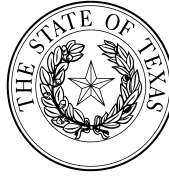


Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 7, 2022

TO: All interested persons.

RE: R040062, LP
TPDES Permit No. WQ0016008001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 is a copy of the Executive Director's Response to Public Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central Office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Georgetown Public Library, 402 West 8th Street, Georgetown, 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 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,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENTS
for
Ro40062, LP
TPDES Permit No. WQ0016008001

The Executive Director has made the Response to Public Comment (RTC) for the application by Ro40062, LP for TPDES Permit No. WQ0016008001 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 (WQ0016008001) and click the "Search" button. The search results will display a link to the RTC.

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.

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 Georgetown Public Library, 402 West 8th Street, Georgetown, Texas.

MAILING LIST
for
R040062, LP
TPDES Permit No. WQ0016008001

FOR THE APPLICANT:

Eli Dragon, Principal
R040062, LP
5599 San Felipe Street, Suite 565
Houston, Texas 77056

Janet Sims, Senior Project Manager
Perkins Engineering Consulting, Inc.
13740 North Highway 183, Unit L-6
Austin, Texas 78750

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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External Relations Division
Public Education Program MC-108
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Aubrey Pawelka, Staff Attorney
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

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FOR THE CHIEF CLERK
via electronic mail:

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Texas Commission on Environmental
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TCEQ PERMIT NO. WQ0016008001

APPLICATION BY	§	BEFORE THE
R040062 LP	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON
WQ0016008001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Indigo Water Resources Recovery Facility by R040062 LP for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016008001 and the ED's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comment letters from Shawn D. Bichsel, John J. Carlton on behalf of Jonah Water Special Utility District (Jonah), and Patricia Erlinger Carls and William Faulk on behalf of the City of Georgetown (City). This Response addresses all such timely 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 the TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

(A) Description of Facility

R040062, LP has applied for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016008001, to authorize the discharge of

treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The plant site will be located off the west end of Madison Drive, approximately 1,500 feet northwest of the intersection of County Road 105 and Jacobs Way, in Williamson County, Texas 78626.

The treated effluent will be discharged to an unnamed tributary of Mankins Branch, thence to Mankins Branch, thence to the San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and Mankins Branch (intermittent with perennial pools), and high aquatic life use for Mankins Branch (perennial). The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer. Portions of the discharge route are within the transition zone.

In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected Mankins Branch, 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.

Outfall Location:

Outfall Number	Latitude	Longitude
001	30.60811 N	97.6196 W

The draft permit authorizes a discharge of treated domestic wastewater at an Interim volume not to exceed a daily average flow of 0.075 MGD and a Final volume not to exceed a daily average flow of 0.2 MGD.

The effluent limitations in both phases of the draft permit, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/l total suspended solids (TSS), 3.0 mg/l ammonia-nitrogen (NH₃-N), 0.5 mg/l total phosphorus (TP), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). 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.

(B) Procedural Background

TCEQ received this application for a new TPDES permit on June 11, 2021, and declared it administratively complete on August 24, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English on August 29, 2021, in the *Williamson County Sun* and in Spanish on September 2, 2021, in *El Mundo*. The application was determined to be technically complete on November 16, 2021. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in English on May 18, 2022, in *Williamson County Sun*, and in Spanish on May 19, 2022, in *El Mundo*. The public comment period ended on June 20, 2022. The application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

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. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

(C) Access to rules, statutes, and records

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

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

Commission records for this facility are available for viewing and copying at the TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The application, draft permit, statement of basis/technical summary, and ED’s preliminary decision for this facility are available for viewing and copying at Georgetown Public Library, 402 West 8th Street, Georgetown, Texas.

COMMENTS AND RESPONSES

COMMENT 1

The City of Georgetown and Jonah Water Special Utility District request to be added to the mailing list.

RESPONSE 1

The Executive Director acknowledges these requests.

COMMENT 2

Shawn Bichsel is concerned about the impact from the proposed facility on his already existing flood problems, given that that the property is in the 100-Year Flood Plain and experiences flooding issues. The City comments that the Application fails to demonstrate that the Applicant's proposed facilities satisfy TCEQ's requirements for unsuitable site characteristics in regard to the 100-Year Floodplain and nearby wetlands.

RESPONSE 2

The TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

The TCEQ does not prohibit the location of a wastewater treatment facility in a floodplain, as long as the facility design adheres to TCEQ rules. The proposed Indigo Water Resource Recovery Facility WWTP shall be subject to

plans and specifications review prior to construction. Part of this review will include adherence to 30 TAC § 217.35, relating to the “One Hundred-Year Flood Plain Requirements.” The draft permit requires that the facility design must provide protection from inundation during a 100-Year flood event.

For flooding concerns, please contact the local floodplain administrator for the area where the proposed facility will be located.

COMMENT 3

Shawn Bichsel states that he went to the City of Georgetown public library to view the draft permit on September 22, 2021; however, the library had no record of the draft permit being on file.

RESPONSE 3

TCEQ records indicate that the TCEQ Office of the Chief Clerk received a public notice verification form (dated August 28, 2021) on September 22, 2021, verifying that the application had been placed in a public location (Georgetown Public Library, 402 W. 8th Street) for viewing and copying by the public for the NORI notice process. TCEQ Office of the Chief Clerk received the verification form for the NAPD notice process on May 26, 2022. TCEQ also contacted the Applicant and requested any additional information that verifies the timely placement of the application for TPDES Permit No. WQ0016008001. The Applicant provided a copy of an Excel document that indicates that the application was originally placed at Georgetown Public Library on September 1, 2021, for the NORI notice process, and the draft permit and any supporting documentation used to draft the permit was placed at Georgetown Public Library on May 17, 2022.

COMMENT 4

Jonah Water Special Utility District (Jonah) commented that the proposed facility does not comply with TCEQ's regionalization policy. Further, Jonah does not believe that the Applicant has demonstrated that obtaining wastewater services from Jonah would be cost prohibitive. The City comments that the Applicant fails to demonstrate a need for the facility in the context of regionalization, given that the City has existing wastewater collection systems located within a 3-mile radius of the proposed service area. They further point out that the City is capable of providing services to the Applicant, that the proposed facility is within the City's updated wastewater master plan which generally describes how wastewater services will be provided to the region, that there are faster and less costly alternatives for connecting to the City's existing facility, and that TCEQ fails to consider that there is a plant approximately one mile away.

RESPONSE 4

The Applicant provided documentation in Attachment K of the application that verifies that the City of Georgetown offered wastewater services to the applicant. However, the applicant indicates that connection to the City of Georgetown wastewater services would ultimately cost more than the applicant constructing its own wastewater treatment plant, and connection to services with the City of Georgetown is contingent on annexation of the proposed development into the City of Georgetown.

The ED considers annexation as a requirement for receiving wastewater services from a City tantamount to a denial of requested service. Therefore, the requirement for annexation coupled with the cost of connecting versus

construction of a separate wastewater treatment system indicate that the Applicant meets the requirements for regionalization.

COMMENT 5

Jonah comments that the Applicant falsely states that the proposed service area is not located inside another utility's CCN area.

RESPONSE 5

TCEQ provides a link to the Public Utility Commission of Texas Water and Sewer CCN viewer for applicants and other members of the public to use to see where a CCN for water or sewer services is located. The Applicant indicates in item B.2 of Domestic Technical Report 1.1 that no portion of the proposed sewer service area lies within another utility's sewer service. The CCN viewer that TCEQ has available for Applicants to use on its website indicates that the proposed facility is within the CCN for water services for Jonah Water SUD, but not within any CCN for sewer services.

COMMENT 6

The City comments that the application is not substantially complete and accurate because the Applicant fails to provide information required to be included in its topographic map, including schools and playgrounds near the proposed discharge point, as well as not including information about the receiving water, which should have been included in Domestic Worksheet 2.1.

RESPONSE 6

The topographic map included in the application and referred to by the City is included in the administrative review performed by the Water Quality Division Application Review and Processing (ARP) Team. The application was declared administratively complete by the ARP Team on June 11, 2021. A review

of the topographic map confirms that no schools or playgrounds were indicated on the map within the one-mile radius that the application requires this map to indicate. Domestic Worksheet 2.1 is not required to be completed and submitted by the Applicant, because the discharge is to an intermittent stream. The instructions at the top of Worksheet 2.1, located at the top of the worksheet to qualify the need to complete the worksheet, indicates that the worksheet is not required for discharges to intermittent streams. The discharge from the proposed facility to an intermittent stream is confirmed by the information provided by the TCEQ Water Quality Standards review of the receiving waterbodies. This review indicates that the discharge will be to an unnamed tributary of Mankins Branch and lists it as an intermittent stream with perennial pools.

COMMENT 7

The City comments that the draft permit is not protective of water quality of the receiving streams in accordance with Texas Surface Water Quality Standards.

REPOSE 7

The proposed permit was developed in accordance with the TSWQS to be protective of human health, water quality, and the environment, provided the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The ED's staff developed the effluent limitations in the draft permit to maintain and protect the existing in-stream uses. The Tier I antidegradation review, which was performed in accordance with 30 TAC

§ 307.5 and the IPs, preliminarily determined that existing water quality uses will not be impaired by this permit action and that the numerical and narrative criteria, to protect existing uses, will be maintained. The Tier II antidegradation review preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Brazos River Basin. The effluent limitations in both phases of the draft permit, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/l total suspended solids (TSS), 3.0 mg/l ammonia-nitrogen (NH₃-N), 0.5 mg/l total phosphorus (TP), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). These limits are predicted to maintain water quality along the discharge route.

Additionally, Operational Requirement No. 1 requires the Applicant to ensure that the proposed facility and all its systems of collection, treatment, and disposal are properly operated and maintained at all times. Operational Requirement No. 4 makes the Applicant “responsible for installing, prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.” As required by Operational Requirement No. 8(b), “the plans and specifications for domestic sewage collection and treatment works associated with [this facility] must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.” Likewise, the proposed facility must be designed in accordance with 30 TAC

Chapter 217 (Design Criteria for Domestic Wastewater Systems). Permit Condition 2(g) prohibits unauthorized discharge of wastewater or any other waste.

COMMENT 8

The City comments that the draft permit is not protective of the existing uses of the stream.

RESPONSE 8

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges not degrade the receiving waters and 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 effluent limits in the draft permit are set to maintain and protect the existing instream uses.

In this case, the designated uses for San Gabriel/North Fork San Gabriel River Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer. Portions of the discharge route are within the transition zone. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent is required to be disinfected prior to discharge to protect human health.

In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards*

(June 2010), for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed.

A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected for Mankins Branch, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

COMMENT 9

The City comments that the draft permit is not protective of public health and safety of nearby residents.

RESPONSE 9

The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific sections regarding wastewater treatment systems under 30 TAC Chapters 217 and 309. The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements.

The ED has determined that the draft permit is protective of public health and safety within the authority the TCEQ has. This is evidenced in the implementation of applicable rules and laws, the development and enforcement of numerical and narrative limits and requirements in the permit, which also include the requirements for disinfection of effluent into water in the state.

If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, **1-888-777-3186**, or the TCEQ Region 11 Office in Austin at **512-339-2929**. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/compliance/complaints>.

COMMENT 10

The City comments that the draft permit is not protective of aquatic and terrestrial life, or the livestock of nearby landowners.

RESPONSE 10

The Texas Surface Water Quality Standards, in specific Chapter 307.6, Item 4, requires that all water in the state must be maintained to preclude adverse toxic effects to aquatic life, terrestrial life, livestock, or domestic animals resulting from contact, consumption of aquatic organisms, consumption of water or any combination of the three. The Standards Implementation reviewed this application in accordance with the TSWQS and applied uses and permit limits to ensure compliance with this requirement.

COMMENT 11

The City comments that the draft permit is not protective of the habitats of endangered species.

RESPONSE 11

The Standards Implementation Team reviews the permits and identifies whether the discharge will affect endangered species within the discharge route. If an endangered species is identified, a memo is written to request further review from the Environmental Protection Agency and US Fish and Wildlife Service. The discharge flows to Mankins Branch, thence to the San Gabriel River in Segment 1248. Segment 1248 is not known to have any endangered species. Within the Brazos River Basin, which encompasses Williamson County, there is a basin wide species known as the Coffin Cave Mold Beetle that is listed, however this beetle is only affected by Municipal Separate Storm Sewer System (MS4) and general permits for stormwater; therefore the discharge in question is not likely to affect this species. Further, notice of the application was provided to TPWD and they did not offer any comments.

COMMENT 12

The City comments that the application fails to show the proposed discharge satisfied TCEQ's antidegradation policy.

RESPONSE 12

In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be

impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected Mankins Branch, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. BOD₅, TSS, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

COMMENT 13

The City states that the draft permit does not contain sufficient operational requirements to ensure water quality is protected. Specifically, the draft permit does not require a sufficiently licensed and experienced operator.

RESPONSE 13

The draft permit requires that the Permittee employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

The permit goes on to state that this Category C facility must be operated by a chief operator or an operator holding a Class C license or higher. The 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. 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. Where shift operation of the wastewater treatment 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 facility.

TCEQ believes that individuals holding a Class C (or higher) license are capable of properly operating the facility that will meet the requirements of the permit.

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

Erin E. Chancellor, Director
Environmental Law Division

Charmaine Backens, Acting Deputy Director
Environmental Law Division



Aubrey Pawelka, Staff Attorney
Environmental Law Division
State Bar No. 24121770
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Phone: (512) 239 - 0622
Fax: (512) 239-0606
REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on August 30, 2022, the Executive Director's Response to Public Comment for Permit No. WQ0016008001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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