

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 19, 2022

TO: All interested persons.

RE: Gram Vikas Partners, Inc.  
TPDES Permit No. WQ0015990001

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the New Braunfels Public Library, 700 East Common Street, New Braunfels, in Comal County, Texas and Seguin Public Library, 313 West Nolte Street, Seguin, in Guadalupe County, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis  
Chief Clerk

LG/mt

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS**  
**for**  
**Gram Vikas Partners, Inc.**  
**TPDES Permit No. WQ0015990001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Gram Vikas Partners, Inc. for TPDES Permit No. WQ0015990001 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0015990001) and click the "Search" button. The search results will display a link to the RTC. When viewing the RTC, it will be an attachment to the cover letter and may need to be downloaded depending on your browser.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

You may also view a copy of the RTC, the complete application, the draft permit, and related documents, including comments, at the TCEQ Central Office in Austin, Texas.

Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the New Braunfels Public Library, 700 East Common Street, New Braunfels, in Comal County, Texas and Seguin Public Library, 313 West Nolte Street, Seguin, in Guadalupe County, Texas.

MAILING LIST  
for  
Gram Vikas Partners, Inc.  
TPDES Permit No. WQ0015990001

FOR THE APPLICANT:

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INTERESTED PERSONS:

See attached mailing list

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via electronic mail:

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FOR PUBLIC INTEREST COUNSEL  
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Vic McWherter, Attorney  
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FOR THE CHIEF CLERK  
via electronic mail:

Laurie Gharis, Chief Clerk  
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2137I 35 N  
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2528 STETSON  
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NEW BRAUNFELS TX 78130-2511



**TCEQ PERMIT NO. WQ0015990001**

|                                  |          |                              |
|----------------------------------|----------|------------------------------|
| <b>APPLICATION BY</b>            | <b>§</b> | <b>BEFORE THE</b>            |
| <b>Gram Vikas Partners, Inc.</b> | <b>§</b> | <b>TEXAS COMMISSION</b>      |
| <b>FOR TPDES PERMIT NO.</b>      | <b>§</b> | <b>ON</b>                    |
| <b>WQ0015990001</b>              | <b>§</b> | <b>ENVIRONMENTAL QUALITY</b> |

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**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENTS**

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The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Public Comments (RTC) on Gram Vikas Partners, Inc.'s application for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015990001 and the ED's preliminary decision on the application. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before this permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely written comments from Jay Allen, Mary Allen, Lanette Badling, Valorie Canales, Kim Collier, Byron Evans, Laurel Evans, Patrick Flint, Clay Forister, Debra Gilbert, Gib Gilbert, Tom Goynes, Carlton Henk, David Lapham, Michael Lingsjo, Rita Lingsjo, Barbara Mayfield, Thomas Mayfield, Crystal Mishler, John Montgomery, Karen Montgomery, Alan Mow, Corina Mow, Charlie Pfluger, Lindsay Pfluger, Trina Seagraves, and James Seeger. Comments were also received from: Guadalupe County Commissioner Drew Engelke; Nathan Glavy and Annalisa Peace on behalf of the Greater Edwards Aquifer Alliance (GEAA); Tom Goynes, David Price, and Victoria Rose on behalf of the Texas Rivers Protection Association (TRPA); and Jay Kramer on behalf of Guadalupe Ski Plex Homeowners Association (Ski Plex HOA) and Rancho Grande, LLC (Rancho Grande).

This response addresses all timely filed public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at our website at <http://www.tceq.texas.gov>.

## I. Background

### A. Description of Facility

Gram Vikas Partners, Inc. (Applicant) applied for new TPDES Permit No. WQ0015990001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD).

The facility will be an activated sludge and biological nutrient removal process plant using a membrane bioreactor (MBR) operated with supervisory control and data acquisition control systems. Treatment units in the Interim I phase will include a bar screen, an anoxic basin, a pre-aeration basin, a MBR basin (sludge holding zone and aerobic MBR zone), and a chlorine contact chamber. Treatment units in the Interim II phase will include a bar screen, two anoxic basins, two pre-aeration basins, two MBR basins (sludge holding zone and aerobic MBR zone), and a chlorine contact chamber. Treatment units in the Final phase will include a bar screen, three anoxic basins, three pre-aeration basins, three MBR basins (sludge holding zone and aerobic MBR zone), and a chlorine contact chamber. The facility has not been constructed.

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.20 MGD. The effluent limitations in all phases of the draft permit, based on a 30-day average, are 5.0 mg/l five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), 5.0 mg/l total suspended solids (TSS), 2.0 mg/l ammonia-nitrogen (NH<sub>3</sub>-N), 0.50 mg/l total phosphorus (TP), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The wastewater treatment facility (WWTF) will be located approximately 0.3 miles south-southeast of the intersection of Farm-to-Market Road 1101 and Watson Lane, in Comal County, Texas 78130. The treated effluent will be discharged to Mesquite Creek, thence to York Creek, thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Mesquite Creek and York Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 TAC § 307.5 and TCEQ's *Procedures to*

*Implement the Texas Surface Water Quality Standards* (June 2010), 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. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

### ***B. Procedural Background***

TCEQ received the application for a new TPDES permit on May 10, 2021, and declared it administratively complete on July 26, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) on August 1, 2021, in the *Sequin Gazette*. The application was determined technically complete on October 18, 2021. The Applicant published the Notice of Application and Preliminary Decision (NAPD) on December 5, 2021, in the *Sequin Gazette*. A virtual public meeting was held on March 21, 2022, and a live, in person, public meeting was held on June 7, 2022. The comment period closed on June 7, 2022.

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

### ***C. Access to Rules, Laws and Records***

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: <https://www.sos.state.tx.us>;
- for TCEQ rules in Title 30 of the Texas Administrative Code (TAC): <https://www.sos.state.tx.us/tac/> (select “View the current Texas Administrative Code” on the right, then “Title 30 Environmental Quality”);
- for Texas statutes: <https://statutes.capitol.texas.gov/>;

- to access the TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in Adobe PDF format select “Rules,” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations (CFR): [www.ecfr.gov](http://www.ecfr.gov); and
- for Federal environmental laws: <http://www.epa.gov/lawsregs/>.

Commission records on the application and draft permit are available for viewing and copying and are located at the New Braunfels Public Library, 700 East Common Street, New Braunfels, in Comal County, Texas; the Seguin Public Library, 313 West Nolte Street, Seguin, in Guadalupe County, Texas; and at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor, Office of the Chief Clerk, until final action is taken.

## **II. Comments and Responses**

Comment 1: TRPA, Mary Allen, Charlie Pfluger, and Lindsay Pfluger commented that the application is incomplete and inaccurate. The Pflugers specifically commented that: (1) Sec. 4 (p. 29), “man-made channel or ditch” is incorrect; (2) D. (p. 30), “yes” should be checked for “downstream characteristics;” (3) Sec. 5 (p. 31), “upstream discharges” should be checked for “upstream influences;” and (4) Sec. 5 (p. 31-2), “livestock watering,” “fishing,” and “non-contact recreation” should be checked for waterbody uses. TRPA and the Pflugers also commented that the application overlooks the Pflugers’ ¾-acre pond which is 1/3 of a mile downstream from the discharge point. TRPA further commented that the Statement of Basis/ Technical Summary and ED’s Preliminary Decision are incorrect as they are based on incorrect data.

Response 1: The permit application, while critical to the technical review of the permit, is not the only source of information TCEQ relies upon to make its effluent limit determinations and permit conditions. Answers to the questions in Worksheet 2.0 of the domestic permit application are often based on the best information available to the Applicant and may need to be supplemented with information from the general public or other entities. TCEQ staff examine the stream using tools such as aerial imagery and geographic information systems (GIS) data to characterize and measure the downstream waterbodies. Staff also verify whether existing discharges in the area, upstream or downstream, will create a cumulative impact on the receiving waters as

part of their respective reviews.

Regarding the  $\frac{3}{4}$ -acre pond, this water body was considered in the review process even though it was not mentioned in the application. The Standards Implementation Team's review designated Mesquite Creek as an intermittent water body with pools with a limited aquatic life use corresponding to a DO criterion of 3.0 mg/L. The pools can refer to any pooled reaches or small ponds such as the pond referenced in the comments. Additionally, the DO modeling review included and evaluated the effects on the pond to verify that the effluent limits proposed would maintain the DO criterion in the pond, pools, and free-flowing reaches of Mesquite Creek. Since the DO is a metric for maintaining the existing aquatic life use of the receiving waters and DO levels are expected to be maintained with the conditions of the draft permit, the review determined that the existing uses are expected to be maintained.

Comment 2: GEAA, TRPA, Rancho Grande, Mary Allen, Byron Evans, Debra Gilbert, Gib Gilbert, Carlton Henk, Rita Lingensjo, Alan Mow, Corina Mow, Charlie Pfluger, and Lindsay Pfluger expressed concerns about aquatic and terrestrial wildlife, cattle, and drinking/ feeding waters for terrestrial wildlife and cattle. Mary Allen expressed concerns about the sandhill cranes and commented that they are migratory and protected. TRPA expressed concerns about endangered species found in the impacted segment of the San Marcos River.

Response 2: The Texas Surface Water Quality Standards (TSWQ) found in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable, or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.

The draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the draft permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS.

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that 1) results in instream aquatic toxicity, 2) causes a violation of an applicable narrative or numerical state water quality standard, 3)

results in the endangerment of a drinking water supply, or 4) results in aquatic bioaccumulation that threatens human health. The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

Additionally, no priority watershed of critical concern has been identified in Segment No. 1808. While the Comal Springs Riffle Beetle (*Heterelmis comalensis*), the Texas blind Salamander (*Eurycea rathbuni*), the San Marcos Salamander (*Eurycea nana*), and the Fountain Darter (*Etheostoma fonticola*) can occur in Hays County, they are not found in the discharge route. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and the Environmental Protection Agency (EPA) only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species. This determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion.

Finally, The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. TPWD received notice of the permit application pursuant to 30 TAC § 39.413(5). They can be contacted by phone at 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744.

Comment 3: TRPA, Mary Allen, Valorie Canales, Michael Lingensjo, Rita Lingensjo, Barbara Mayfield, Crystal Mishler, Alan Mow, Corina Mow, Trina Seagraves, and James Seeger expressed concerns about noxious odors.

Response 3: Nuisance odor controls are incorporated into the draft permit. All WWTFs have the potential to generate odors. To control and abate odors TCEQ's rules require domestic WWTFs to meet the buffer zone requirements of 30 TAC § 309.13(e), which provides three options for an applicant to satisfy the nuisance odor abatement and control requirements. Applicants can comply with the rule by 1) owning the buffer zone area, 2) receiving a restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the applicants, or 3) providing nuisance odor

controls pursuant to 30 TAC § 309.13(e). According to the application the Applicant intends to comply with the requirement to abate and control nuisance odors by owning the buffer zone area. This is incorporated into the draft permit. The buffer zone map depicts the proposed site in accordance with the requirements of the application.

Comment 4: TRPA, Mary Allen, Byron Evans, Michael Lingensjo, Rita Lingensjo, Barbara Mayfield, Crystal Mishler, Alan Mow, Corina Mow, Charlie Pfluger, Lindsay Pfluger, and Trina Seagraves expressed concerns about property values and economic impacts. Gib Gilbert commented that there is not a reliable source of groundwater, so if the surface water is polluted it will put cattle ranchers out of business. David Lapham also expressed economic concerns related to cattle ranchers.

Response 4: Property value concerns are outside of TCEQ's jurisdiction. Please see Response 26 for information on water degradation and Responses 2 and 30 for information on wildlife and cattle.

Comment 5: Mary Allen, Charlie Pfluger, and Lindsay Pfluger commented that there are too many permits discharging into York Creek.

Response 5: TCEQ evaluates cumulative effects on permits as part of the technical review process. This ensures that existing uses in the receiving waters are maintained even as additional permits are discharging to the watershed. If TCEQ determines that a permit will lead to detrimental effects on the existing uses or that permits will otherwise lead to degradation of the receiving waters, TCEQ may implement more stringent effluent limits or limit the number and size of WWTFs in the watershed.

Comment 6: Mary Allen asked who will provide testing and maintenance.

Response 6: The Applicant shall employ or contract with one or more licensed WWTF operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Subchapter J. The licensed operator is responsible for the operation of the plant including sampling and maintenance. Additionally, as part of the scheduled comprehensive compliance investigation performed by Region 13, TCEQ Investigators evaluate the sampling location, technique, equipment, and calibration logs of the Applicant.

Comment 7: Mary Allen, Alan Mow, Corina Mow, and James Seeger commented that sewer lines should be used instead. James Seeger also commented that septic systems should be used instead. Charlie Pfluger commented that alternatives should be used. GEAA commented that beneficial reuse and/ or land application should be used. TRPA commented that the draft permit should include provisions requiring reuse such as drip irrigation or grey water.

Response 7: TCEQ does not have the authority to mandate the method of disposal of treated effluent if an applicant adheres to the rules and provisions of Texas Water Code (TWC) Chapter 26 and 30 TAC Chapters 217, 305, 307, and 309.

Comment 8: TRPA, Mary Allen, Lanette Bading, Byron Evans, Laurel Evans, Debra Gilbert, Gib Gilbert, Rita Lingensjo, Charlie Pfluger, and Lindsay Pfluger expressed concerns about flooding. James Seeger commented that the proposed facility is in a flood zone. Mary Allen commented that she has seen a 500 and a 1000-year flood hit the area in the last 50 years. James Seeger also expressed concerns about flooding causing road access issues. James Seeger and John Montgomery expressed concerns about runoff from the added asphalt. Mary Allen commented that the proposed facility will increase runoff by hundreds of thousands of gallons and asked who has jurisdiction over flooding? John Montgomery commented that someone needs to do math to determine how large and tall the berm would be.

Response 8: TCEQ does not have the authority to regulate flooding in the wastewater permitting process unless there is an associated water quality concern. The draft permit includes effluent limits and other requirements that it must meet even during rainfall events and periods of flooding.

Additionally, according to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the draft permit includes Other Requirement No. 4, which requires the Applicant to provide protection for the facility from a 100-year flood.

Finally, regarding the berm, this comment is understood to be referencing a berm constructed for stormwater runoff and/ or flood control. As mentioned previously, flooding and stormwater are not evaluated as part of the TPDES permitting process. For flooding concerns, please contact the Comal County floodplain coordinator, Ms.



Kathy Griffin at (800) 608-20900.

Comment 9: Byron Evans expressed concerns about crops.

Response 9: If the Applicant operates the proposed facility in a manner that is consistent with TCEQ's regulations and the requirements of the draft permit, crops in nearby farms should not be impacted by activities at the proposed facility. The draft permit does not grant the Applicant the right to use private or public property for conveyance of wastewater along the discharge route, nor does it limit a landowner's ability to seek private action against the Applicant.

Comment 10: Charlie Pfluger and Lindsay Pfluger commented that the proposed facility should utilize a retention pond.

Response 10: As mentioned in Response 7, TCEQ does not have the authority to designate the means of effluent disposal and can only evaluate the application as submitted.

The treatment units proposed in the permitting application are expected to achieve the effluent limits that were evaluated and assigned in the draft permit. While retention ponds can improve water quality, they are not expected to be necessary to achieve the effluent limits of this draft permit. Other Requirement No. 10 in the draft permit requires that the Applicant submit their proposed treatment plant design to TCEQ for approval to verify that the final effluent limits can be achieved with the proposed treatment plant. This ensures that water quality will be maintained and that the permit limits will be met with proper treatment plant operation.

Comment 11: TRPA, Debra Gilbert, Gib Gilbert, Charlie Pfluger, Lindsay Pfluger, and James Seeger expressed concerns about erosion.

Response 11: Erosion concerns are outside of TCEQ's jurisdiction.

Comment 12: Michael Lingensjo, Rita Lingensjo, Barbara Mayfield, Alan Mow, Corina Mow, Trina Seagraves, and James Seeger expressed concerns about light and noise pollution.

Response 12: Noise and light pollution concerns are outside of TCEQ's wastewater permitting jurisdiction.

Comment 13: Michael Lingensjo, Rita Lingensjo, Alan Mow, and Corina Mow expressed concerns about air quality. Karen Montgomery expressed concerns about the production of hydrogen sulfide, carbon dioxide, methane, and ammonia. Mary Allen asked who has jurisdiction over air quality?

Response 13: TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to 30 TAC § 106.532, WWTFs have undergone this review and are permitted by rule, provided the WWTF only performs the functions listed in the rule. In the application, the Applicants indicated that the treatment process of the proposed facility would use an activated sludge and biological nutrient removal process plant using a MBR operated with supervisory control and data acquisition control system process. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's Texas Clean Air Act §§ 382.057 and 382.05196 and is therefore permitted by rule.

Comment 14: TRPA, Michael Lingensjo, Rita Lingensjo, and Crystal Mishler expressed concerns about aesthetics.

Response 14: Aesthetic concerns are outside of TCEQ's wastewater permitting jurisdiction.

Comment 15: Rita Lingensjo and Michael Lingensjo expressed concerns about overspray.

Response 15: The Applicant has applied for a TPDES permit. As this permit will authorize the discharge of treated domestic wastewater in the Water of the State there should be no issues with overspray.

However, the ED understands this comment to be about aerosol from aeration basins and associated odor. Please see Response 3 for a discussion on buffer zone requirements.

Comment 16: TRPA, Michael Lingensjo, and Trina Seagraves expressed concerns about

quality of life.

Response 16: The Applicant is only authorized to discharge according to the limitations, monitoring requirements, and other conditions listed in the draft permit. The draft permit does not grant the Applicant the right to use private or public property for conveyance of wastewater along the discharge route, nor does it limit a landowner's ability to seek private action against the Applicant.

Comment 17: Debra Gilbert commented that TCEQ should conduct a site visit. Charlie Pfluger requested a site visit. James Seeger asked if TCEQ visited the discharge route to look at the size and width of Mesquite Creek and York Creek?

Response 17: TCEQ does not have the resources to visit every proposed site that applies for a TPDES application. However, the discharge route was evaluated via a desktop review that included information from United States Geological Survey (USGS) maps, aerial photography, information from reviews of nearby facilities, and information in the application.

In order to construct the DO model, aerial images were used to estimate the widths and depths of Mesquite Creek for the various pooled reaches along the proposed discharge route. These images covered a number of years and wet and dry conditions which helped inform the stream widths and depths during the dry summertime conditions, which were used to evaluate the effluent limits. Because the modeling analysis predicted that the water quality in Mesquite Creek would return to ambient conditions prior to its confluence with York Creek, the analysis of the stream dimensions were not extended into York Creek.

Comment 18: Crystal Mishler commented that no one in Mesquite Ranch was notified in advance of the intent to build the proposed facility. Thomas Mayfield commented that the notification was poorly done and that newspaper notification is antiquated and not useful. Kim Collier commented that landowners were not informed of the application correctly. Jay Kramer commented that he did not receive notice despite living within one mile or so of the discharge.

Response 18: There is no requirement for an applicant to notify landowners prior to submitting an application. Additionally, several notices have been provided and there are numerous opportunities for public participation.

The Applicant published the NORI on August 1, 2021, in the *Sequin Gazette*. After the application was determined technically complete, the Applicant published the NAPD on December 5, 2021, in the *Sequin Gazette*. Publication of notice in a local newspaper is a requirement of the Texas Water Code. A virtual public meeting was held on March 21, 2022, and a live, in person, public meeting was held on June 7, 2022. Notice was provided as required by 30 TAC § 39.53(e)(6). The comment period closed on June 7, 2022.

Comment 19: Kim Collier commented that the map shows that the proposed facility is on her property while it is actually further north. Kim Collier further commented that TCEQ's studies have been done with the incorrect address and that the Applicant should have to reapply with the correct address.

Response 19: The proposed facility will be located approximately 0.3 mile south-southeast of the intersection of Farm-to-Market Road 1101 and Watson Lane, in Comal County, Texas 78130. Based on the Core Data Form provided by the Applicant, ED staff has verified the proposed facility's address and generated an electronic map using Central Registry data. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.011944%2C29.746388&level=12>

Comment 20: James Seeger asked whether chlorine or ultraviolet (UV) light will be used for disinfection? GEAA and TRPA commented that UV light should be used instead of chlorine.

Response 20: TCEQ does not have the authority to mandate the method of effluent treatment if an applicant adheres to the rules and provisions of TWC Chapter 26 and 30 TAC Chapters 217, 305, 307, and 309.

The application provided for chlorination and TCEQ determined that chlorination would meet all requirements due to the size and nature of the proposed facility. The effluent shall contain a chlorine residual of at least 1.0 mg/L and shall not exceed a chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes based on peak flow. However, an equivalent method of disinfection may be substituted with

prior approval of the ED.

Comment 21: James Seeger asked whether there will be a lab on site. Michael Lingsjo expressed concerns about the plants automation and asked how long it would take someone to get to the plant in the case of an alarm.

Response 21: The proposed facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher, as discussed in Response 6. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. When shift operation of the proposed facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the proposed facility.

Under 30 TAC § 217, a WWTF must include an audiovisual alarm system. The alarm system must transmit all alarm conditions through the use of an auto-dialer system, a Supervisory Control and Data Acquisition (SCADA) system, or a telemetering system connected to a continuously monitored location. Audiovisual alarms are not required if the SCADA system notifies the operator about communication loss, in addition to all other alarm conditions. An alarm system must self-activate if 1) the power supply is interrupted, 2) a pump fails, or 3) a high water level alarm is triggered.

The Applicant is required to analyze the treated effluent prior to discharge and to provide monthly reports to TCEQ that include the results of the analyses. The Applicant may either collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC Chapter 319, Subchapter A. The Applicant is required to further notify TCEQ if the effluent does not meet the permit limits according to the requirements in the permit. Additionally, TCEQ regional staff may sample the effluent during routine inspections (if the proposed facility is actively discharging) or in response to a complaint.

Comment 22: James Seeger expressed concerns about water pressure.

Response 22: The comment is understood to be a concern that pressure for potable water will be reduced by the additional homes from the new development. The draft

permit is for the WWTF and does not establish or evaluate any designs or plans related to the provision of drinking water.

Comment 23: James Seeger expressed concerns about increased traffic.

Response 23: Traffic concerns are outside of TCEQ's wastewater permitting jurisdiction.

Comment 24: TRPA, Charlie Pfluger, and Lindsay Pfluger expressed concerns about increased algae and eutrophication.

Response 24: A total phosphorous (TP) screening was conducted to determine whether a nutrient limit was necessary. The TP screening determined that best professional judgement should be used to determine whether TP monitoring or a TP limit is needed. The Applicant proposed a TP limit of 1.0 mg/L for all phases. Considering the nutrient screening results, stream characteristics, the size of the discharge, similar discharges, and the increasing number of discharges within the watershed, a TP limit of 0.5 mg/L was added to the permit to help preclude degradation due to nutrients that could lead to algal growth.

Comment 25: TRPA and Gib Gilbert expressed concerns about increased turbidity.

Response 25: Turbidity is a water quality parameter that refers to how clear the water is. Turbidity in wastewater is caused when small particles mix with the water stream and stay in suspension due to the motion of the water (colloids). Turbidity is removed through the multi-barrier water treatment process which includes coagulation, flocculation, sedimentation, filtration, and disinfection. The greater the amount of TSS in the water, the higher the measured turbidity. The TSS limit in the draft permit is 5.0 mg/l, which is not expected to cause higher turbidity.

Comment 26: GEAA commented that the proposed discharge will likely cause degradation. James Seegar commented that the discharge will negatively affect the San Marcos River in Guadalupe County. TRPA commented that the proposed discharge will negatively impact surface and groundwater quality in violation of the state code and the Clean Water Act. TRPA further commented that studies have shown that phosphorus and orthophosphate levels above 10 mg/L cause degradation of waters

and that the draft permit should include more stringent pollutant parameters, including a total nitrogen limit and a lower TP limit. TRPA specifically recommended that the TP level be limited to the background level in the stream or at least no higher than .08 mg/L. TRPA also commented that the proposed discharge will run into the lower reaches of the San Marcos River. Thomas Mayfield commented that the water will evaporate and/ or be absorbed into the soil as it flows and asked how TCEQ can guarantee the water will remain within acceptable levels as it travels.

Response 26: Consistent with 30 TAC § 307.5, an antidegradation review was performed for this permit application. This review includes 1) determining the appropriate water quality uses and criteria for the receiving waters in the assessed reaches, 2) assigning critical conditions and flow statistics, including for water bodies within three miles downstream of the discharge, and 3) evaluating the impacts on water quality in the receiving waters to ensure that the permitted effluent limits will maintain instream criteria for dissolved oxygen, nutrient, turbidity, dissolved solids, temperature, and toxic pollutants.

Based on this review, the effluent limits in the draft model were set to prevent degradation of the receiving waters. Additionally, the modeling review involves predicting the effluent quality downstream to ensure that the receiving water DO remains above the criteria established downstream of the proposed facility. These criteria are the 'acceptable levels' and the effluent limits are issued with the understanding that they will maintain the criteria and preserve the existing water quality downstream of the proposed facility.

The TP limit was applied consistent with TCEQ's regulatory procedures. Specifically, The Procedures to Implement the Texas Surface Water Quality Standards state that when screening indicates that a reduction of effluent TP is needed, an effluent limit is recommended based on reasonably achievable technology based limits, with consideration of the sensitivity of the site. For effluent flows less than 0.5 MGD, typical effluent limits for TP, as a daily average concentration, are generally 1.0 mg/L. This permit will have a TP effluent limit of 0.5 mg/L. The Procedures to Implement the Texas Surface Water Quality Standards also provide reasoning for why we focus on phosphorus instead of nitrogen when considering nutrient impacts. Those reasonings are based on the facts that 1) substantially less data on total nitrogen has been

collected in Texas reservoirs, streams, and rivers, 2) phosphorus is a primary nutrient in freshwaters, although nitrogen can be limiting during parts of the year, 3) nitrogen can be fixed directly from the atmosphere by most of the noxious forms of blue-green algae, and 4) available waste treatment technologies make reducing phosphorus more effective than reducing nitrogen as a means of limiting algal production.

Finally, regarding groundwater, TWC § 26.401(b) provides that “it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded.” Under TWC § 26.401(c)(1), it is the State of Texas’s policy that “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.” TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The ED has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the limits in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Comment 27: TPRA commented that the Applicant has not demonstrated a need for the discharge.

Response 27: The proposed facility will serve the proposed Mesquite Creek subdivision with a projection of 600 total homes. The amount of flow generated per home is estimated to be 333 gpd/LUE, which is based upon observed flows from similar residential developments in the area. Consequently, the development will need a capacity of 200,000 gallons per day (gpd). Based on a projected buildout schedule of 150 homes per year, the plant capacity of 200,000 gpd will be needed for discharge within the next 5 years.

Comment 28: TRPA commented that the Applicant has not complied with the state’s regionalization policy. Jay Kramer commented that waste from Comal County should be dealt with in Comal County.

Response 28: The Texas Legislature has directed TCEQ to consider regionalization when issuing TPDES permits. TWC § 26.0282 provides, “In considering the issuance, amendment, or renewal of a permit to discharge waste, the commission may deny or



alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated such by commission order. This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater.” According to TWC § 26.081(a), TCEQ shall “encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.”

To implement TCEQ’s regionalization requirements, Domestic Wastewater Permit Application Technical Report 1.1 requires applicants that are applying for a new or amended permit to provide information concerning local WWTFs. If there is a WWTF or collection system within three miles of the proposed facility, the applicant is required to provide information to the ED as to whether the nearby facility has sufficient existing capacity or is willing to expand its capacity to accept the additional volume of wastewater proposed in the application. If such a facility exists and is willing to accept the proposed wastewater, the applicant must provide an analysis of expenditures required to connect to that wastewater treatment facility. Additionally, the applicant is required to provide copies of all correspondence with the owners of any nearby existing facilities regarding connecting to their systems.

In Section 3 of Domestic Technical Report 1.1 in the application, the Applicant answered ‘No’ indicating there are no permitted WWTFs or collection systems located within a three-mile radius of this proposed facility.

Comment 29: TRPA, Mary Allen, Thomas Mayfield, Charlie Pfluger, and Lindsay Pfluger commented that the creek is often dry and would be 100% effluent during these occurrences.

Response 29: As part of the Standards Implementation Team’s review of the application, Mesquite Creek was evaluated to determine the flow status of the creek in the absence of wastewater discharges. Based on aerial imagery and various information considered in the application review, Mesquite Creek was determined to be an intermittent stream with perennial pools, meaning that the free-flowing reaches are

typically dry and various pools and ponds exist year-round within the creek's path. York Creek received a similar designation.

With the Standards Implementation Team's review in mind, the Water Quality Assessment Team's staff conducted the DO modeling review. Conditions for the modeling assume the most limiting conditions, which in this case includes no background or headwater flow corresponding to a typically dry creek. By definition, this assumes that the only source of flow in the creek during these limiting conditions will be from treated effluent. Even with these conditions considered, it was determined that the proposed effluent limits would maintain the DO criteria in the receiving waters and therefore, adequately protect aquatic life.

Comment 30: GEAA, TRPA, Ski Plex HOA, Charlie Pfluger, and Lindsay Pfluger expressed concerns about recreation, including fishing in the Pflugers' pond, and contact recreation in the San Marcos River.

Response 30: As specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact with water, consumption of aquatic organisms, consumption of water, or any combination of the three. Water in the state must also be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. The draft permit includes provisions to ensure that the TSWQS will be maintained.

Furthermore, conventional domestic sewage does not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users contributing to the waste stream. There is no industrial user contribution.

Comment 31: GEAA, TRPA, Ski Plex HOA, and Karen Montgomery expressed concerns about human health and safety. TRPA specifically expressed concerns about human exposure to nitrates and Blue Baby Syndrome.

Response 31: Please see Response 30 above.

Regarding Blue Baby Syndrome, the most common cause is water contaminated with nitrates. After a baby drinks formula made with nitrate-rich water, the body converts

the nitrates into nitrites. These nitrites bind to the hemoglobin in the body, forming methemoglobin, which is unable to carry oxygen. Based on the water quality assessment review, there should be no nitrate issues in the proposed discharge.

Comment 32: TRPA commented that Mr. Pfluger's pond has, at a minimum, intermediate aquatic life use, and as such, TCEQ should have conducted a Tier 2 antidegradation review per 30 TAC § 307.5(b)(2) and followed the procedures in 30 TAC § 307.5(c). Charlie Pfluger and Lindsay Pfluger also commented that a Tier 2 review should be conducted.

Response 32: Aquatic life uses were assigned based on a flow assessment in accordance with the Procedures to Implement the Texas Surface Water Quality Standards. The flow assessment performed for this application was a desktop review that utilized a weight of evidence approach that took into account available resources such as USGS maps, aerial photography, and information from reviews of nearby permitted facilities. When a waterbody is assessed as intermittent with perennial pools, it is presumed to have limited aquatic life uses and corresponding water quality criteria. In accordance with 30 TAC § 307.5 and the TCEQ implementation procedures (June 2010) for the 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. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Comment 33: Clay Forister commented that the proposed discharge will impact the water temperature in the receiving waterway.

Response 33: Impacts on the receiving waters related to temperature are generally not considered for municipal wastewater permits. Since the proposed facility is not expected to receive industrial waste with high effluent temperatures, a temperature

limit is not warranted in this permit.

Comment 34: Clay Forister commented that the proposed discharge will impact the sediment load (residual sludge) in the receiving waterway.

Response 34: The proposed facility will be an activated sludge and biological nutrient removal process plant using a MBR operated with supervisory control and data acquisition control system. Sludge generated from the treatment facility will be hauled by a registered transporter to Steven M. Clouse Water Recycling Center, Permit No. WQ0010137033, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. Therefore, this discharge will not have any sediment load impact to the receiving waterways. Please see Response 25 for information on TSS and turbidity.

Comment 35: TRPA commented that the impact assessment is in violation of the Clean Water Act and does not address the requirements of 30 TAC Chapter 217. Karen Montgomery commented that “the content ... of what they will be using to produce [the] plant ... is unknown,” and that a permit shouldn’t be accepted “if you don’t even know what you’re building the plant out of.”

Response 35: When an applicant files a permit application for a wastewater discharge to surface water in the state, TCEQ’s Water Quality Division subjects the application to a thorough technical review. Following that review of the application, TCEQ staff draft a permit with effluent limits that will ensure that the discharge meets the applicable federal and state statutes, rules, and procedural requirements. Because the effluent limits may be subject to change until the permit is issued based on new information presented, specific design criteria are not approved by TCEQ until the effluent limits, which could affect design criteria, are permitted.

30 TAC Chapter 309, Subchapter B contains the location standards for domestic WWTFs. 30 TAC § 309.12 states that TCEQ may not issue a permit for a new facility unless it finds the proposed facility site, when evaluated in light of the proposed design, construction, or operational features, minimizes possible contamination of water in the state. The information provided in this application demonstrates

compliance with the location requirements. All vessels and treatment units where wastewater will be contained while receiving treatment at the proposed facility will be reviewed by the Water Quality Division's Plans and Specifications Team after issuance of the draft permit but prior to construction to ensure the facility and its location will meet the design requirements located in 30 TAC Chapter 217. The plans and specifications for domestic sewage collection and treatment works associated with any domestic wastewater permit must be approved by TCEQ. Failure to secure TCEQ's approval before starting construction of a treatment facility is a violation of TCEQ rules and may result in an enforcement action.

Comment 36: John Montgomery commented that there is always a possibility for damage or problems even with redundancy of the systems.

Response 36: The draft permit contains multiple requirements related to preventing unauthorized discharges at the proposed facility. For example, Permit Condition No. 2.g prohibits unauthorized discharges, Operational Requirement No. 1 requires the permittee to properly operate and maintain the facility at all times, and Operational Requirement No. 4 requires the permittee to install safeguards that will prevent the discharge of untreated wastewater during a power failure. Under Monitoring and Reporting Requirement No. 1, the Applicant must submit their effluent test results to TCEQ each month. If an unauthorized discharge that endangers human health or the environment occurs, the Applicant is required to report it to TCEQ within 24 hours under Monitoring and Reporting Requirement No. 7. This must be followed up by a written report within 5 working days that includes a description of the potential danger to human health and the environment, the timeframe for when the problem will be corrected, and the steps the Applicant will take to mitigate any damage and prevent this type of problem from reoccurring. Failure to comply with TCEQ rules or the permit may subject the Applicant to enforcement action.

TCEQ's Office of Compliance and Enforcement ensures ongoing compliance with applicable state and federal regulations. As part of that responsibility, the Region 13 Office is required to conduct a mandatory comprehensive compliance investigation at minor facilities (facilities with a permitted flow of less than 1.0 MGD) once every five fiscal years. Additional mandatory investigations can be required if the facility is considered to be in significant noncompliance with its permit, which is determined by

TCEQ's Compliance Monitoring Section and is based on self-reported effluent violations. If citizens observe any unauthorized discharges or other permit violations, the violations can be reported to the Region 13 Office at 210-490-3096. If the proposed facility is found to be out of compliance with the draft permit, the Applicant may be subject to enforcement action.

Comment 37: John Montgomery commented that a month is too long between taking and checking the results of samples.

Response 37: A common requirement of a TPDES permit is monthly self-monitoring of permitted parameters. The results of this regular self-monitoring are submitted to the regulating agency on a Discharge Monitoring Report (DMR) form.

Comment 38: John Montgomery commented that it is a problem that the plant may be built 300 feet away from homes, without any kind of buffer.

Response 38: 30 TAC § 309.13(e) requires domestic WWTFs to meet buffer zone requirements. Please see Response 3 above for further information.

Comment 39: Rita Lingsjo expressed concerns about increased crime.

Response 39: Crime related concerns are outside of TCEQ's jurisdiction.

Comment 40: Kim Collier commented that the Applicants' compliance history cannot be considered "unclassified" just because it's a new property, that Kelly Leach stated that he's done this nine times, and that she would like to know about those. Jay Allen asked how many applications Kelly Leach has submitted to TCEQ, where they are located, and how many have been withdrawn or rejected?

Response 40: As required by 30 TAC Chapter 60, TCEQ rates TPDES facilities under the water quality laws of TWC Chapter 26. A compliance history is created for the owner or operator of a facility which can be an individual, a company, a governmental agency, or any of several other kinds of organizations. The owner of the proposed facility will be Gram Vikas, which is unclassified as it's a new owner to TCEQ's database. Additionally, Kelly Leach only appears as a contact for this proposed facility.

Comment 41: Jay Allen asked what percent of applications are withdrawn or rejected

by TCEQ?

Response 41: 2,851 TPDES permit applications were received by TCEQ in the past five years. This includes all applications including new permit applications, renewals, minor amendments, and major amendments. 118 applications were either withdrawn or returned by TCEQ during that time, which makes just over four percent of the applications withdrawn or returned by TCEQ.

Comment 42: Patrick Flint and Drew Engelke expressed concerns about environmental impact.

Response 42: The ED Acknowledges this comment. Specific discussion on potential environmental impacts are discussed throughout this RTC such as the discussion on air quality in Response 13 and the discussion on water quality in Response 26.

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

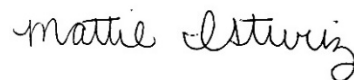
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker  
Executive Director

Charmaine Backens, Deputy Director  
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