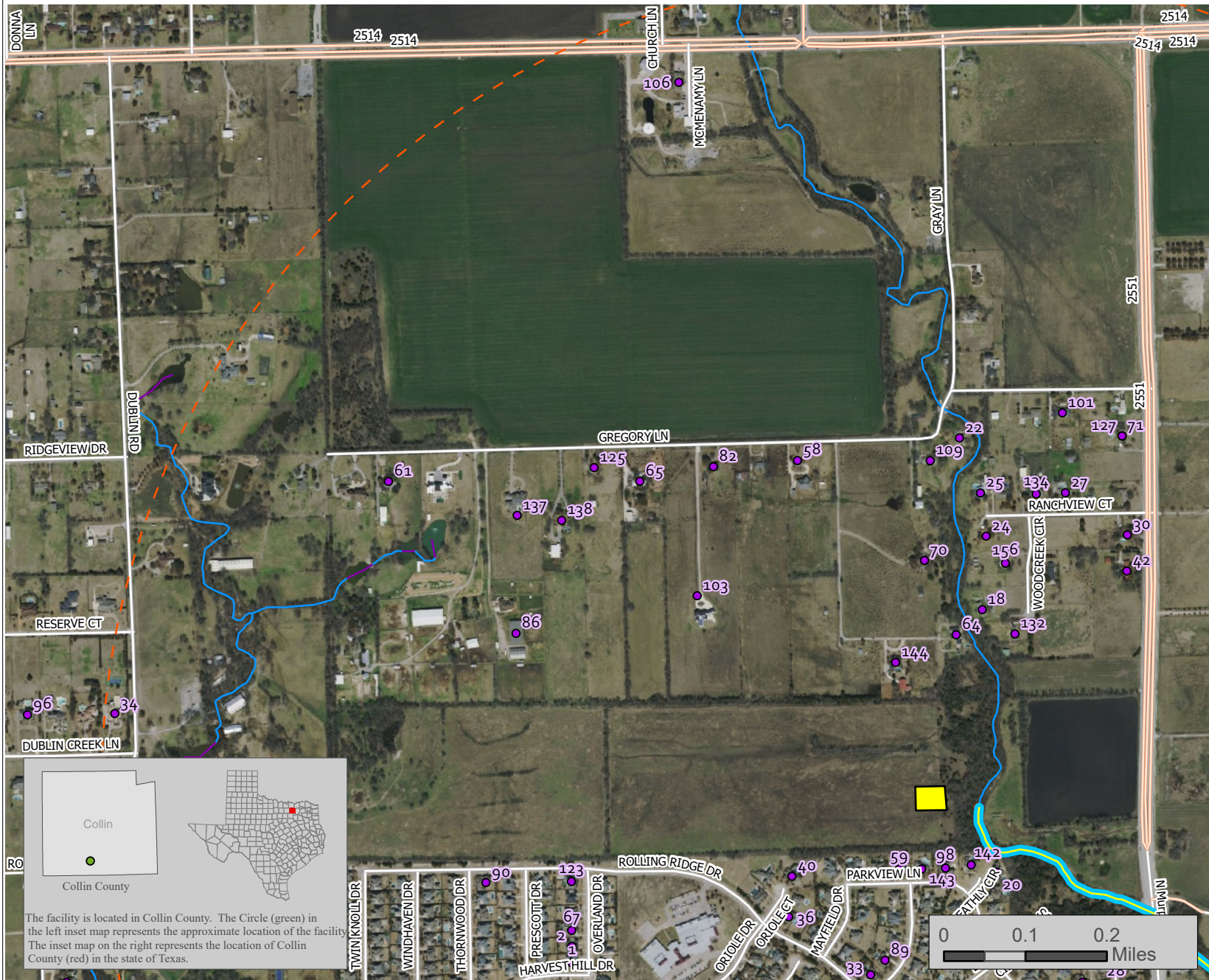
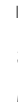
WQ0016003001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



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Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 3/16/2022  
CRF 0068323  
Cartographer: jbartlin



- Requestors
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Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

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The facility is located in Collin County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Collin County (red) in the state of Texas.

# Attachment F

NAME	ADDRESS				MAPID
Abidi, Mir	1303 Overland Dr	Murphy	TX	75094	<b>1</b>
Abraham, Elizabeth	1307 Overland Dr	Murphy	TX	75094	<b>2</b>
Allen, Tracy	1230 Ranger Rd	Murphy	TX	75094	<b>3</b>
Amin, Ashvin	4525 Red Barn	Richardson	TX	75084	<b>4</b>
Ammar, Lynnette	6903 Audubon Dr	Parker	TX	75002	<b>5</b>
Angeles, David	247 Love Bird Ln	Murphy	TX	75094	<b>6</b>
Bement, Brenda*	2805 Madison Ct	Richardson	TX	75082	<b>7</b>
Berthiaume, Jennifer	416 Woodcrest Cir	Murphy	TX	75094	<b>8</b>
Bewley, Kristen	3101 Creekside Estates Dr	Wylie	TX	75098	<b>9</b>
Blakey, Greg*	731 Mockingbird Dr	Murphy	TX	75094	<b>10</b>
Bogdan, Roxanne	6701 Overbrook Dr	Parker	TX	75002	<b>11</b>
Boley, Amber	1110 Cactus Path Dr	Murphy	TX	75094	<b>12</b>
Braswell, Linda	3212 Dublin Rd	Parker	TX	75002	<b>13</b>
Bucci, Robert and Zdenka	632 Mustang Ridge Dr	Murphy	TX	75094	<b>14</b>
Butler, Jene	442 Whitewing Ln	Murphy	TX	75094	<b>15</b>
Calabria, Julian and Kathleen	319 Linhurst Dr	Murphy	TX	75094	<b>16</b>
Caldwell, Kim	1206 Crosswind Dr	Murphy	TX	75094	<b>17</b>
Camp, Hal and Harold	3505 Wodcreek Cir	Parker	TX	75002	<b>18</b>
Carroll, Seth*	216 Gene Autry Ln	Murphy	TX	75094	<b>19</b>
Caughfiled, Lance	1404 Keathly Cir	Murphy	TX	75094	<b>20</b>
Chokhani, Arvind	6400 International Pkwy	Plano	TX	75093	<b>21</b>
Clark, Wendy and Scott**	6000 Gregory Ln	Parker	TX	75002	<b>22</b>
Cloud, Don and Sherri**	103 Salisbury Cir	Murphy	TX	75094	<b>23</b>
Concerned Citizen	6002 Ranchview Ct	Parker	TX	75002	<b>24</b>
Concerned Citizen	6001 Ranchview Ct	Parker	TX	75002	<b>25</b>
Conner, Ashley	213 Lakeside Cir	Murphy	TX	75094	<b>26</b>
Cross, Elizabeth	6101 Ranchview Ct	Parker	TX	75002	<b>27</b>
Dalal, Michael and Meerna**	1308 Salisbury Cir	Murphy	TX	75094	<b>28</b>
Dang, Vivian	502 Hilltop Dr	Murphy	TX	75094	<b>29</b>
Daugherty, Harrison, Tim, and Cynthia	3603 Hogge Dr	Parker	TX	75002	<b>30</b>
Davis, Carrie*	617 Axis Dr	Murphy	TX	75094	<b>31</b>
Davis, Timothy and Ellen	505 Leeward Dr	Murphy	TX	75094	<b>32</b>
Deans, Greg and Amy*	1303 Featherwood Dr	Murphy	TX	75094	<b>33</b>
Debus, Rick	5007 Dublin Creek Ln	Allen	TX	75002	<b>34</b>
Deel, Laura	507 Smoke Tree Dr	Murphy	TX	75094	<b>35</b>
Deweese, Tami	316 Oriole Dr	Murphy	TX	75094	<b>36</b>
Donaghy, Harry*	4613 Hackberry Ln	Parker	TX	75002	<b>37</b>
Dube, Barbara	1102 Cactus Path Dr	Murphy	TX	75094	<b>38</b>
Duncan, Dominique	7004 Overbrook Dr	Parker	TX	75002	<b>39</b>
Dwight, Jeffry and Shoop, Dan	308 Oriole Dr	Murphy	TX	75094	<b>40</b>
Eddy, Zachary	417 Post Oak Trl	Murphy	TX	75094	<b>41</b>
Evans, Alicia	3507 Hogge Dr	Parker	TX	75002	<b>42</b>
Evans, Judi	503 Sausalito Dr	Rockwall	TX	75087	<b>43</b>
Fastnaught, Shawna	513 Windward Dr	Murphy	TX	75094	<b>44</b>
Ferrara, Amanda	231 High Point Dr	Murphy	TX	75094	<b>45</b>

Fey, Karen	134 Wentwood Dr	Murphy	TX	75094	<b>46</b>
Fletcher, Linda	601 Embercrest Dr	Murphy	TX	75094	<b>47</b>
Friedline, Ronald and Judith	1108 Avondale Dr	Murphy	TX	75094	<b>48</b>
Frost, Shannon	6202 Southridge Pkwy	Parker	TX	75002	<b>49</b>
Galarneau, Wendy	312 Huntington Dr	Murphy	TX	75094	<b>50</b>
Geiger, Boyd and Elizabeth	517 Teagarden Ct	Murphy	TX	75094	<b>51</b>
George, Moncy	1115 Avondale Dr	Murphy	TX	75094	<b>52</b>
Gould, Dan and Mary	4909 Dublin Creek Ln	Allen	TX	75002	<b>53</b>
Grabow, Suzan	1506 Ambleside Ln	Richardson	TX	75082	<b>54</b>
Greely, Angel*	1218 Crestwick Dr	Murphy	TX	75094	<b>55</b>
Halbert, Colleen	3100 Dublin Rd	Parker	TX	75002	<b>56</b>
Hanson, Andrea*	345 Gene Autry Ln	Murphy	TX	75094	<b>57</b>
Harvey, Katherine and Calabria, Patrick	5804 Gregory Ln	Parker	TX	75002	<b>58</b>
Haynes, Michael and Alesha	1420 Parkview Ln	Murphy	TX	75094	<b>59</b>
Hemmig, Ray and Ruth	3405 Bluffs Ln	Parker	TX	75002	<b>60</b>
Henry, Margaret	5408 Gregory Ln	Parker	TX	75002	<b>61</b>
Henshaw, William and Mary, and Fernandez, Robert and Rebecca	320 Creekside Dr	Murphy	TX	75094	<b>62</b>
Henson, Dustin*	312 Montana Trl	Murphy	TX	75094	<b>63</b>
Hernandez, Tony and Laura**	5906 Gregory Ln	Parker	TX	75002	<b>64</b>
Ho, Charles	5610 Gregory Ln	Parker	TX	75002	<b>65</b>
Holmes, Tye	342 N Maxwell Creek Rd	Murphy	TX	75094	<b>66</b>
Holton, John and Jena	1311 Overland Dr	Murphy	TX	75094	<b>67</b>
Hyatt, Deborah	3116 Stonehenge Dr	Richardson	TX	75082	<b>68</b>
Ison, Deborah	918 Mustang Ridge Dr	Murphy	TX	75094	<b>69</b>
Jackson, Mary and Frank	5904 Gregory Ln	Parker	TX	75002	<b>70</b>
Jackson, Mary G	3607 Hogge Dr	Parker	TX	75002	<b>71</b>
Jaczak, Lauren and Alex and Hoare, Patrick	513 Hilltop Dr	Murphy	TX	75094	<b>72</b>
Jasadiredja, Jani and Miriam	118 Echo Ridge Ln	Murphy	TX	75094	<b>73</b>
Jeffries, Scott	4600 Sycamore Ln	Parker	TX	75002	<b>74</b>
Jennings, Nicole	5929 Lindsey Ln	Parker	TX	75002	<b>75</b>
Jones, Brian	806 Shadybrook Dr	Murphy	TX	75094	<b>76</b>
Kellerman, Melinda	305 Crepe Myrtle Ln	Murphy	TX	75094	<b>77</b>
Kester, Lisa	2709 Mary Ct	Parker	TX	75094	<b>78</b>
Lalami, Adam*	3114 Candlebrook Dr	Wylie	TX	75098	<b>79</b>
Lampier, Jason	1223 Rodeo Dr	Murphy	TX	75094	<b>80</b>
Lane, Thodore	5004 Dublin Creek Ln	Parker	TX	75002	<b>81</b>
Learned, Kay	5704 Gregory Ln	Parker	TX	75002	<b>82</b>
Ligon, Greg and Susan	110 Salisbury Cir	Murphy	TX	75094	<b>83</b>
Livesay, Scott	7305 Moss Ridge Rd	Parker	TX	75002	<b>84</b>
Loncar, Angelique and John**	222 Lakeside Cir	Murphy	TX	75094	<b>85</b>
Loop, Linda and Steve	5508 Gregory Ln	Parker	TX	75002	<b>86</b>
Lopez, Rudy and Amy**	913 Brentwood Dr	Murphy	TX	75094	<b>87</b>
Lozano, Joseph and Susan	4112 Pecan Orchard Dr	Parker	TX	75002	<b>88</b>
Lundberg, Dianne and Edwin	1307 Featherwood Dr	Murphy	TX	75094	<b>89</b>

Malczewski, Andrew and Mayela	1328 Thornwood Dr	Murphy	TX	75094	<b>90</b>
Marshall, Ellen	3405 Hibiscus Dr	Wylie	TX	75098	<b>91</b>
Marshall, Melinda	4004 Sycamore Ln	Parker	TX	75002	<b>92</b>
Marshall, Tom and Jessica	1111 Westminster Ave	Murphy	TX	75094	<b>93</b>
McDowell, Teral	356 Montana Trl	Murphy	TX	75094	<b>94</b>
McGillis, Kevin	913 Hunters Gln	Murphy	TX	75094	<b>95</b>
Meixelsperger, Ken and Heidi	5001 Dublin Creek Ln	Parker	TX	75002	<b>96</b>
Miller, April*	533 Leeward Dr	Murphy	TX	75094	<b>97</b>
Moebius, James and Carolynn**	1412 Parkview Ln	Murphy	TX	75094	<b>98</b>
Morris, James	627 Aspen Ct	Murphy	TX	75094	<b>99</b>
Morris, Mary	820 Cold Springs Ct	Murphy	TX	75094	<b>100</b>
Muller, Jose	6100 Gregory Ln	Parker	TX	75002	<b>101</b>
Munassar, Sami	204 Creekside Dr	Murphy	TX	75094	<b>102</b>
Orozco, Ludwig and Lynne	5700 Gregory Ln	Parker	TX	75002	<b>103</b>
Palmer, Margaret	608 Chalk Hill Ln	Murphy	TX	75094	<b>104</b>
Peek, Elise	721 Morningside Trl	Murphy	TX	75094	<b>105</b>
Perttle, Lee	5700 E Parker Rd	Parker	TX	75002	<b>106</b>
Phelps, Jonathan*	905 Chestnut Ct	Murphy	TX	75094	<b>107</b>
Phelps, Jonathan**	905 Chestnut Ct	Murphy	TX	75094	<b>108</b>
Plummer, Emily	5908 Gregory Ln	Parker	TX	75002	<b>109</b>
Powell, Heather	340 Montana Trl	Murphy	TX	75094	<b>110</b>
Powell, Lucy**	1313 Lonesome Dove Trl	Murphy	TX	75094	<b>111</b>
Powell, Thomas	544 Chalk Hill Ln	Murphy	TX	75094	<b>112</b>
Proctor, Raymond	6803 Audubon Dr	Parker	TX	75002	<b>113</b>
Ramaswamy, Srinath	624 Sundown Way	Murphy	TX	75094	<b>114</b>
RCHE, RC**	11700 Preston Rd	Dallas	TX	75230	<b>115</b>
Redmond, Andy	7275 Moss Ridge Rd	Parker	TX	75002	<b>116</b>
Richards, Juli	417 Englewood Dr	Murphy	TX	75094	<b>117</b>
Roy, Soumit and Sylvia	924 Brentwood Dr	Murphy	TX	75094	<b>118</b>
Ryan, Kimberly	1300 Parkview Ln	Murphy	TX	75094	<b>119</b>
Salas, Rhonda	123 Windsor Dr	Murphy	TX	75094	<b>120</b>
Sanders, Mary*	340 Love Bird Ln	Murphy	TX	75094	<b>121</b>
Sarris, Frank**	359 Kansas Trl	Murphy	TX	75094	<b>122</b>
Sekimoto, Ashley and Ryan	1323 Overland Dr	Murphy	TX	75094	<b>123</b>
Shankar, Asit	626 Gene Autry Ln	Murphy	TX	75094	<b>124</b>
Spivey, James	5604 Gregory Ln	Parker	TX	75002	<b>125</b>
Spriggs, David	4908 Dublin Creek Cir	Parker	TX	75002	<b>126</b>
Standridge, Ed and Cooper, Dave	3607 Hogge Dr	Parker	TX	75002	<b>127</b>
Steel, Jessica and Travis	112 S Maxwell Creek Rd	Murphy	TX	75094	<b>128</b>
Stelchek, Ray	116 S Maxwell Creek Rd	Murphy	TX	75094	<b>129</b>
Stephens, Helen	603 Mockingbird Dr	Murphy	TX	75094	<b>130</b>
Stephens, Marcus*	603 Mockingbird Dr	Murphy	TX	75094	<b>131</b>
Sturges, Hilary and Brendan	3503 WoodCreek Cir	Parker	TX	75002	<b>132</b>
Syed, Sabrina	1201 Saddlebrook Dr	Murphy	TX	75094	<b>133</b>
Taylor, Patrick	6009 Ranchview Ct	Parker	TX	75002	<b>134</b>
Terando, Carolynn	408 Post Oak Trl	Murphy	TX	75094	<b>135</b>
Thompson, Helena	1209 Dartmouth Cir	Murphy	TX	75094	<b>136</b>



Tonnu, Ariel and Jones, Rico	5510 Gregory Ln	Parker	TX	75002	<b>137</b>
Trejo, Mayra	5600 Gregory Ln	Parker	TX	75002	<b>138</b>
Trevino, Leticia	405 Silver Springs Ln	Murphy	TX	75094	<b>139</b>
Trieu, Steven	418 High Point Dr	Murphy	TX	75094	<b>140</b>
Ulteig, Bethany	4006 Sycamore Ln	Parker	TX	75002	<b>141</b>
Unnikrishnan, Sunil and Sreelaxmi	1408 Keathly Cir	Murphy	TX	75094	<b>142</b>
Venkataraman, Ranjani and Nangia, Amit	1416 Parkview Ln	Murphy	TX	75094	<b>143</b>
Viere, Gordy and Diane	5902 Gregory Ln	Parker	TX	75002	<b>144</b>
Vinyukov, Alexander	6805 Audubon Dr	Parker	TX	75002	<b>145</b>
Vora, Hiralben and Tarang*	1213 Mandeville Dr	Murphy	TX	75094	<b>146</b>
Walker, Lisa*	624 Mustang Ridge Dr	Murphy	TX	75094	<b>147</b>
Waller, Jana	4505 Whitestone Dr	Parker	TX	75002	<b>148</b>
Ward, Anniece*	6607 Overbrook Dr	Parker	TX	75002	<b>149</b>
Weeks, Rachel	432 Parkside Ct	Murphy	TX	75094	<b>150</b>
Wehrle, Holly	502 Windward Dr	Murphy	TX	75094	<b>151</b>
Wharton, Jim*	313 Greenfield Dr	Murphy	TX	75094	<b>152</b>
Williams, Greg	1301 Alabama Rd	Murphy	TX	75094	<b>153</b>
Wilson, Ashley	413 Whisperfield Dr	Murphy	TX	75094	<b>154</b>
Wilson, Matthew	1124 Avondale Dr	Murphy	TX	75094	<b>155</b>
Wolniewicz, Carol	3511 WoodCreek Cir	Parker	TX	75002	<b>156</b>
Wunderlich, Robert and Katherine	1218 Dartmouth Cir	Murphy	TX	75094	<b>157</b>
<b>NOT MAPPED:</b>					
City of Parker (Rodriguez, Arturo)**			<b>** RFR and RFH</b> <b>* RFR</b>		
NTMWD (Kalisek, Lauren)					
City of Murphy (Dickman, Stephen)					
Rep. Candy Noble					

# Attachment G

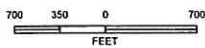
**HARRINGTON / TURNER ENTERPRISES, LP  
RESTORE THE GRASSLANDS, LLC  
WWTP DISCHARGE PERMIT**

**ATTACHMENT 3  
AFFECTED LANDOWNER EXHIBIT FOR  
APPLICANT BOUNDARY**

JULY 2021

**LEGEND**

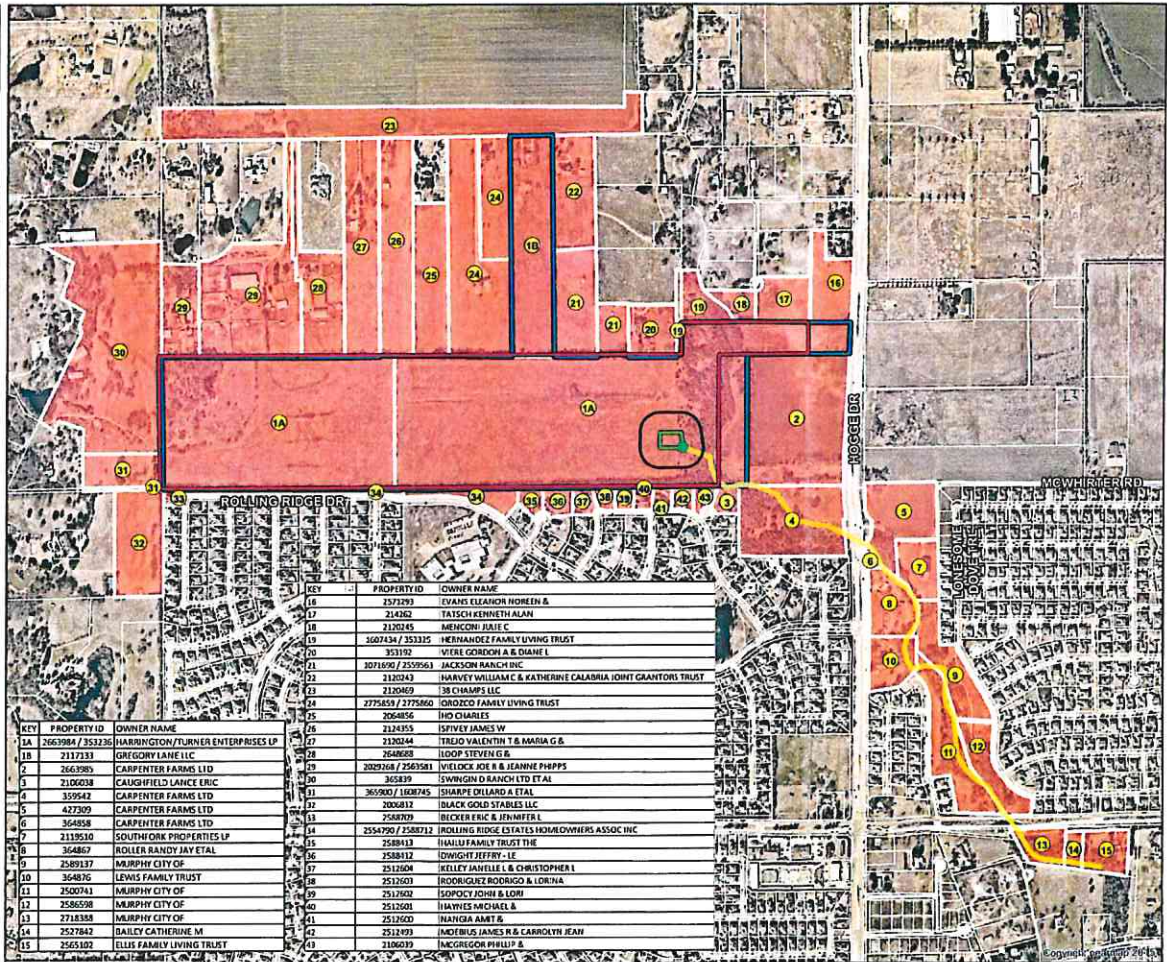
- SERVICE AREA
- WWTP SITE BOUNDARY
- APPLICANT'S PROPERTY BOUNDARY
- 150' BUFFER ZONE
- DISCHARGE ROUTE
- PARCELS
- AFFECTED LANDOWNERS
- POINT OF DISCHARGE



AERIAL PHOTOGRAPH DATE: NEARMAP 3/21

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN OR THE GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES.

6000 North Central Expressway, Suite 440  
Dallas, Texas 75206  
Phone: 469.621.0710 TDD: F-1306  
LJA.com



KEY	PROPERTY ID	OWNER NAME
16	2571293	EVANS ELEANOR NOREEN &
17	214262	TATSCH KENNETH ALAN
18	212049	MHECORN JULIE C
19	3602434 / 253325	HERNANDEZ FAMILY LIVING TRUST
20	353192	WIERE GORDON A & DIANE L
21	1071690 / 250963	JACKSON RANCH INC
22	2120243	HARVEY WILLIAM C & KATHERINE CALABRIA JOINT GRANTORS TRUST
23	2120469	38 CHAMPS LLC
24	2775653 / 2775660	GRIZZO FAMILY LIVING TRUST
25	2064856	IHO CHARLES
26	2124355	ISFVLEY JAMES W
27	2120244	TREJO VALENTIN T & MARIA G &
28	2648608	LOOP STEVEN G B
29	2029246 / 2569581	WELLOCK JOE R & JEANNE PHIPPS
30	365839	SWANSON D RANCH LTD ET AL
31	365900 / 1608745	SHARPE DILLARD & ETAL
32	2000812	BLACK GOLD STABLES LLC
33	2548709	BECKER ERIC & JENNIFFER L
34	2554790 / 2588712	ROLLING RIDGE ESTATES HOMEOWNERS ASSOC INC
35	2584913	HALLU FAMILY TRUST THE
36	2588112	EDWIGHT JEFFREY - LE
37	2512604	KELLEY JANELLE L & CHRISTOPHER L
38	2512603	RODRIGUEZ RODRIGO & LONNIA
39	2512602	SPOCKT JOHN & LORI
40	2512601	HAYNES MICHAEL B
41	2512600	NANGSA AMET B
42	2512493	MOTIBUS JAMES R & CAROLYN JEAN
43	2106039	MCGREGOR PHILIP B

KEY	PROPERTY ID	OWNER NAME
1A	2663984 / 353236	HARRINGTON/TURNER ENTERPRISES LP
1B	2117231	GRIFFORY LANE LLC
2	2663985	CARPENTER FARMS LTD
3	2100028	CAUGHFIELD LANCE ERIC
4	359542	CARPENTER FARMS LTD
5	427309	CARPENTER FARMS LTD
6	364858	CARPENTER FARMS LTD
7	2119510	SOUTH OAK PROPERTIES LP
8	364867	ROLLER RANDY JAY ETAL
9	2589137	MURPHY CITY OF
10	364876	LEWIS FAMILY TRUST
11	2500741	MURPHY CITY OF
12	2586598	MURPHY CITY OF
13	2718358	MURPHY CITY OF
14	2527842	BAILEY CATHERINE M
15	2561107	ELLIS FAMILY LIVING TRUST

**MAILING LIST**  
**HARRINGTON / TURNER ENTERPRISES, LP AND RESTORE THE GRASSLANDS LLC**  
**DOCKET NO. 2022-0326-MWD; PERMIT NO. WQ0016003001**

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Fax: (512) 239-3311  
<https://www14.tceq.texas.gov/epic/eFiling>

REQUESTER(S) / INTERESTED PERSON(S):

See attached list.

PUBLIC OFFICIALS - REQUESTER(S)

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State Representative, Texas House Of  
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Austin, TX 78768-2910

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1303 Overland Dr  
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Concerned Citizen  
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Parker, TX 75002

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1308 Salisbury Cir  
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